

## **ADMINISTRATIVE PANEL DECISION**

Guillaume Pousaz, Pousaz Philanthropies v. Mavis Scoopbce  
Case No. D2024-3523

### **1. The Parties**

The Complainants are Guillaume Pousaz (the “First Complainant”) and Pousaz Philanthropies (the “Second Complainant”), United Kingdom, represented by Allen Overy Shearman Sterling LLP, United Kingdom.

The Respondent is Mavis Scoopbce, United States of America (“United States”).

### **2. The Domain Name and Registrar**

The disputed domain name <guillaume-pousaz.com> is registered with Cosmotown, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 30, 2024. On August 30, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 1, 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 (Registrant Information to be provided by the Center) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 3, 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 September 6, 2024.

The Center verified that the Complaint together with the 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 September 16, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 6, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 7, 2024.

The Center appointed Wilson Pinheiro Jabur as the sole panelist in this matter on October 10, 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 First Complainant is the founder and CEO of the global payment services provider CHECKOUT.COM, founded in 2008 and valued at USD 40 billion in 2022. The First Complainant is known as both a technology entrepreneur and philanthropist, having established, with his wife, the Second Complainant, a charitable foundation, in 2022.

The Second Complainant focuses on supporting the safety and education of children worldwide, and is the owner of the following trademarks:

- United Kingdom Trademark Registration No. UK00003894460 for the word and device mark POUSAZ PHILANTHROPIES, in classes 35, 36, and 41, filed on March 28, 2023 and registered on June 30, 2023; and
- United States Trademark Application No. 97889593 for the word and device mark POUSAZ PHILANTHROPIES, in classes 35, 36, and 41, filed on April 14, 2023.

The disputed domain name was registered on May 12, 2024 and used in connection with a phishing scheme impersonating the First Complainant. At the time of filing, the disputed domain name impersonated the First Complainant's identity by features on the website images of the First Complainant including a supposed autobiography and mentions the First Complainant's company, "Checkout.com", by name. Presently, when attempting to access the webpage relating to the disputed domain name, a warning is displayed on the browser alerting Internet users of suspected phishing in connection with the disputed domain name.

#### **5. Parties' Contentions**

##### **A. Complainants**

The Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainants contend that the First Complainant established unregistered trademark rights in GUILLAUME POUSAZ through his reputation in the financial technology sphere and philanthropic circles, having the Forbes Magazine indicated that "One of Europe's wealthiest tech billionaires Guillaume Pousaz, founder of payments startup Checkout.com, has quietly set up a charitable foundation". Thus, the Complainants assert that the First Complainant's name has become a distinctive identifier of his philanthropic services is evidenced in multiple articles, including the Forbes and Executive Magazine articles.

The Complainants also indicate that they have attracted significant media attention, having been featured in Forbes, Forbes Middle East and Executive Magazine, establishing, through use, a protectable reputation and goodwill over the POUSAZ PHILANTHROPIES trademark.

The Complainants inform that they were alerted by an individual that had been contacted via email by someone impersonating the First Complainant. This email included a link to a website hosted at the disputed domain name and which sat out a false philanthropic venture supposedly led by the First Complainant, and which displayed in its "About" section that "Guillaume Pousaz is a Dubai-based Swiss entrepreneur, investor, and philanthropist known for founding the global payment platform Checkout.com". The Complainants further state that the website associated with the disputed domain name indicated that it would bring "philanthropy into innovations", thus contending that the disputed domain name is confusingly similar to the

POUSAZ PHILANTHROPIES registered trademark as well as with the First Complainant's unregistered mark, GUILLAUME POUSAZ.

As to the absence of rights or legitimate interests, the Complainants argue that the Respondent:

- (i) has no rights or legitimate interests in respect of the disputed domain name, not using it and never having used it in connection with a bona fide offering of goods or services;
- (ii) is not commonly known by the disputed domain name; and
- (iii) is not making legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain.

Lastly, in what it relates to the bad faith registration and use of the disputed domain name, the Complainants assert that the Respondent intentionally registered the disputed domain name so as to falsely impersonate the Complainants by way of sending emails to individuals who have been contacted by the Respondent in an attempt to impersonate the First Complainant using the disputed domain name and attempting to extort personal information. Furthermore, the website that resolved from the disputed domain name featured images of the First Complainant including a supposed autobiography and mentioned the First Complainant's company, "Checkout.com", by name so as to mislead Internet users into divulging personal information and therefore operated in bad faith.

## **B. Respondent**

The Respondent did not reply to the Complainants' contentions.

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy sets forth the following three requirements, which have to be met for this Panel to order the transfer of the disputed domain name:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainants have rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The Complainants must prove in this administrative proceeding that each of the aforementioned three elements is present so as to have the disputed domain name transferred, according to the Policy.

### **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 disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Panel finds the First Complainant has established unregistered trademark or service mark rights for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3. The Panel also finds that the Second 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 entirety of the First Complainant's unregistered mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. The disputed domain name is also confusingly similar to the Second Complainant's registered trademark. [WIPO Overview 3.0](#), section 1.7.

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 Complainants have established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainants' 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.

Panels have held that the use of a domain name for impersonation would not confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Also, the lack of evidence as to whether the Respondent is commonly known by the disputed domain name or the absence of any trademarks registered by the Respondent corresponding to the disputed domain name, corroborates with the indication of the absence of a right or legitimate interest in the disputed domain name.

The Panel finds that the Respondent does not have rights or legitimate interests with respect to the disputed domain name.

## **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.

The Policy indicates in paragraph 4(b)(iv) that bad faith registration and use can be found in respect of a disputed domain name, where, by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the website or location or of a product or service on the website or location.

In this case, both the registration and use of the disputed domain name in bad faith can be found in view of the use of the disputed domain name seeking to impersonate the Complainants for fraudulent purposes, as seen above.

Other factors that corroborate the Panel's finding of bad faith of the Respondent are as follows: the reproduction of the First Complainant's image in the website that used to resolve from the dispute domain name; the absence of a formal Response by the Respondent; and the indication of false contact details.

For the reasons above, the Respondent's conduct has to be considered, in this Panel's view, as bad faith registration and use of the disputed domain name pursuant to paragraph 4(b)(iv) 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 <guillaume-pousaz.com> be transferred to the Complainants.

*/Wilson Pinheiro Jabur/*

**Wilson Pinheiro Jabur**

Sole Panelist

Date: October 23, 2024