

## **ADMINISTRATIVE PANEL DECISION**

### **Enova International Inc. v. Brian Jump**

### **Case No. D2024-1587**

#### **1. The Parties**

Complainant is Enova International Inc., United States of America (“United States”), represented by Squire Patton Boggs (US) LLP, United States.

Respondent is Brian Jump, United States.

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

The disputed domain name <enovatraining.com> is registered with Go China Domains, Inc. (the “Registrar”).

#### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 15, 2024. On April 16, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 16, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to Complainant on April 17, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on April 17, 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 April 29, 2024. In accordance with the Rules, paragraph 5, the due date for Response was May 19, 2024. Respondent did not submit any response. Informal email communications were received from the Respondent on May 2, 2024, May 5, 2024, and May 23, 2024. Accordingly, the Center notified the Commencement of Panel Appointment Process on May 23, 2024.

The Center appointed Lorelei Ritchie as the sole panelist in this matter on May 28, 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 company based in the United States. Since at least 2011, Complainant has offered lending and related financial services under its ENOVA mark. In this regard, Complainant is the owner of several registrations for the ENOVA mark and logo. These include, among others, United States Registration No. 4,452,632 (registered December 17, 2013).

The disputed domain name was registered on December 18, 2011. Although the disputed domain name is not currently linked to an active website, Respondent has used the disputed domain name in connection with an email address to impersonate Complainant, posing as a hiring manager and obtaining sensitive personal and financial information from prospective recruits. Respondent has no affiliation with Complainant, nor any license to use its marks.

#### **5. Parties' Contentions**

##### **A. Complainant**

Complainant contends that (i) the disputed domain name is identical or confusingly similar to Complainant's trademarks, (ii) Respondent has no rights or legitimate interests in the disputed domain name; and (iii) Respondent registered and is using the disputed domain name in bad faith.

Specifically, Complainant contends that it owns rights to the ENOVA mark for lending and related financial services. Complainant contends that Respondent has incorporated in full Complainant's ENOVA mark into the disputed domain name, with only the addition of the dictionary term "training". Complainant further contends that Respondent lacks rights or legitimate interests in the disputed domain name, and rather has registered and is using it in bad faith, having simply acquired the disputed domain name for Respondent's own commercial gain. In particular, Complainant asserts that Respondent has set up an email address associated with the disputed domain name, which Respondent has used in a phishing attempt to impersonate Complainant on the LinkedIn platform, posing as a hiring manager and obtaining sensitive personal and financial information from prospective recruits.

##### **B. Respondent**

As noted in Section 3, three informal email communications were received from the Respondent. Respondent stated in its May 2, 2024 communication that Respondent had "contacted the registrar" and "had them terminate and release" the disputed domain name. On May 5, 2024, Respondent further indicated "I agree to transfer" the disputed domain name. Complainant indicated that no settlement had been reached, and that Complainant wished to continue forward with this proceeding.

Respondent did not submit a formal response and 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. Although the addition of other terms (here, “training”) 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 therefore finds that the disputed domain name is confusingly similar to a trademark in which Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

## **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. Panels have held that the use of a domain name for illegal activity, including phishing activity as here, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel finds that Complainant has provided sufficient evidence of Respondent’s lack of “rights or legitimate interests” in accordance with paragraph 4(a)(ii) of the Policy which Respondent has not rebutted.

## **C. Registered and Used in Bad Faith**

There are several ways that a complainant can demonstrate that a domain name was registered and used in bad faith. As noted in Section 4 of this Panel’s decision, the disputed domain name is not currently linked to an active website. It is nevertheless well established that having a passive website does not necessarily shield a respondent from a finding of bad faith. See [WIPO Overview 3.0](#), section 3.3, which notes that the “non-use of a domain name” does not necessarily negate a finding of bad faith.

Rather, a panel must examine “the totality of the circumstances”, including, for example, whether a complainant has a well-known trademark, and whether a respondent conceals his/her identity and/or replies to the complaint. The disputed domain name was registered after the date Complainant first filed a trademark application. Respondent has set up an email address associated with the disputed domain name, which Respondent has used in a phishing attempt to impersonate Complainant, posing as a hiring manager and obtaining sensitive personal and financial information from prospective recruits. Thus, it is clear that the Respondent registered the disputed domain name with the intent to target the Complainant’s nascent (as of yet unregistered) trademark rights through such fraudulent email scheme.

Therefore, the Panel finds sufficient evidence that Respondent registered and used the disputed domain name in bad faith for purposes of 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 <enovatraining.com> be transferred to Complainant.

*/Lorelei Ritchie/*

**Lorelei Ritchie**

Sole Panelist

Date: June 11, 2024