

## **ADMINISTRATIVE PANEL DECISION**

Skopos Financial, LLC v. Carolina Rodrigues,  
Fundacion Comercio Electronico  
Case No. D2024-0945

### **1. The Parties**

The Complainant is Skopos Financial, LLC, United States of America, represented by SafeNames Ltd., United Kingdom.

The Respondent is Carolina Rodrigues, Fundacion Comercio Electronico, United States of America.

### **2. The Domain Name and Registrar**

The disputed domain names <reprisefinancial.com>, <repreiaefinancial.com> are registered with GoDaddy.com, LLC (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 4, 2024, against two disputed domain names. On March 5, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On March 5, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Registration Private) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 8, 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 amended Complaint March 12, 2024.

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 the Respondent of the Complaint, and the proceedings commenced on March 18, 2024. In accordance with the Rules, paragraph 5, the due date for Response was April 7, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 15, 2024.

The Center appointed Alistair Payne as the sole panelist in this matter on April 25, 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 financial auto lender that provides loans to individuals and families to help purchase new or used vehicles. In 2021, the Complainant founded its business under the REPRISE FINANCIAL mark which involves providing personal loans for individuals. The Complainant offers a variety of loan services for people including for emergencies, bill consolidation, home improvement and vacations. The Complainant provides loans from \$2,500 to \$25,000 and has funded over \$1.4 billion in loans at the date of this Complaint. The Complainant registered the domain name <reprisefinancial.com> on January 11, 2022, which resolves to its official website from which it offers its loan services and which, according to third-party statistics, averages over 195,000 visits per month by users in the United States of America.

The Complainant owns United States of America registered trade mark 6791485 for its REPRISE FINANCIAL mark which was registered on July 12, 2022. It also owns United States of America registered trade mark 6791486 for its REPRISE mark which was registered on the same date.

The disputed domain name <reprisefinancial.com> which was registered on October 11, 2023 resolves to a “pay per click” (PPC) webpage which features links to contractors and installers of roofing and guttering. The disputed domain name <repreiaefinancial.com> which was registered on the same day, resolves to a PPC webpage which features links for loan services to pay off debt, for credit consolidation and for credit reporting services. The disputed domain names are each offered for sale on an Afternic site at USD 1499.

#### **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 names.

Notably, the Complainant contends that the disputed domain names are each confusingly similar to the Complainant’s REPRISE FINANCIAL mark. The Complainant notes that the REPRISE FINANCIAL mark remains recognisable in each of the disputed domain names which respectively feature the addition of the letter ‘e’ or the replacement of the letter “s” with the letter “a”.

The Complainant submits that the Respondent does not have any trade mark rights in the term REPRISE FINANCIAL and there is no evidence that the Respondent retains any unregistered trade mark rights in the term REPRISE FINANCIAL. Neither says the Complainant, has the Respondent received any licence from the Complainant to use a domain name featuring the REPRISE FINANCIAL trade mark

The Complainant submits that the Respondent has neither used, nor prepared to use, either of the disputed domain names in connection with a bona fide offering of goods or services. It says that the disputed domain names each resolve to a PPC parking page featuring advertising links. It says that the Respondent has sought to capitalise on the reputation attaching to each of the Complainant’s marks and to confuse and divert Internet users to its own pages which contain PPC links relating directly to the services offered under the REPRISE FINANCIAL mark and also to roofing services which are unrelated to the Complainant’s mark. The links do not relate to any possible generic meaning behind the terms contained in each of the disputed domain names and according to the Complainant, do not amount to a bona fide commercial activity.

The Complainant submits that the Respondent is not known by the term REPRISE FINANCIAL, or by the terms contained in either of the disputed domain names, or anything similar. It submits that there is no plausible reason for the Respondent to register and use each of the disputed domain names, other than to take advantage of the goodwill and reputation attached to the REPRISE FINANCIAL mark for its own commercial purposes, or to make a profit from the sale of each of the disputed domain names. The Complainant says that such use does not amount to non-commercial or fair use of the disputed domain names and is inconsistent with the Respondent having rights or legitimate interests in the disputed domain names.

The Complainant says that its REPRISE FINANCIAL trade mark registration predates the creation date of each of the disputed domain names by over a year and that considerable goodwill has accrued in the Complainant's mark since its establishment in 2021, particularly in the United States of America. It also notes that upon searching "reprise financial" on popular internet search engines, such as Google, the Complainant's mark is the first result.

The Complainant submits that the Respondent has registered each of the disputed domain names to target the Complainant's brand intentionally. It notes that each is made-up and is a misspelling of the disputed domain name so as to catch mistyping of the REPRISE FINANCIAL mark and that registration of each of the disputed domain names effectively amounted to opportunistic bad faith. In addition, says the Complainant, the fact that the Respondent failed to respond to the Complainant's cease and desist letter infers bad faith behaviour.

