

## **ADMINISTRATIVE PANEL DECISION**

Synchrony Financial v. Luke Belmar  
Case No. D2024-1925

### **1. The Parties**

The Complainant is Synchrony Financial, United States of America (“United States”), represented by ZeroFox, United States.

The Respondent is Luke Belmar, United States.

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

The disputed domain name <synchronyfinancial.com> (the “Disputed Domain Name”) is registered with Hosting Concepts B.V. d/b/a Registrar.eu (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 7, 2024. On May 8, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On May 9, 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 (Redacted for Privacy, Whois Privacy Protection Foundation) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 23, 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 May 29, 2024. In response to a notification by the Center that the Complaint was administratively deficient, the Complainant filed another amendment to the Complaint on June 3, 2024.

The Center verified that the Complaint together with the amendments 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 June 4, 2024. In accordance with the Rules, paragraph 5, the due date for Response was June 24, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 3, 2024.

The Center appointed Colin T. O'Brien as the sole panelist in this matter on July 19, 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 in this proceeding is a United States consumer financial services company with its headquarters in Stamford, Connecticut. The Complainant offers consumer financing products, including credit, promotional financing and loyalty programs, installment lending to industries, and FDIC-insured consumer savings products, through Synchrony Bank, its wholly owned online bank subsidiary.

The Complainant's wholly owned subsidiary Synchrony Bank owns a United States federal registration for SYNCHRONY FINANCIAL and Design (Reg. No. 5191548, Registered April 25, 2017) covering "financial services, namely, credit card services, including private label credit cards and dual credit cards that serve as both private label credit cards and general purpose credit cards; Electronic credit card transaction services; Point of sale and point of transaction services, namely, credit application processing, payment transaction and account authorization services; Facilitating credit services through electronic means and mobile devices, namely, processing of credit card applications, authorizations, payments and account management services; Credit card and multi-tender loyalty programs, namely, programs that allow businesses to offer payments and/or rewards to customers; Promotional financing for purchases including through the use of private label, dual and general purpose credit cards and installment loans; Line of credit loans; Banking services, including retail and consumer deposit account services, certificates of deposit, money market accounts, direct and mobile banking services, savings accounts and brokered deposits, IRAs, small business deposit accounts, checking, overdraft protection, debit, credit and ATM cards and offers of preferred pricing to certain defined groups; Providing financial information and financial data analysis services regarding credit card and merchant customer performance; Financing for elective healthcare procedures or services, such as dental, veterinary, cosmetic, vision and audiology procedures or services; Providing services for processing credit card transactions for merchants" in Class 36.

The Complainant has owned the domain name <synchronyfinancial.com> since 2013.

The Disputed Domain Name was registered on April 26, 2024. The Complainant has provided evidence showing that the Disputed Domain Name had resolved to a webpage containing a login form and displaying a logo similar to the Complainant's, and later a page containing pay-per-click links.

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

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

The Disputed Domain Name is confusingly similar to the Complainant's registered trademark in its whole incorporation of the SYNCHRONY FINANCIAL mark with the addition of a lowercase "i" instead of an "I" for the word "financial". This does not create a new or unique phrase that can be distinguished from the Complainant's trademark, but purposely creates a deceptive lookalike that is clearly referential to the Complainant.

The Respondent has not used nor prepared to use this Disputed Domain Name for a bona fide offering of goods or services. The Disputed Domain Name is currently parked with ads for financial services companies. It is well established that a parked page hosting pay-per-click advertising is not a bona fide offering of goods or services. The Disputed Domain Name previously hosted a fake login page with the Complainant's logo present.

The Complainant is not aware of nor can it find any other businesses that commonly go by this name or operate a brand or trade name related to it. There is no evidence to suggest that the Respondent has any

rights or legitimate interests in this Disputed Domain Name. The Complainant has not authorized, licensed or otherwise permitted the Respondent to use its trademark or to imply any connection between the two parties.

The Disputed Domain Name previously hosted a login page with the Complainant's logo present both under the primary domain and under a subdomain <login.synchronyfinancial.com>, impersonating the Complainant and leveraging their trust and reputation to trick consumers into compromising their account details. This phishing page directly disrupts the business of the Complainant and the security of their clientele, all for the Respondent's own gain. The current passive holding of the Disputed Domain Name does not negate a finding of bad faith. The Disputed Domain Name's prior use in perpetuating a phishing scam and impersonation of the Complainant combined with its continued ownership of the Disputed Domain Name by the subversive party signifies a continued threat regardless of its status as parked or not currently in use.

## **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 the SYNCHRONY FINANCIAL mark. The substitute of an "i" for "I" does not prevent the Complainant's trademark from being recognizable in the Disputed Domain Name. The generic Top-Level Domain ("gTLD") ".com" is viewed as a standard registration requirement and as such is typically disregarded under the first element confusing similarity test. Accordingly, the Disputed Domain Name is confusingly similar to a mark in which the Complainant has rights.

See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), sections 1.8, 1.9 and 1.11.1, and *F. 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 the 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 the Respondent obtained the Disputed Domain Name years after the Complainant had begun using its SYNCHRONY FINANCIAL mark and <synchronyfinancial.com> domain name 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](#).

The Respondent has provided no evidence of any rights or legitimate interests in the Disputed Domain Name.

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 years after the Complainant first registered and used its SYNCHRONY FINANCIAL mark. The evidence provided by the Complainant with respect to the prior use of the Disputed Domain Name to resolve to a webpage containing a login form and displaying a logo similar to that of the Complainant 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 SYNCHRONY FINANCIAL mark and knew it had no rights or legitimate interests in the Disputed Domain Name.

There is prima facie no reason for the Respondent to have registered the Disputed Domain Name containing a very subtle misspelling of the Complainant's SYNCHRONY FINANCIAL mark. The Disputed Domain Name currently resolves to a pay-per-click website containing links related to the Complainant's business and the Complainant has shown the Respondent specifically used the Disputed Domain Name as a part of a scheme to lure customers of the Complainant in potentially providing sensitive information. UDRP panels have found that the use of a domain name for purposes other than to host a website may constitute bad faith. Such purposes include sending email, phishing, identity theft, or malware distribution. See section 3.4 of the [WIPO Overview 3.0](#).

Accordingly, the Panel finds that the 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 <synchronyfinanciai.com> be transferred to the Complainant.

*/Colin T. O'Brien/*

**Colin T. O'Brien**

Sole Panelist

Date: July 29, 2024