

ADMINISTRATIVE PANEL DECISION

Zions Bancorporation, N.A. v. Domain Name Privacy Inc.
Case No. D2024-0693

1. The Parties

The Complainant is Zions Bancorporation, N.A., United States of America (“United States”), represented by TechLaw Ventures, PLLC, United States.

The Respondent is Domain Name Privacy Inc., Cyprus.

2. The Domain Name and Registrar

The disputed domain name <zions-bank.online> is registered with Communigal Communications Ltd., (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 16, 2024, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 March 4, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 24, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 26, 2024.

The Center appointed Benoit Van Asbroeck as the sole panelist in this matter on April 4, 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

The Complainant is a bank founded in Utah, United States, in 1873. The Complainant owns the following trademarks:

United States Trademark No. 2,381,006 for ZIONS BANK, registered on August 29, 2000, in International Class 36;

United States Trademark No. 2,380,325 for ZIONS, registered on August 29, 2000, in International Class 36; and

United States Trademark No. 2,531,436 for ZIONSBANK.COM, registered on January 22, 2002, in International Class 36.

The parent company of the Complainant owns the domain name <zionsbank.com>, from which the Complainant advertises and offers its banking services.

The Respondent is a privacy service. The Registrar was unable to identify the Respondent. The disputed domain name was registered on February 8, 2024, well after the Complainant secured rights in the marks ZIONS BANK, ZIONS, and ZIONSBANK.COM. According to evidence submitted by the Complainant, the disputed domain name currently resolves to a website containing Pay-Per-Click ("PPC") links relating to banking services. The name of the disputed domain name, "ZIONS-BANK.ONLINE", is depicted at the top of this webpage.

5. Parties' Contentions

A. Complainant

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

With respect to the first element, the Complainant contends that it has rights in the marks ZIONS BANK, ZIONS, and ZIONSBANK.COM. Furthermore, they argue that the disputed domain name is confusingly similar to its trademark since it incorporates the entirety of the ZIONS mark and includes the dominant part of the ZIONS BANK and ZIONSBANK.COM marks. The Complainant points out that in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing. Moreover, the Complaint argues that the additional words present in the disputed domain name increase the likelihood of confusion to the Complainant's trademarks and do nothing to distinguish the disputed domain name from the Complainant's registered marks. In particular, they note that the addition of the term "online" after "zions-bank" in the disputed domain name alludes to the provision of services that are related in some way to the Complainant's Internet banking services. Furthermore, the Complainant notes that the applicable generic Top-Level Domain ("gTLD"), ".online", is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. Finally, they point out that where the relevant trademark is recognizable within the disputed domain name, the addition of descriptive, geographical, pejorative, meaningless, or other terms would not prevent a finding of confusing similarity under the first element.

Regarding the second element, the Complainant claims that the Respondent lacks rights or legitimate interests in the disputed domain name. The Complainant contends that the Respondent does not have any trademark rights to the terms "zions" or "zions bank". The Complainant also mentions that they are not aware of any evidence of the Respondent's use of, or demonstrable preparations to use, the disputed

domain name, or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services. Instead, they argue, the disputed domain name resolves to a website that is displaying the Complainant's registered ZIONS BANK mark and contains links to competing banking services. Such use does not support a claim to rights or legitimate interests, according to the Complainant. Indeed, as the Complainant points out, if the use of a disputed domain name is abusive of third-party trademark rights, the use of the disputed domain name does not support a claim to rights or legitimate interests under the UDRP. Finally, the Complainant confirms that the Respondent has not received any license or obtained any authorization from the Complainant to use domain names featuring the ZIONS, ZIONS BANK, or ZIONSBANK.COM marks.

With respect to the third element of the Policy, the Complainant contends that the Respondent has registered and used the disputed domain name in bad faith for the following reasons. According to the Complainant, the use of virtually identical or similar marks in the disputed domain name indicates that the disputed domain name was registered primarily for the purpose of disrupting the business of the Complainant and appears to be intended to take advantage of the goodwill associated with the Complainant's registered trademarks. The Complainant notes that the mere registration of a domain name that is identical or confusingly similar (particularly domain names incorporating the mark plus a descriptive term) to a widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. Moreover, the Complainant argues, the Respondent knew or should have known about the existence of the Complainant's trademarks since these were well-known and in wide use at the time the disputed domain name was registered. The fact that the disputed domain name contains these trademarks further supports this, according to the Complainant.

As to the use of the disputed domain name, the Complainant notes that the disputed domain name resolves to a website that displays the Complainant's trademarks and contains PPC links to competing banking services. The use of the Complainant's marks in the disputed domain name and on the Respondent's website is misleading and may divert consumers to this website instead of the Complainant's official and authorized website, the Complainant adds. In addition, the Complainant claims that the Respondent is responsible for the content appearing on the website associated with the disputed domain name, even in this case where the Respondent's website posts PPC advertising links on an "automatically" generated basis, since the Respondent has apparently not made any good faith efforts to prevent the inclusion of advertising links on such website. Moreover, the Complainant contends that although in some cases the use of a domain name that resolves to a parking or landing page may be permissible, that is not the case in this matter where the links are to competitive products and services of the Complainant. The Complaint also points out that the apparent lack of active use of a domain name does not prevent a finding of bad faith and that the use by the Respondent of false contact information or an additional privacy or proxy service underlying a privacy or proxy service is further indication of bad faith. Finally, the Complainant argues that while the UDRP does not operate on a strict doctrine of binding precedent, panelists strive for consistency with prior decisions and seek to ensure the UDRP operates in a fair and predictable manner. To that end, the Complainant provides an overview of prior UDRP cases relating to domain names similar to the disputed domain name and in which it, or its affiliates were involved.

