

ADMINISTRATIVE PANEL DECISION

Stripe, Inc. v. Jimmy Lee, WITHMOMENT LTD
Case No. D2024-4294

1. The Parties

The Complainant is Stripe, Inc., United States of America (“United States”), represented by Elster & McGrady LLC, United States.

The Respondent is Jimmy Lee, WITHMOMENT LTD, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <stripecard.net> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 17, 2024. On October 18, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 21, 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 23, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 12, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 13, 2024.

The Center appointed Warwick A. Rothnie as the sole panelist in this matter on November 20, 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 describes itself as a builder of economic infrastructure for the Internet. More concretely, it has used the trademark STRIPE in connection with financial services and payment processing services through the United States, the United Kingdom, and more than 40 other countries around the world since 2011.

In that connection, it uses its website at “www.stripe.com” to publish documentation, libraries, and other resources. The Complainant’s domain name <stripecard.com> also redirects to the Complainant’s website at “www.stripe.com”.

According to the Complaint, millions of companies of all sizes around the world use “Stripe” online and in person to accept payments, send payouts and automate financial processes. Its services also include provision of branded commercial cards programs to its business customers. The Complainant’s website states the Complainant’s business processes more than 250 million API calls per day and that more than 90 percent of adults in the United States have bought from businesses using Stripe.

The Complaint includes evidence that the Complainant owns at least four registered trademarks:

- (a) United Kingdom Registered Trademark No. UK00910112498, STRIPE, which was filed on July 11, 2011, and entered on the Register on December 14, 2011, in respect of financial and payments services in International Class 36;
- (b) United States Registered Trademark No. 4,451,679, STRIPE, which was registered in the Principal Register on December 17, 2013, in respect of online credit card payment and transaction processing services, electronic funds transfer services and clearing and reconciling financial transactions via electronic communication networks in International Class 36. The registration claims first use in commerce on January 6, 2011;
- (c) United Kingdom Registered Trademark No. UK00916270134, STRIPE, which was registered on August 28, 2017 with effect from January 20, 2017 in respect of a wide range of relevant goods and services in International Classes 9, 35, 36, 41, 42 and 45; and
- (d) United States Registered Trademark No. 6,275,452, STRIPE, which was registered in the Principal Register on February 23, 2021, in respect of services for facilitating and arranging working capital financing to small businesses and loan services for small business loans in International Class 36.

The disputed domain name was registered on October 7, 2023.

Before the Complaint was filed, the disputed domain name resolved to a website headed “STRIPECARD” adjacent to a logo of a gold-coloured diamond device.

Under the heading “Protect your payment information”, text on the website stated “StripeCard simplifies online payments with on-time virtual bank cards, keeping your payment information secure”. The browser was then invited to apply for the (instant) issue of a credit card.

Under the heading “Why Choose StripeCard”, the website stated “Block overcharging and prevent fraud. Can cancel bank card for free at any time”. Text then went on to state that the service provided “instant issuance of virtual prepaid cards upon account creation or request, ensuring quick a...” [sic]. The website also claimed to use “advanced fraud detection algorithms to monitor transactions in real-time and identify any su...”. [sic]

The website claimed to have more than 5,000 users.

Before filing the Complaint, however, the Complainant sent a takedown notice. Following that, the website no longer resolved to an active website. Instead, it resolves to a webpage “Welcome to nginx!” The page then goes on to state “If you see this page, the nginx web server is successfully installed and working. Further configuration is required”.

The MX records are still activated.

5. Discussion and Findings

No response has been filed. The Complaint and Written Notice have been sent, however, to the Respondent at the electronic and physical coordinates confirmed as correct by the Registrar in accordance with paragraph 2(a) of the Rules. Bearing in mind the duty of the holder of a domain name to provide and keep up to date correct Whois details, therefore, the Panel finds that the Respondent has been given a fair opportunity to present his or its case.

When a respondent has defaulted, paragraph 14(a) of the Rules requires the Panel to proceed to a decision on the Complaint in the absence of exceptional circumstances. Accordingly, paragraph 15(a) of the Rules requires the Panel to decide the dispute on the basis of the statements and documents that have been submitted and any rules and principles of law deemed applicable.

Paragraph 4(a) of the Policy provides that in order to divest the Respondent of the disputed domain name, the Complainant must demonstrate 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

The first element that the Complainant must establish is that the disputed domain name is identical with, or confusingly similar to, the Complainant’s trademark rights.

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.

There are two parts to this inquiry: the Complainant must demonstrate that it has rights in a trademark at the date the Complaint was filed and, if so, the disputed domain name must be shown to be identical or confusingly similar to the trademark.

The Complainant has proven ownership of registered trademarks for STRIPE as described in section 4 above.

The second stage of this inquiry simply requires a visual and aural comparison of the disputed domain name to the proven trademarks. This test is narrower than and thus different to the question of “likelihood of confusion” under trademark law. Therefore, questions such as the scope of the trademark rights, the geographical location of the respective parties, the date they were acquired and other considerations that may be relevant to an assessment of infringement under trademark law are not relevant at this stage. Such matters, if relevant, may fall for consideration under the other elements of the Policy. See e.g. [WIPO Overview 3.0](#), section 1.7.

In undertaking that comparison, it is permissible in the present circumstances to disregard the generic Top-Level Domain (“gTLD”) component as a functional aspect of the domain name system. [WIPO Overview 3.0](#), section 1.11.

Disregarding the “.net” gTLD, the disputed domain name consists of the Complainant’s registered trademark and the term “card”. As this requirement under the Policy is essentially a standing requirement, the addition of this term does not preclude a finding of confusing similarity. See e.g. [WIPO Overview 3.0](#), section 1.8. Apart from anything else, the Complainant’s trademark remains visually and aurally recognisable within the disputed domain name.

