

ADMINISTRATIVE PANEL DECISION

Equifax Inc. v. Domain Admin
Case No. D2024-2234

1. The Parties

The Complainant is Equifax Inc., United States of America, represented by The GigaLaw Firm, Douglas M. Isenberg, Attorney at Law, LLC, United States. of America.

The Respondent is Domain Admin, Bahamas.

2. The Domain Name and Registrar

The disputed domain name <equifxa.com> (the “Domain Name”) is registered with Internet Domain Service BS Corp (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 7, 2024. On June 7, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On June 10, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Domain Admin / Whois Privacy Corp.) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 10, 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 June 10, 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 11, 2024. In accordance with the Rules, paragraph 5, the due date for Response was July 1, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 3, 2024.

The Center appointed Enrique Bardales Mendoza as the sole panelist in this matter on July 9, 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 describes itself as a global provider of information solutions and human resources business process outsourcing services for business, governments and consumers. It is headquartered in the United States of America, but operates in a large number of countries in North America, Central and South America, Europe and the Asia Pacific Region.

The Complainant relates that among its services, it offers a credit reporting service that provides consumers with a summary of their credit history, and certain other information, reported to credit bureaus by lenders and creditors.

The Complainant is the owner of numerous trademark registrations of or including the term EQUIFAX including United States of America registration no. 1,027,544 registered on December 16, 1975, for use in connection with "insurance risk information reporting services concerning potential policy holders". It is also proprietor of EQUIFAX under United States of America registration no. 1045574 registered on August 3, 1976, for use in connection with "conducting investigations and reporting on individuals and firms concerning credit, character and finances...", and EQUIFAX under United States of America registration no. 1644585 registered on May 14, 1991, for use in connection with "providing on-line access to computer databases containing information relating to applicants for insurance, credit, mortgage loans, and employment".

The Complainant operates its primary website connected to its domain name, <equifax.com>, a domain name which was first registered on February 21, 1995.

The Domain Name was created on January 14, 2017.

According to the Complainant, on June 6, 2024, the Domain Name was used in connection with a tech support scam that displays the Microsoft Windows logo and pretends to be related to Windows Support. Subsequently, at the time of issuance of this decision, the Domain Name remains active. It features a single-click button that redirects users to credit history related options. Besides, the website is restricted by the browser's security system for potentially dangerous content.

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 Domain Name.

Notably, the Complainant contends that the Domain Name is identical or confusingly similar to the EQUIFAX registered trademark, the Respondent has no rights or legitimate interests in respect of the Domain Name and the Domain Name has been registered and is being used in bad faith by the Respondent.

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 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 recognizable within the Domain Name. Accordingly, the Domain Name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. and 1.9.

Section 1.9 of [WIPO Overview 3.0](#) deals with misspellings in the following terms:

"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.

This stems from the fact that the domain name contains sufficiently recognizable aspects of the relevant mark. Under the second and third elements, panels will normally find that employing a misspelling in this way signals an intention on the part of the respondent (typically corroborated by infringing website content) to confuse users seeking or expecting the complainant.

Examples of such typos include (i) adjacent keyboard letters, (ii) substitution of similar-appearing characters (e.g., upper vs lower-case letters or numbers used to look like letters), (iii) the use of different letters that appear similar in different fonts, (iv) the use of non-Latin internationalized or accented characters, (v) the inversion of letters and numbers, or (vi) the addition or interspersing of other terms or numbers."

The Domain Name employs a misspelling of the Complainant's trademark, which is clearly intended to represent the Complainant's EQUIFAX trademark by a simple inversion of the letters "x" and "a".

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 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 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 Domain Name such as those enumerated in the Policy or otherwise.

The Respondent has not submitted any response and has not claimed any rights or legitimate interests with respect to the Domain Name. As per the Complaint, the Respondent was not authorized to register the Domain Name.

Further, the Domain Name was used in connection with a tech support scam that displays the Microsoft Windows logo and pretends to be related to Windows Support. Panels have held that the use of a domain name for illegal activity (here, claimed phishing) 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.

The EQUIFAX trademark had been widely used and registered by the Complainant before the Domain Name was registered; and the Respondent could verify that the Complainant is the owner of the EQUIFAX trademarks by using a search engine for this purpose before registering the Domain Name. Furthermore, the composition of the Domain Name, incorporating a misspelling of the Complainant's trademark, points to an intention to confuse Internet users seeking for or expecting the Complainant and to mislead users as to the source of the website associated with the Domain Name, as well as any emails connected to it.

Panels have held that the use of a domain name for illegal activity (here, claimed phishing) 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 Domain Name constitutes bad faith under the Policy.

In the absence of any explanation from the Respondent the Panel infers that the Respondent has no answer to the Complainant's contentions.

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 Domain Name <equifxa.com> be transferred to the Complainant.

/Enrique Bardales Mendoza/
Enrique Bardales Mendoza
Sole Panelist
Date: July 23, 2024