B. Respondent

The Respondent did not reply to the 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.

The 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 Panel finds that the Complainant has clearly evidenced that it owns registered trademark rights to ZIONS, ZIONS BANK, and ZIONSBANK.COM. It should be noted that paragraph 4(a)(i) of the Policy does not set minimum requirements as to the jurisdictions of the trademarks a complainant relies on, nor as to the number, nature, or scope of protection of such trademarks.

The entirety of the ZIONS mark is reproduced within the disputed domain name. Although the addition of other terms, here a hyphen (“-”) and the term “bank”, may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. Accordingly, the disputed domain name is confusingly similar to the ZIONS mark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7 and 1.8.

The Panel also finds that both the ZIONS BANK and the ZIONSBANK.COM marks are recognizable within the disputed domain name in a side-by-side comparison of the disputed domain name and these trademarks. As for the ZIONSBANK.COM mark, the difference is the omission in the disputed domain name of the latter part of that mark, “.com”, and the addition of a hyphen (“-”). The only difference with the ZIONS BANK mark is the addition of a hyphen (“-”) between the words “zions” and “bank”. Although the addition of other terms, here a hyphen (“-”), 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 marks for the purposes of the Policy. Accordingly, the disputed domain name is also confusingly similar to the ZIONS BANK and ZIONSBANK.COM marks for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7 and 1.8.

Finally, as for the applicable gTLD “.online”, the Panel holds that this can be disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

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 the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the 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 finds that the Respondent does not use the disputed domain name in connection with a bona fide offering of services and has neither made a legitimate noncommercial or fair use of the disputed domain name. On the contrary, the Complainant has shown that the disputed domain name is being used for a website with PPC links that link to competing banking services. This kind of use of the disputed domain

name does not represent a bona fide offering and does not support rights or legitimate interests in the disputed domain name. [WIPO Overview 3.0](#), section 2.9.

In addition, the Panel notes that the Respondent failed to respond to the Complaint and the evidence on record therefore does not contain any evidence of them being commonly known as “zions bank” prior to or after the registration of the disputed domain name. Furthermore, the Panel has taken note of the Complainant’s confirmation that they have not licensed, authorized, or permitted the Respondent to register domain names incorporating the Complainant’s trademarks and has not seen any evidence that would suggest the contrary. In the absence of any license or permission from the Complainant to use their trademarks, the composition of the disputed domain name, and the fact that the disputed domain name resolves to a website that uses the Complainant’s trademarks and contains PPC links to competing banking services, no actual or contemplated bona fide or legitimate use of the disputed domain name could reasonably be claimed (see, e.g., *Sportswear Company S.P.A. v. Tang Hong*, WIPO Case No. [D2014-1875](#); and *LEGO Juris A/S v. DomainPark Ltd, David Smith, Above.com Domain Privacy, Transure Enterprise Ltd, Host master*, WIPO Case No. [D2010-0138](#)).

Based on the available record, 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 the Respondent intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant’s marks (paragraph 4(b)(iv) of the Policy). As the Panel found above under the first element, the disputed domain name is confusingly similar to the Complainant’s trademarks. As the evidence submitted by the Complainant shows, the disputed domain name resolves to a website containing PPC links relating to the same services offered by the Complainant: banking services. The website also mentions the disputed domain name at the top of the page (“ZIONS-BANK.ONLINE”). These circumstances, in combination with the Respondent’s clear absence of rights or legitimate interests in the disputed domain name, are strong indicators of bad faith.

Furthermore, it should be noted that 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.

First of all, the Panel believes that the Respondent knew or, at least, should have known at the time of registration that the disputed domain name included the Complainant’s trademarks. As demonstrated by the Complainant, the Complainant’s trademarks are widely known in the banking sector and highly specific to the Complainant. Other prior panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith (see [WIPO Overview 3.0](#), Section 3.1.4).

Furthermore, as the evidence submitted by the Complainant demonstrates, all the PPC advertisement links on the website that the disputed domain name resolves to relate to banking services (credit card consolidation loans, debt consolidation loans, and bank rates). In addition, the disputed domain name incorporates the Complainant’s ZIONS trademark in its entirety and the ZIONS BANK and ZIONSBANK.COM trademarks are recognizable in it as well. This suggests that the Respondent had the Complainant and its trademarks in mind when registering the disputed domain name.

Moreover, the Complainant's evidence shows that its trademarks were used and registered many years before registration of the disputed domain name. The Respondent's knowledge of the Complainant and its trademarks and therefore its registration in bad faith of the disputed domain name may accordingly also be inferred from these circumstances. [WIPO Overview 3.0](#), section 3.2.2.

In addition, as has been confirmed by the Registrar, the disputed domain name has been registered in the name of an apparent privacy service, yet with the same privacy service underlying it. Considering also that the disputed domain name is used for a website containing PPC links relating to the same services offered by the Complainant: banking services, the Panel believes that it is likely that the Respondent intends to conceal its identity, which is a further indicator of bad faith. [WIPO Overview 3.0](#), section 3.6.

Finally, the fact that the Respondent failed to submit a response or to provide any evidence of good faith intentions further supports a finding of bad faith (see *Awesome Kids LLC and/or Awesome Kids L.L.C. v. Selavy Communications*, WIPO Case No. [D2001-0210](#)).

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 <zions-bank.online> be transferred to the Complainant.

/Benoit Van Asbroeck/

Benoit Van Asbroeck

Sole Panelist

Date: April 18, 2024