As far as use in bad faith is concerned, the Complainant submits that the Respondent has intentionally attempted to attract and divert Internet users, for commercial gain, through its use of PPC links to various related or unrelated sites and services in terms of paragraph 4(b)(iv) of the Policy.

The Complainant also submits that the Respondent offering the disputed domain names for sale is further evidence of an intent to generate commercial gain through the misuse of the Complainant's trade mark and that the offer for sale for each disputed domain name is plainly far in excess of the registration costs for each of the disputed domain names.

The Complainant also submits that the Respondent has engaged in an abusive pattern of conduct. It says that the Respondent is a well-known serial cybersquatter, who has been involved in more than 600 domain disputes and that the Respondent has engaged in a pattern of abusive conduct which is evidence of bad faith registration and use.

## **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 the mark is recognisable within each of the disputed domain names. Accordingly, each of the disputed domain names is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. Further, a domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. [WIPO Overview 3.0](#), section 1.9.

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.

The Complainant has submitted that the Respondent does not have any trade mark rights in the term REPRISE FINANCIAL and that there is no evidence that the Respondent retains any unregistered trade mark rights in the term REPRISE FINANCIAL. The Complainant has also averred that it has not given the Respondent any licence to use a domain name featuring the REPRISE FINANCIAL trade mark.

The Complainant has also submitted that the Respondent has neither used, nor prepared to use, either of the disputed domain names in connection with a bona fide offering of goods or services. It has asserted that each of the disputed domain names resolve to a PPC parking page featuring advertising links, which it says amounts to the Respondent seeking to capitalise on the reputation attaching to each of the Complainant’s marks. The Complainant has said that the Respondent has done this by confusing and diverting Internet users to its own pages which contain PPC links relating directly to the services offered under the REPRISE FINANCIAL mark and also to roofing services which are unrelated to the Complainant’s mark. The Complainant has further submitted that there is no generic meaning behind the terms contained in each of the disputed domain names and therefore that this does not amount to a bona fide commercial activity.

The Complainant has also contended that the Respondent is not known by the term REPRISE FINANCIAL, or by the terms contained in either of the disputed domain names or anything similar. It has submitted that there is no plausible reason for the Respondent to register and use each of the disputed domain names, other than to take advantage of the goodwill and reputation attached to the REPRISE FINANCIAL mark for its own commercial purposes, or to make a profit from the sale of each of the disputed domain names. The Complainant has asserted that such use does not amount to noncommercial or fair use of the disputed domain names and is inconsistent with the Respondent having rights or legitimate interests in the disputed domain names.

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 names. 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 names such as those enumerated in the Policy or otherwise.

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 registered the disputed domain names more than a year after the Complainant's trade mark registration for REPRISE FINANCIAL. The Complainant's mark is distinctive and appears to have developed a considerable reputation in the United States of America and based on the evidence submitted by the Complainant, its REPRISE FINANCIAL business has a significant internet presence. Considering also that each of the disputed domain names is a misspelling of the Complainant's mark it appears to the Panel in all of the circumstances that the Respondent was more likely than not aware of the Complainant's mark and business at the date of registration of the disputed domain names.

Under paragraph 4(b)(iv) of the Policy there is evidence of registration and use of the disputed domain name in bad faith where a Respondent has used the disputed domain name to intentionally attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trade marks as to the source, sponsorship, affiliation or endorsement of the website.

It appears that the Respondent registered the disputed domain names as misspellings of the Complainant's trade mark in order to confuse Internet users and to divert them to the websites at each of the disputed domain names for the Respondent's own commercial purposes. While one of the websites contains PPC links relating to services that compete with those offered under the REPRISE FINANCIAL mark, the other one features links for roofing services. Although the latter services are unrelated to the Complainant's mark and business, this still amounts to the Respondent using the relevant disputed domain name to confuse Internet users and to drive traffic to its website for its own commercial benefit, most likely click through revenue. The Panel therefore finds that the requirements of paragraph 4(b)(iv) are fulfilled in relation to each of the disputed domain names which is evidence of registration and use in bad faith.

Each of the disputed domain names have been advertised for sale at a price likely well beyond the Respondent's out of pocket registration costs. In circumstances that no use has been made of them apart from to resolve to respective PPC pages, the Panel finds it most likely that the Respondent registered the disputed domain names for the purposes of resale to the Complainant or to its competitors at a substantial profit which under paragraph 4(b)(i) of the Policy is also evidence of registration and use in bad faith.

The Complainant has submitted evidence that the Respondent has been involved in many domain name disputes as a respondent and has engaged in a pattern of abusive conduct involving the registration of domain names incorporating or being confusingly similar to reputed trade marks. This pattern of conduct is further indicative of the Respondent's bad faith and the Policy is intended to address serial cybersquatting of this nature.

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.

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 names <reprisefinancial.com> and <repriaefinancial.com> be transferred to the Complainant.

*/Alistair Payne/*

**Alistair Payne**

Sole Panelist

Date: May 6, 2024