

ADMINISTRATIVE PANEL DECISION

Equifax Inc. v. Domain Administrator, Fundacion Privacy Services LTD
Case No. D2024-4190

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 Domain Administrator, Fundacion Privacy Services LTD, Panama.

2. The Domain Name and Registrar

The disputed domain name <myequifaxaccount.com> is registered with Media Elite Holdings Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 11, 2024. On October 11, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 13, 2024, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 October 15, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 4, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 13, 2024.

The Center appointed Masato Dogauchi as the sole panelist in this matter on November 19, 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 global provider of information solutions and human resources business process outsourcing services for businesses, governments and consumers. Among its services, the Complainant offers a credit reporting service that provides consumers with a summary of their credit history, and certain other information, reported to credit bureaus by lenders and creditors. The Complainant was originally incorporated in 1913, and its predecessor company dates back to 1899.

The Complainant owns at least 221 trademark registrations in at least 56 jurisdictions around the world for trademarks that consist of or contain the word "EQUIFAX," such as:

- United States Registration No. 1,027,544 for EQUIFAX, registered on December 16, 1975;
- United States Registration No. 1,045,574 for EQUIFAX, registered on August 3, 1976;
- United States Registration No. 1,644,585 for EQUIFAX, registered on May 14, 1991.

The Complainant has its websites at the domain names <equifax.com> registered on February 21, 1995, which it is has continuously used in commerce since that date.

The disputed domain name was registered on December 30, 2019. The Respondent uses the disputed domain name in connection with a pay-per-click or monetized parking page that includes links for services related to the Complainant, such as "My Equifax," "Activate Card" and "My Free Credit Report."

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.

B. Respondent

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

6. Discussion and Findings

In accordance with the Rules, paragraph 15(a), a panel shall decide a case on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable. Since the Respondent has not made any substantive arguments in this case, the following decision is rendered on the basis of the Complainant's contentions and other evidence submitted by the Complainant.

In accordance with the Policy, paragraph 4(a), in order to qualify for a remedy, the Complainant must prove each of the following:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has 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.

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 Complainant has shown rights in respect of a trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The disputed domain name includes the Complainant's EQUIFAX trademark as a whole. Such fact supports a finding that the disputed domain name is confusingly similar to the Complainant's EQUIFAX trademark. The additional words "my" and "account" does not prevent the finding of confusing similarity.

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.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed 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 disputed domain name such as those enumerated in the Policy or otherwise. The use of the inherently misleading disputed domain name to offer competing pay-per-click links for services related to the Complainant's services for the Respondent's own benefit, as well as the Respondent's absence from the proceeding, leads to the conclusion that the Complainant satisfies the second element. [WIPO Overview 3.0](#), section 2.1.

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.

In the present case, in consideration of the fact that the Complainant has been doing business as a provider of information solutions and human resources business process outsourcing services, including a credit reporting service to consumers for years, it is highly unlikely that the Respondent could have been unaware of the Complainant's EQUIFAX trademark at the time of registration of the disputed domain name on December 30, 2019. Given the distinctive nature of the Complainant's coined trademark and the use of the disputed domain name to offer competing pay-per-click links for services related to the Complainant's services for the Respondent's own benefit, such knowledge appears evident. Therefore, it is found that the Respondent registered the disputed domain name in bad faith.

With regard to the requirement that the disputed domain name is being used in bad faith, the disputed domain name is being intentionally used to redirect Internet users to a pay-per-click or monetized parking page that includes links for services related to Complainant. This fact is enough to conclude that the use of the disputed domain name constitutes bad faith. [WIPO Overview 3.0](#), section 3.1.

The Panel finds that the Complainant has established the third element 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 <myequifaxaccount.com> be transferred to the Complainant.

/Masato Dogauchi/

Masato Dogauchi

Sole Panelist

Date: November 22, 2024