

ADMINISTRATIVE PANEL DECISION

Ally Financial Inc. v. OFrice AZEEEm, WOCKHARDT AZEEM
Case No. D2024-2782

1. The Parties

The Complainant is Ally Financial Inc., United States of America (“United States”), represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is OFrice AZEEEm, WOCKHARDT AZEEM, United States.

2. The Domain Name and Registrar

The disputed domain names <ally-hr.com> and <corporate-ally.com> are 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 July 9, 2024. On July 9, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 10, 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 July 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 amended Complaint on July 12, 2024.

The Center verified that the Complaint [together with the amendment to the Complaint/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 July 16, 2024. In accordance with the Rules, paragraph 5, the due date for Response was August 5, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 6, 2024.

The Center appointed Colin T. O'Brien as the sole panelist in this matter on August 15, 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 the owner of trademark registrations across various jurisdictions for the ALLY mark including:

ALLY United States Registration Number 3667814, Registered August 11, 2009, in Class 36.

ALLY United States Registration Number 4264894, Registered December 25, 2012, in Class 35.

ALLY European Union Registration Number 013056941, Registered November 26, 2014, in Class 36.

ALLY International Registration Number 981147, Registered September 16, 2008, in Class 36.

ALLY BANK United States Registration Number 7243624, Registered December 12, 2023, in Class 36.

ALLY BANK European Union Registration Number 014567911, Registered January 11, 2016, in Class 36.

The Complainant is one of the top auto lenders in the United States by volume and reported an adjusted total net revenue of USD 8.2 billion for 2023 for its online banking, vehicle financing and dealer services, investing and wealth management and commercial finance. The Complainant has over 11 million customers with USD 154.7 billion in total deposits as well as USD 196.4 billion in total assets.

Under the ALLY trademark, the Complainant offers a wide range of services related to financial services. These services include banking and financing services; mortgage banking and lending services; investment services; debit and credit card services, financing of vehicles; online auctions for used vehicles; real estate agency services; and related advisory and consulting services. ALLY is a distinctive and well-known mark used by the Complainant in connection with financial services since 2009.

The Complainant has a strong Internet presence through its websites and owns several domain names, including <ally.com> and <allybank.com>. The Complainant's <ally.com> received over 44 million visitors during the period of March 2024 – May 2024 and has a Similarweb.com rank of 573 in the United States, while ranking 3213 globally.

The Disputed Domain Names initially resolved to a website with a login field featuring the Complainant's trademark and logo, and later to a website with pay-per-click ("PPC") links redirecting to third party websites.

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 it is the owner of ALLY and ALLY BANK trademarks. The Respondent has added the generic, descriptive terms "hr" and "corporate" to the Complainant's ALLY trademark, thereby making the Disputed Domain Names confusingly similar to the Complainant's trademark. The fact that such terms are closely linked and associated with the Complainant's brand and trademark only serves to underscore and increase the confusing similarity between the Disputed Domain Names and the Complainant's trademark.

The Respondent is not sponsored by or affiliated with the Complainant in any way. The Complainant has not given the Respondent permission to use the Complainant's trademark in any manner, including in domain

names. The Respondent is not commonly known by the Disputed Domain Names, which evinces a lack of rights or legitimate interests.

By registering domain names that incorporate the Complainant's ALLY trademark in its entirety and adding the related terms "hr" and "corporate", the Respondent has created domain names that are confusingly similar to the Complainant's trademark. As such, the Respondent has demonstrated a knowledge of and familiarity with the Complainant's brand and business. The Respondent had used the Disputed Domain Names to resolve to websites that featured the Complainant's trademark and logo, whilst displaying login fields to public users. Given this it is not possible to conceive of a plausible situation in which the Respondent would have been unaware of the Complainant's brands.

The Respondent has registered and previously used the Disputed Domain Names for purposes of launching a phishing attack, which is clear evidence of bad faith registration and use. After first creating a strong likelihood of confusion by misappropriating the Complainant's trademarks in the Disputed Domain Names, the Respondent had initially used the Disputed Domain Names to resolve to websites that featured the Complainant's trademark and logo, whilst displaying login fields to public users. The Respondent's efforts to masquerade as the Complainant in an attempt to solicit sensitive, financial information from unsuspecting people certainly constitute fraud, which must be considered bad faith.

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 ALLY and ALLY BANK marks and has shown that no other entity has rights in or uses the Complainant's mark. The gTLD ".com" is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. Although the Disputed Domain Names contain the additional wording "-hr" and "corporate-", the Complainant's ALLY trademark is incorporated in its entirety. With the Complainant's trademark being recognizable the additional terms "hr" and "corporate" do not prevent a finding of confusing similarity between the Complainant's trademark and the Disputed Domain Names. Therefore, the Disputed Domain Names are 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"](#)), section 1.7.

Consequently, the Panel finds that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

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 Names and has not been commonly known by the Disputed Domain Names. The fact that the Respondent obtained the Disputed Domain Names more than a decade after the Complainant had begun using its globally famous ALLY mark indicates the Respondent sought to piggyback on the mark for illegitimate reasons, namely, to associate itself and attract Internet users looking for the Complainant's services to illicit some commercial gain. This indicates to the Panel that the Respondent does not have any rights or legitimate interests in the Disputed Domain Names.

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](#) and [WIPO Overview 3.0](#), section 2.1.

Here, the Respondent has provided no evidence of any rights or legitimate interests in the Disputed Domain Names. Furthermore, the Panel finds that because the Disputed Domain Names incorporate the Complainant's mark entirely, along with terms descriptive of the Complainant's services, and were initially used to impersonate the Complainant via login portals likely designed for phishing purposes, such use cannot grant onto the Respondent rights or legitimate interests. See [WIPO Overview 3.0](#), section 2.13.

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 Names, 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 Names were registered several years after the Complainant first registered and used its famous ALLY trademark. The evidence on the record provided by the Complainant with respect to the extent of use and fame of its ALLY trademark, 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 Names were registered, the Respondent undoubtedly knew of the Complainant's ALLY trademark.

There is prima facie no reason for the Respondent to have registered the Disputed Domain Names using the Complainant's ALLY mark with the terms "hr-" and "corporate-" which are terms that can be associated with the Complainant's services. The Disputed Domain Names currently resolve to a PPC links website containing links to third party websites albeit related to the Complainant's business and the Complainant has shown the Respondent initially used the Disputed Domain Names as a part of a scheme to allegedly lure customers of the Complainant in potentially providing sensitive information through a login page. UDRP panels have found that given that the use of a domain name for per se illegitimate activity such as the sale of counterfeit goods or phishing can never confer rights or legitimate interests on a respondent, such behavior is manifestly considered evidence of bad faith. See section 3.1.4 of the [WIPO Overview 3.0](#). Moreover, it is clear that the Respondent sought to attract Internet users to its website by creating a likelihood of confusion with the Complainant's mark for the Respondent's likely commercial gain, which is per se evidence of bad faith registration and use under Policy paragraph 4(b)(iv) of the Policy.

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 Names <ally-hr.com> and <corporate-ally.com> be transferred to the Complainant.

/Colin T. O'Brien/

Colin T. O'Brien

Sole Panelist

Date: August 29, 2024