

ADMINISTRATIVE PANEL DECISION

CNU Online Holdings, LLC v. Jennine Given
Case No. D2024-2150

1. The Parties

The Complainant is CNU Online Holdings, LLC, United States of America (“United States”), represented by Squire Patton Boggs (US) LLP, United States.

The Respondent is Jennine Given, India.

2. The Domain Name and Registrar

The disputed domain name <cashnetsusa.net> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 24, 2024. On May 27, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 28, 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 the Complainant on May 29, 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 31, 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 June 3, 2024. In accordance with the Rules, paragraph 5, the due date for Response was June 23, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 24, 2024.

The Center appointed Rebecca Slater as the sole panelist in this matter on June 27, 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 CNU Online Holdings, LLC, a Chicago-based financial services company that has provided personal loans to online consumers under the “Cashnetusa” name since around 2004.

The Complainant has several registrations for the CASHNETUSA word mark, including United States Trade Mark Registration No. 3,210,976 (registered February 20, 2007) and United States Trade Mark Registration No. 4,521,941 (registered April 29, 2014) (the “Trade Mark”). It also holds several United States Trade Mark Registrations for marks containing CASHNETUSA.

The Complainant is also the registrant of the <cashnetusa.com> domain name and has carried out its business through the website at this domain name since at least 2004.

The Respondent is an individual named Jennine Given, located in India. The Respondent did not submit a formal response, and consequently little information is known about the Respondent.

The Respondent registered the disputed domain name on January 30, 2024.

The disputed domain name directs Internet users to a website that prominently features the registered trade marks of the Complainant (including the Trade Mark) and purportedly offers the same services as the Complainant. The Respondent appears to collect the personal information of consumers through the website.

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.

Notably, the Complainant contends that:

- The disputed domain name is confusingly similar to the Trade Mark, with the only difference being the insertion of the letter “s” between the words “net” and “usa”.
- The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant has not given the Respondent permission to use the Trade Mark and is unaware of any basis that the Respondent may claim rights to use the Trade Mark. The Trade Mark predates the dispute domain name by at least a decade.
- The disputed domain name was registered and is being used in bad faith by the Respondent. The Respondent is intentionally attracting Internet users to its website by creating a likelihood of confusion with the Trade Mark. The Respondent uses the website at the disputed domain name to mislead Internet users into providing their personal information.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

- the disputed domain name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights;
- the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- the disputed domain name has been registered and is being used in bad faith.

The onus of providing these elements is on the Complainant.

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 trade mark 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 trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the Trade Mark is reproduced within the disputed domain name, with the only difference between the Trade Mark and the disputed domain name being the insertion of the letter "s" between the words "net" and "usa" in the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Trade Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

This is an example of typosquatting. A domain name which consists of a common, obvious, or intentional misspelling of a trade mark 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.

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 Complainant has not authorized the Respondent to use the Trade Mark and there is no evidence that the Respondent has ever been known by the disputed domain name.

Panels have held that the use of a domain name for illegal activity (here, claimed as impersonation/passing off or other types of fraud, including in order to collect personal information of Internet users) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

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.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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.

The Panel finds it unlikely that the disputed domain name was registered without knowledge of the Complainant and the Trade Mark. The Respondent's goal in registering and using the disputed domain name appears to be to attract Internet users for potential gain. This finding is reinforced by the Respondent's: (a) prominent display of the Trade Mark and other registered trade marks of the Complainant on the website at the disputed domain name; and (b) use of the website at the disputed domain name to purportedly offer services which compete with the Complainant's services. Further, the Respondent does not provide any disclaimer on its lack of relationship with the Complainant, which creates the false impression of an affiliation with the Complainant. [WIPO Overview 3.0](#), section 3.2.1.

Panels have held that the use of a domain name for illegal activity (here, claimed impersonation/passing off or other types of fraud, including in order to collect personal information of Internet users) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <cashnetsusa.net> be transferred to the Complainant.

/Rebecca Slater/

Rebecca Slater

Sole Panelist

Date: July 2, 2024