

ADMINISTRATIVE PANEL DECISION

Equifax Inc. v. Magan Stallion, Magan Ilc

Case No. D2024-2852

1. The Parties

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

The Respondent is Magan Stallion, Magan Ilc, United States.

2. The Domain Name and Registrar

The disputed domain name <equifax.cam> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 12, 2024. On July 12, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 17, 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, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on the same day 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 July 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 July 18, 2024. In accordance with the Rules, paragraph 5, the due date for Response was August 7, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 8, 2024.

The Center appointed Nicolas Ulmer as the sole panelist in this matter on August 26, 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 a provider of financial and other information and human resource services and solutions. Headquartered in the United States, the Complainant operates or has investments in more than twenty countries. Credit reporting and the provision of credit histories to consumers are among the services offered by the Complainant.

The Complainant is publicly traded and, according to the Complaint, employs approximately 11,000 persons worldwide. According to the Complainant's 2023 Annual Report the Complainant had record revenues of USD 5,265 billion in that year (Annex 4). The Complainant registered the domain name <equifax.com> in 1995 and continues to use that domain name in connection with its primary website.

The Complainant holds numerous trademark registrations in many jurisdictions including the three following United States registrations:

-EQUIFAX: United States Reg. No. 1,027,544 (first used in commerce on March 4, 1975; registered on December 16, 1975) for use in connection with "insurance risk information reporting services concerning potential policy holders.";

-EQUIFAX: United States Reg. No. 1,045,574 (first used in commerce on March 4, 1975; registered on August 3, 1976) for use in connection with "conducting investigations and reporting on individuals and firms concerning credit, character and finances in connection with insurance, credit, employment and claims reporting services."; and

-EQUIFAX: United States Reg. No. 1,644,585 (first used in commerce on March 4, 1975; registered on May 14, 1991) for use in connection with, inter alia, "providing on-line access to computer databases containing information relating to applicants for insurance, credit, mortgage loans, and employment."

The Respondent is purportedly an individual, located in the United States.

The disputed domain name was registered on July 8, 2024. The disputed domain name resolved to a pay-per-click parking page with various links, including "debt", "credit card", and "mortgage loans".

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.

First, the Complainant alleges that the disputed domain name is identical to the Complainant's EQUIFAX trademark within the meaning of the Policy.,

Secondly the Complainant alleges the Respondent has not been given and does not have any rights or legitimate interests in the EQUIFAX trademark and, to the contrary, has made use of the disputed domain name for improper pay-per-click parking pages designed to lure and divert Internet users, and that this is manifestly not a bona fide service and cannot create rights under Paragraph 4(c)(i) of the Policy.

In light of the above, the Complainant concludes that the disputed domain name, incorporating the Complainant's well-known trademark can only have been registered, and was subsequently used in bad faith.

The Complainant requests that the disputed domain name be transferred to it.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The disputed domain name identically incorporates the entirety of the Complainant's trademark; the generic Top-Level Domain, here ".cam", is to be disregarded in making this finding.

The Panel thus finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

The Complainant makes clear that the Respondent is not authorised by or affiliated with the Complainant in any way and that it has no knowledge or good faith belief that the Respondent has any rights or legitimate interests in the disputed domain name.

It is furthermore obvious that the Respondent is not known by the name "Equifax."

A review of the file in this matter reveals no indication that the Respondent has used the disputed domain name in connection with a bona fide offering of goods and services or that there is any legitimate noncommercial or fair use of the Complainant's trademark, and the Complainant denies that this could be the case. To the contrary there is evidence of illegitimate use of the Complainant's trademark in order to divert Internet users and profit from confusion engendered by the disputed domain name.

It is, in any event, long accepted in UDRP case law and jurisprudence that a complainant needs to demonstrate at least a prima facie case that the respondent has no rights or legitimate interests in respect of the disputed domain name see *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#). Where such a prima facie case is made, the burden of production shifts to the respondent to demonstrate that it has rights or legitimate interests in the disputed domain name. If the respondent fails to do so, the complainant is generally deemed to have satisfied paragraph 4(a)(ii) of the Policy see also, *Meizu Technology Co., Ltd. v. "osama bin laden"*, WIPO Case No. [DCO2014-0002](#); *H & M Hennes & Mauritz AB v. Simon Maufe, Akinsaya Odunayo Emmanuel and Nelson Rivaldo*, WIPO Case No. [D2014-0225](#).

In the instant case the Respondent has not answered the Complaint and the Complainant has established at least such a prima facie case; the Complainant has therefore met its burden of proof under paragraph 4(a)(ii) of the Policy.

The Panel thus finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Complainant has established that the disputed domain name is essentially identical to its long-established trademark, which is also the Complainant's well-known company name. It is highly implausible that the Respondent registered the disputed domain name by chance or serendipity and without knowledge of the Complainant's trademark and business. See *Six Continents Hotels v. Lin hongyu, Cheng Qi Lin*, WIPO Case No. [D2017-2033](#). To the contrary it is likely that the Respondent knew of the Complainant's mark and registered the disputed domain name with the bad faith design of creating confusion with it for the Respondent's benefit.

This view is confirmed by the actual use to which the Respondent put the disputed domain name. The disputed domain name was used in connection with a pay-per-click monetised parking page that includes links to services, some of which are clearly associated with or related to services offered by the Complainant, such as "debt", "credit card", and "mortgage loans". In addition, the Complaint and its evidentiary annexes document that the Respondent configured MX records enabling it to send emails with addresses that make use of the disputed domain name.

The above registration and activities demonstrate, and can only plausibly be attributed to, the Respondent's bad faith intent to use the disputed domain name to create confusion with the Complainant and its trademarks for the Respondent's profit.

The Panel accordingly finds that the disputed domain name had been registered and used in bad faith such that the third element of the Policy has been proven by the Complainant.

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 <equifax.cam> be transferred to the Complainant.

/Nicolas Ulmer/

Nicolas Ulmer

Sole Panelist

Date: September 9, 2024