

ADMINISTRATIVE PANEL DECISION

CNU Online Holdings, LLC v. Cashnetusa Co
Case No. D2024-3279

1. The Parties

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

The Respondent is Cashnetusa Co, United States of America.

2. The Domain Name and Registrar

The disputed domain name <cashnetusafinanceloans.com> is registered with Key-Systems GmbH (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 10, 2024. On August 12, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 14, 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 (On behalf of cashnetusafinanceloans.com OWNER, c/o whoisproxy.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 16, 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 August 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 August 20, 2024. In accordance with the Rules, paragraph 5, the due date for Response was September 9, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 11, 2024.

The Center appointed Dennis A. Foster as the sole panelist in this matter on September 17, 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 Delaware limited liability company with principal place of business in Illinois, United States of America ("US"). The Complainant has been in business since 2004 and specializes in on-line personal consumer loans.

The Complainant owns the US federal trademark (service mark) CASHNETUSA, registration no. 3210976, registration date February 20, 2007, with a claimed first use of May 1, 2004, International Class 036 for money lending services. The Complainant also owns several other US trademark registrations that contain the words CASH NET USA.

The Complainant's main business website is at "www.cashnetusa.com", registered in 2004.

The Respondent is an individual also located in the US. The Respondent registered the disputed domain name on August 9, 2023, and since that time has used it to run a website that purports to offer loan services similar to the Complainant's. The Respondent has placed the Complainant's logo on the Respondent's website.

The Complainant sent the Respondent a formal cease-and-desist letter on July 23, 2024, but the Respondent did not reply.

5. Parties' Contentions

A. Complainant

The Complainant contends as follows below.

- The Complainant owns a trademark for the CASHNETUSA name which the Complainant has been using since at least 2004.
- The disputed domain name was registered by the Respondent on August 9, 2023. The disputed domain name is confusingly similar to and completely encompasses the Complainant's CASHNETUSA trademark.
- The services offered under the disputed domain name are the same type of personal consumer loan services as those offered by the Complainant.
- The Respondent uses the Complainant's logo on the disputed domain name website.
- When the Respondent registered the disputed domain name in 2023, the Complainant had already been using its CASHNETUSA trademark for over 15 years.
- The Respondent is using the Complainant's name and reputation as a licensed loan provider to entice consumers into engaging with the Respondent because they believe it to be the Complainant.
- Consumers are being misled into providing their personal identity information to the Respondent because of the Respondent's unauthorized use of the Complainant's trademark.
- The disputed domain name should be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

In accordance with Policy paragraphs 4(a)(i) to (iii), the Panel may find for the Complainant and order a transfer of the disputed domain name, if the Complainant proves that:

- the disputed domain name is identical or confusingly similar to a trademark 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.

A. Identical or Confusingly Similar

The Complainant has provided a copy of its US federal trademark registration for CASHNETUSA whose details the Panel has provided in the Factual Background section above. This satisfies the Panel that the Complainant has trademark rights in CASHNETUSA (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.2.1).

The Respondent has incorporated the Complainant's trademark *in toto* in the disputed domain name, and then added the descriptive words "finance loans". The Panel finds that the disputed domain name still is confusingly similar to the Complainant's trademark. In general, when a Respondent incorporates the Complainant's entire trademark into a disputed domain name, the domain name will be found to be confusingly similar to the trademark ([WIPO Overview 3.0](#), section 1.7). And see *Britannia Building Society v. Britannia Fraud Prevention*, WIPO Case No. [D2001-0505](#).

The Panel thus finds that the Complainant has carried its burden of proof under Policy paragraph 4(a)(i) to show that the disputed domain name is confusingly similar to a name in which the Complainant has trademark rights.

B. Rights or Legitimate Interests

It is generally accepted under the Policy that a complainant may have difficulty proving the negative proposition that a respondent does not have rights or legitimate interests in a given domain name. Therefore, the Complainant in this proceeding need only make out a prima facie case that the Respondent does not have rights or legitimate interests in the disputed domain name, and then the burden of production shifts to the Respondent ([WIPO Overview 3.0](#), section 2.1), while the burden of proof remains on the Complainant.

The Complainant is the owner of a CASHNETUSA trademark, and avers that it has not given the Respondent permission to use its trademark in the disputed domain name or otherwise. Additionally, the Complainant states that it is unaware of any basis the Respondent may have to claim rights in its trademark CASHNETUSA.

As the Respondent is in default in this proceeding and has not come forward with any evidence to rebut the Complainant's prima facie case, the Panel finds that case can stand as is.

Per the case record, the Respondent is using the disputed domain name to pursue an online consumer loan business, passing itself off as the Complainant and seeking to collect sensitive information from individuals seeking the services of the Complainant. The Panel finds this is not a bona fide offering of services per Policy paragraph 4(c)(i). See [WIPO Overview 3.0](#), section 2.13.1. The Panel also finds the record offers no evidence that the Respondent is commonly known by the disputed domain name per Policy paragraph

4(c)(ii). While the provided registration details for the disputed domain name are “Cashnetusa Co”, the Panel finds that in the circumstances of this case it is clear the Respondent chose such name in order to falsely suggest an affiliation with the Complainant or otherwise attempt to legitimize its inherently misleading disputed domain name. Finally, the Panel finds the record does not show that the Respondent is making a noncommercial or fair use of the disputed domain name per Policy paragraph 4(c)(iii). On the contrary, the Respondent is making a decidedly commercial use of the disputed domain name.

The Panel thus finds that the Complainant has carried its burden of proof under Policy paragraph 4(a)(ii) of the Policy to show that the Respondent does not have rights or legitimate interests in the disputed domain name.

C. Registered and Used in Bad Faith

The Respondent registered the disputed domain name roughly a year ago and claimed to offer the same services, online personal consumer loans, that the Complainant offers at its own website, while also taking unfair advantage of the Complainant's trademark. In the Panel's view, this shows that the Respondent had well in mind the Complainant, its trademark, and its business when the Respondent registered the disputed domain name. Thus, the Respondent intended that Internet users confuse the Respondent for the Complainant. The Respondent even displayed the Complainant's logo on the website at the confusingly similar domain name. This is clearly a violation of the bad faith provisions of the Policy at paragraph 4(b)(iv).

As the Complainant contends, it also appears to the Panel that the Respondent was intent on collecting as much personal data as possible from the persons who visited its website to seek loans. In other words, the Respondent was also using its website for “phishing”. The bad faith provisions of the Policy are non-exhaustive, and the Panel finds the Respondent's “phishing” scheme also merits a finding of bad faith. See [WIPO Overview 3.0](#), section 3.4.

In conclusion, the Panel finds that the Complainant has satisfied its burden of proof to show that the Respondent has registered and is using the disputed domain name in bad faith per Policy paragraph 4(a)(iii).

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 <cashnetusafinanceloans.com> be transferred to the Complainant.

/Dennis A. Foster/

Dennis A. Foster

Sole Panelist

Date: October 1, 2024