

ADMINISTRATIVE PANEL DECISION

CNU Online Holdings, LLC v. Theodor Hansen
Case No. D2024-0625

1. The Parties

The Complainant is CNU Online Holdings, LLC, United States of America (“United States” or “U.S.”), represented by Squire Patton Boggs (Paris), United States.

The Respondent is Theodor Hansen, United States.

2. The Domain Name and Registrar

The disputed domain name <netcreditloanusa.com> (“Disputed Domain Name”) is registered with Internet Domain Service BS Corp (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 14, 2024. On February 14, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On February 15, 2024, 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 (Whois Privacy Corp.) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 15, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint on February 16, 2024.

The Center verified that the Complaint together with the amendment to the 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 the Respondent of the Complaint, and the proceedings commenced on February 20, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 11, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 13, 2024.

The Center appointed Colin T. O'Brien as the sole panelist in this matter on March 18, 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

Since on or around 2012, the Complainant has operated a business under the NETCREDIT name providing personal loans and lines of credit to online consumers.

Complainant owns the United States trademark registration for NETCREDIT covering "arranging of loans; Consumer lending services; Electronic loan origination services; Electronic loan preparation services; Financial services, namely, money lending; Financing and loan services; Installment loans; Loan financing; Temporary loans" in Class 36. The NETCREDIT trademark was registered on March 13, 2018, and issued Registration No. 5,423,496.

Complainant owns numerous other U.S. Patent and Trademark Office registrations containing NETCREDIT.

Complainant maintains its website at "www.netcredit.com". The Complainant carries out its business, promotes its services and builds goodwill with this domain name. The Complainant has owned this domain name since at least 2003.

The Disputed Domain Name <netcreditloanusa.com> was registered on July 28, 2023. The Disputed Domain Name resolves to a copycat website offering similar services as the Complainant and uses its trademark logo.

5. Parties' Contentions

A. Complainant

The Disputed Domain Name is confusingly similar to the Complainant's NETCREDIT trademarks, with the only differences being (i) the descriptive term "loan" being used after "NETCREDIT," and (ii) the descriptive term "USA" being added to the back of "netcreditloan". The addition of the descriptive words "loan" and "USA" do not assist a consumer to distinguish the Respondent from the Complainant.

The potential for confusion between the Disputed Domain Name and the Complainant's NETCREDIT trademarks is very high because the Disputed Domain Name uses the Complainant's NETCREDIT trademark and the Respondent similarly offers direct loan services to consumers.

The Complainant's NETCREDIT trademark appears prominently at the top lefthand side of the landing page of the home and contact pages of the Disputed Domain Name's website, as part of "netcreditloanusa". Such use of the Complainant's trademark by the Respondent is without the knowledge and permission of the Complainant.

The Complainant is the owner of the NETCREDIT trademark and has not given the Respondent permission to use it. The Complainant is unaware of any basis that the Respondent may have to claim rights in NETCREDIT and/or to use NETCREDIT. The Complainant's use of NETCREDIT predates the Respondent's registration of the Disputed Domain Name by over 10 years.

The registration and use of the Disputed Domain Name by the Respondent will clearly mislead consumers and cause confusion as to the identity of the Respondent. The Respondent capitalizes on this confusion so that it can trade off the goodwill associated with the Complainant's NETCREDIT marks. Consumers visiting the website associated with the Disputed Domain Name will think that they are transacting with the

Complainant, when in fact they are not. The Respondent is using the Complainant's name and reputation as a licensed loan provider to induce unsuspecting consumers into engaging with the Respondent, thinking that it is actually the Complainant. Not only is the Respondent infringing on the Complainant's goodwill and intellectual property rights, but the Respondent is also harming consumers in the process. The website is fully functional and requests personally identifiable information from users, including email addresses and the last four digits of their social security numbers.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has demonstrated it owns registered trademark rights in its NETCREDIT mark, and that it owns the <netcredit.com> domain name. The additions of "loan" and "usa" does not prevent the Complainant's trademark from being recognizable in the Disputed Domain Name. The Top-Level Domain ("TLD") ".com" is viewed as a standard registration requirement and as such may be disregarded under the first element confusing similarity test.

See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), sections 1.7, 1.8 and 1.11.1; and *Hoffmann-La Roche AG v. Domain Admin, Privacy Protection Service INC d/b/a PrivacyProtect.org / Conan Corrigan*, WIPO Case No. [D2015-2316](#).

Accordingly, the Disputed Domain Name is confusingly similar to a mark in which the Complainant has rights.

B. Rights or Legitimate Interests

The Complainant has presented a prima facie case that Respondent has no rights or legitimate interests in respect of the Disputed Domain Name and has not been commonly known by the Disputed Domain Name. The fact that Respondent obtained the Disputed Domain Names a decade after the Complainant had begun using its NETCREDIT mark indicates that the Respondent sought to piggyback on the mark for illegitimate reasons.

After a complainant has made a prima facie case, the burden of production shifts to a respondent to present evidence demonstrating rights or legitimate interests in the domain name. See, e.g., *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#).

Here, the Respondent has provided no evidence of any rights or legitimate interests in the Disputed Domain Name. Moreover, the Disputed Domain Name incorporates the Complainant's trademark in its entirety potentially conveying to unsuspecting Internet users the false belief that any website connected to the Disputed Domain Name would be associated with the Complainant. Such a risk of implied affiliation cannot constitute fair use. [WIPO Overview 3.0](#), section 2.5.1.

In the absence of any evidence rebutting the Complainant's prima facie case indicating the Respondent's lack of rights or legitimate interests in respect of the Disputed Domain Name, the Panel finds that the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Disputed Domain Name was registered a decade after the Complainant first registered and used its NETCREDIT marks. The evidence provided by the Complainant with respect to the extent of use of its

NETCREDIT mark combined with the absence of any evidence provided by the Respondent to the contrary, is sufficient to satisfy the Panel that, at the time the Disputed Domain Name was registered, the Respondent undoubtedly knew of the Complainant's NETCREDIT mark, and knew it had no rights or legitimate interests in the Disputed Domain Name.

It is inconceivable that the Respondent registered the Disputed Domain Name adding the words "loan" and "usa" to the Complainant's mark, without knowledge of the Complainant. The Disputed Domain Name was used for a website which allegedly claimed to offer identical to those offered by the Complainant and bearing its trademarks, establishing that the Respondent knew of and targeted the Complainant with the intention of misleading unsuspecting Internet users for its presumed commercial gain or as an attempt to secure personal information from unsuspecting users.

The facts establish a deliberate effort by the Respondent to cause confusion with the Complainant for commercial gain. Such an impersonation of the Complainant is sufficient to establish the Respondent's bad faith (see section 3.1.4 of the [WIPO Overview 3.0](#)). Under these circumstances, the Panel finds no plausible good faith reason for the Respondent's conduct and concludes that the Disputed Domain Name was registered and used in bad faith.

Accordingly, the Panel finds that Complainant has satisfied paragraph 4(a)(iii) 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, <netcreditloanusa.com> be transferred to the Complainant.

/Colin T. O'Brien/

Colin T. O'Brien

Sole Panelist

Date: April 1, 2024