

ADMINISTRATIVE PANEL DECISION

Equifax Inc., Equifax Argentina S.A. v. Rocio Green
Case No. D2024-3776

1. The Parties

The Complainants are Equifax Inc., United States of America, and Equifax Argentina S.A., Argentina¹, represented by The GigaLaw Firm, Douglas M. Isenberg, Attorney at Law, LLC, United States of America.

The Respondent is Rocio Green, Argentina.

2. The Domain Name and Registrar

The disputed domain name <veraz-equifax.com> (the “Domain Name”) is registered with Hostinger Operations, UAB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 17, 2024. On September 17, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On September 18, 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, Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 19, 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 September 20, 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”).

¹ Equifax Argentina S.A. is a subsidiary of Equifax Inc (hereinafter referred to jointly as the “Complainant”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on September 20, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 10, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 11, 2024.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on October 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 to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is a global provider of information solutions and human resources business process outsourcing services for businesses, governments and consumers. The Complainant was originally incorporated under the laws of the State of Georgia (USA) in 1913, and its predecessor company dates back to 1899. The Complainant operates or has investments in 24 countries in North America, Central and South America, Europe, and the Asia Pacific region.

The Complainant owns hundreds of trademark registrations around the world for EQUIFAX, such as United States Reg. No. 1,027,544 (registered December 16, 1975), and at least 10 trademark registrations in Argentina for marks that consist of or contain the word VERAZ, such as Argentina Reg. No. 3,123,524 (registered November 5, 2020). The Complainant registered the domain name <equifax.com> in 1995. It is used for the Complainant's primary website.

The Domain Name was registered on August 2, 2024. The Domain Name has resolved to a webpage that falsely appears to be a website for the Complainant. The web page uses the Complainant's EQUIFAX logo and offers the same services as the Complainant offers under the EQUIFAX and the VERAZ trademarks. At the time of the Decision, the Domain Name resolved to an error page.

5. Parties' Contentions

A. Complainant

The Complainant provides evidence of trademark registrations before the Domain Name was registered and argues based on previous domain name decisions that the EQUIFAX trademark is a well-known trademark. The Domain Name is confusingly similar to both the Complainant's EQUIFAX trademark and the Complainant's VERAZ trademark. The inclusion of two of the Complainant's trademarks in the Domain Name, divided by a hyphen, does nothing to dispel confusing similarity.

The Complainant argues that the Respondent has no rights or legitimate interests in respect of the Domain Name. The Respondent is not authorized, licensed, or permitted to register or use a domain name incorporating the Complainant's trademarks. The Respondent's use of the Domain Name - for a website that falsely appears to be a website for the Complainant - cannot establish rights or legitimate interests in the Domain Name. Neither can the current non-use of the Domain Name. Such "passive holding" does not constitute a bona fide offering of goods or services.

Given the fame of the Complainant's trademarks, the Complainant argues that it is implausible that Respondent was unaware of the Complainant when the Respondent registered the Domain Name. The Complainant contends that the Respondent has used the Domain Name in bad faith.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademarks and the Domain Name. Where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 1.7.

The Complainant has established that it has rights in the trademarks VERAZ and EQUIFAX. The trademarks are recognizable within the Domain Name. The Domain Name has a hyphen between the two trademarks. The hyphen does obviously not prevent a finding of confusing similarity. See [WIPO Overview 3.0](#), section 1.8. For the purpose of assessing the confusing similarity under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domain ("gTLD") ".com"; see [WIPO Overview 3.0](#), section 1.11.1.

Based on the available record, 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. While 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 often-impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. See [WIPO Overview 3.0](#), section 2.1.

Having reviewed the 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. Based on the record, the Respondent is not affiliated or related to the Complainant. There is no evidence that the Respondent has registered the Domain Name as a trademark or acquired trademark rights. There is no evidence of the Respondent's use of, or demonstrable preparations to use, the Domain Name in connection with a bona fide offering of goods or services. Rather, the Respondent's use of the Domain Name is evidence of bad faith and as such cannot confer rights or legitimate interests upon the Respondent per section 2.13.1 of the [WIPO Overview 3.0](#).

In addition, the composition of the Domain Name is inherently misleading as it effectively impersonates or suggests sponsorship or endorsement by the Complainant. See [WIPO Overview 3.0](#), section 2.5.1.

Based on the available record, 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.

The Respondent most likely knew of the Complainant when the Respondent registered the Domain Name. It follows from the composition of the Domain Name, and the use of the EQUIFAX trademark on the website at the Domain Name. The Respondent appears to have tried to impersonate the Complainant. The Respondent has not offered any explanation as to why it registered the Domain Name, nor provided any evidence of actual or contemplated good faith use of the Domain Name. The Respondent has tried to attract Internet users, for commercial gain, to the Respondent's website, by creating a likelihood of confusion with the Complainant's trademark, which is per se evidence of bad faith. The current non-use of the Domain Name does not change this. See [WIPO Overview 3.0](#), section 3.3.

For the reasons set out above, the Panel concludes that the Domain Name was registered and is being used in bad faith, within the meaning of paragraph 4(a)(iii) of the Policy.

The third element of the Policy has been established.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders the Domain Name <veraz-equifax.com> transferred to the Complainant.

/Mathias Lilleengen/

Mathias Lilleengen

Sole Panelist

Date: October 17, 2024