Accordingly, the Panel finds that the Complainant has established that the disputed domain name is confusingly similar to the Complainant’s trademark and the requirement under the first limb of the Policy is satisfied.

B. Rights or Legitimate Interests

The second requirement the Complainant must prove is that the Respondent has no rights or legitimate interests in the disputed domain name.

Paragraph 4(c) of the Policy provides that the following circumstances can be situations in which the Respondent has rights or legitimate interests in a disputed domain name:

- (i) before any notice to [the Respondent] of the dispute, [the Respondent’s] use of, or demonstrable preparations to use, the [disputed] domain name or a name corresponding to the [disputed] domain name in connection with a bona fide offering of goods or services; or
- (ii) [the Respondent] (as an individual, business, or other organization) has been commonly known by the [disputed] domain name, even if [the Respondent] has acquired no trademark or service mark rights; or
- (iii) [the Respondent] is making a legitimate noncommercial or fair use of the [disputed] domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

These are illustrative only and are not an exhaustive listing of the situations in which a respondent can show rights or legitimate interests in a 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. [WIPO Overview 3.0](#), section 2.1.

The Respondent registered the disputed domain name eight years after the Complainant began using its trademark and also after the Complainant had registered its trademark.

The Complainant states that it has not authorised the Respondent to use the disputed domain name. Nor is the Respondent affiliated with it.

The disputed domain name is not derived from the Respondent’s name. Nor is there any suggestion of some other name by which the Respondent is commonly known from which the disputed domain name could be derived.

Moreover, as the Complainant points out, according to the registration records at Companies House in the United Kingdom the Respondent was incorporated only on May 18, 2024, which is after the registration of the disputed domain name. In addition, there is only one officer of the company is recorded in the Companies House records, the director, under the name Zhiqiang Mi.

From the available record, the Respondent does not appear to hold any trademarks for the disputed domain name.

Until the Complainant objected to the registration of the disputed domain name, the disputed domain name appeared to be in use in connection with a commercial operation. The nature of that use does not qualify as a legitimate noncommercial or fair use for the purposes of paragraph 4(c)(iii) of the Policy.

The Complainant disputes that the Respondent's website was genuinely offering card issuing and payment services, but rather was likely engaged in a phishing or name and personal details harvesting exercise. The fact that the website has been taken down, but the web server software and MX records are still activated might suggest that the Respondent was not carrying on a genuine (or good faith) business in providing payment services.

However that may be, the operation of such a business under a name confusingly similar to the Complainant's trademark is calculated to cause confusion amongst consumers and, at least in the United Kingdom and the United States, likely to infringe on the Complainant's registered trademarks.

These matters, taken together, are sufficient to establish a prima facie case under the Policy that the Respondent has no rights or legitimate interests in the disputed domain name. The basis on which the Respondent has adopted the disputed domain name, therefore, calls for explanation or justification. The Respondent, however, has not sought to rebut that prima facie case or advance any claimed entitlement.

Accordingly, the Panel finds the Complainant has established the second requirement under the Policy also.

C. Registered and Used in Bad Faith

Under the third requirement of the Policy, the Complainant must establish that the disputed domain name has been both registered and used in bad faith by the Respondent. These are conjunctive requirements; both must be satisfied for a successful complaint: see e.g. *Group One Holdings Pte Ltd v. Steven Hafto* WIPO Case No. [D2017-0183](#).

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the respondent in question has registered and is using the disputed domain name to take advantage of its significance as a trademark owned by (usually) the complainant.

"Stripe" is an ordinary dictionary word in English. However, it has no natural or direct significance in relation to the financial and payment services offered by the Complainant or, before the website was taken down, apparently the Respondent.¹ "Stripe" in the context of the financial and payment services under consideration has significance only as the Complainant's trademark. See e.g. [WIPO Overview 3.0](#), section 2.10 (in the context of rights and legitimate interests).

As the term "stripe" in particular is an arbitrary or suggestive term and not merely descriptive in this context, it appears highly likely that the Respondent adopted the disputed domain name because of its significance as the Complainant's trademark.

Accordingly, there is a strong inference that the disputed domain name was registered in bad faith. Its use being likely to cause confusion and infringe the Complainant's registered trademark would also constitute

¹ The Panel acknowledges that in some contexts the magnetic strip on the back of physical cards may be referred to as a or the "stripe".

use in bad faith under the Policy. Moreover, the continued holding of the disputed domain name (if it is indeed passive) would also constitute use in bad faith in line with the long-established principles in *Telstra Corporation v Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#) and *Skyscanner Limited v. Contact Privacy Inc. Customer 1244355693 / Mrs. K Ananthan*, WIPO Case No. [D2019-0988](#) in the latter case citing *British Telecommunications Plc v One in a Million Ltd* [1998] EWCA Civ 1272; [1988] 4 All ER 476.

Further, Panels have held that use of a domain name of illegitimate activity, here claimed phishing or other types of fraud, constitutes bad faith. See e.g. [WIPO Overview 3.0](#), section 3.4.

In circumstances where the Respondent has not sought to claim, let alone establish, that he or she has rights or legitimate interests in the disputed domain name, therefore, the Panel finds the Respondent has registered and used it in bad faith.

Accordingly, the Complainant has established all three requirements under the Policy.

6. 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 <stripecard.net> be transferred to the Complainant.

/Warwick A. Rothnie/

Warwick A. Rothnie

Sole Panelist

Date: December 4, 2024