

ADMINISTRATIVE PANEL DECISION

Plaid Inc. v. Domain Administrator, NameSilo, LLC
Case No. D2023-4875

1. The Parties

Complainant is Plaid Inc., United States of America (“US”), represented by Coates IP, US.

Respondent is Domain Administrator, NameSilo, LLC, US.

2. The Domain Name and Registrar

The disputed domain name <plaidcareer.com> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 23, 2023. On November 23, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (UNKNOWN RESPONDENT) and contact information in the Complaint. The Center sent an email communication to Complainant on November 23, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on November 25, 2023.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified Respondent of the Complaint, and the proceedings commenced on November 29, 2023. In accordance with the Rules, paragraph 5, the due date for Response was December 19, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on December 22, 2023.

The Center appointed Timothy D. Casey as the sole panelist in this matter on January 17, 2024. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

Complainant is a financial technology company that securely connects customers' financial accounts from over 12,000 financial institutions to a variety of chosen services among over 7,000 digital financial services. Complainant owns at least four trademarks (the "PLAID Marks") as follows:

Mark	Jurisdiction	Class(es)	Registration No.	Registration Date
PLAID and design	US	042	5,044,352	September 20, 2016
PLAID	US	009, 042	5,128,315	January 24, 2017
PLAID	US	009, 036, 042	6,608,997	January 04, 2022
PLAID	US	035	6,608,998	January 04, 2022

The disputed domain name was registered on November 20, 2023.

Complainant provided evidence showing that the disputed domain name had been utilized to send emails on the day it was registered in a job-related scam impersonating a recruiter for Complainant.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, Complainant contends that the disputed domain name is almost identical and confusingly similar to the PLAID Marks in terms of appearance, pronunciation, meaning and overall commercial impression and is only distinguished by the addition of the descriptive term "career".

Complainant further contends that Respondent's registration of the disputed domain name along with its utilization of the disputed domain name to impersonate an employee of Complainants to deceive a job applicant, demonstrate a lack of legitimate interests or rights in the disputed domain name and evidence illegal activity. Complainant contends that Respondent is not offering any legitimate goods or services through a website associated with the disputed domain name, does not accurately disclose Respondent's relationship with Complainant or provide any disclaimer, and is denying Complainant from ownership and use of the disputed domain name. Complainant further alleges that Respondent is not commonly known by the disputed domain name, has acquired no rights in or license to the PLAID Marks, and is not making a legitimate noncommercial fair use of the disputed domain name.

Complainant contends that Respondent's use of the disputed domain name to deceive customers and to offer fake employment offers, likely to obtain payments or confidential information from unsuspecting job applicants, evidences registration and use in bad faith. This is further evidenced by the fact that the address used by Respondent in the deceptive communications utilized Complainant's New York business address.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the PLAID Marks is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, "career", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise. The Panel also considers that the composition of the disputed domain name carries a risk of implied affiliation with Complainant. [WIPO Overview 3.0](#), section 2.5.1.

Panels have held that the use of a domain name for illegal activity here, claimed impersonation/job scam can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that Respondent utilized the disputed domain name in an attempt to impersonate Complainant's employee and to deceive prospective job applicants on the same day the disputed domain name was registered. There can be no question that Respondent was aware of the PLAID Marks at the time of registration and selected and used the disputed domain name in an intentional attempt to attract, for commercial gain, Internet users by creating a likelihood of confusion with the PLAID Marks.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Panels have held that the use of a domain name for illegal activity here, claimed impersonation/job scam, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds that the Complainant has established the third element of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <plaidcareer.com> be transferred to Complainant.

/Timothy D. Casey/

Timothy D. Casey

Sole Panelist

Date: February 2, 2024