

ADMINISTRATIVE PANEL DECISION

Drivetime Sales and Finance Company, LLC v. Zhichao Yang
Case No. D2024-4592

1. The Parties

The Complainant is Drivetime Sales and Finance Company, LLC, United States of America (“United States”), represented by Elster & McGrady LLC, United States.

The Respondent is Zhichao Yang, China.

2. The Domain Name and Registrar

The disputed domain name <bridgcrest.com> 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 November 7, 2024. On November 8, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 8, 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 (Registration Private, Domains by Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 11, 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 November 16, 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 November 18, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 8, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 9, 2024.

The Center appointed Steven A. Maier as the sole panelist in this matter on December 11, 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 limited liability company located in Arizona, United States. It is a dealer in pre-owned cars and provides finance via an affiliated company named Bridgecrest Acceptance Corporation.

The Complainant is the owner of United States trademark registration number 5046959 for the word mark BRIDGECREST, registered on September 20, 2016, with an application date of November 1, 2015, for “financing relating to automobiles” and “providing lease financing for automobiles” in International Class 36.

The Complainant operates a website at “www.bridgecrest.com”.

The disputed domain name was registered on August 14, 2016.

The Complainant produces evidence that the disputed domain name has resolved to a “parking page” which includes what appear to be pay-per-click (“PPC”) links to “Online Payment Service”, “Bill Online Payment”, and “Payment Processing”.

5. Parties’ Contentions

A. Complainant

The Complainant submits that it adopted and commenced use of its BRIDGECREST trademark on April 5, 2016 (although it does not produce any evidence in support of this submission, or of its trading history, business profile, or reputation).

The Complainant contends that the disputed domain name is confusingly similar to its BRIDGECREST trademark. It submits that the disputed domain name is identical to that mark, but for the omission of the letter “e”, which amounts to a “typosquatting” variant.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It states that it has no relationship with the Respondent and has never authorized it to use its BRIDGECREST trademark, that the Respondent has not commonly been known by the disputed domain name, and that the Respondent is making neither bona fide commercial use nor legitimate noncommercial or fair use of the disputed domain name.

The Complainant contends that the Respondent’s use of the disputed domain name for the purpose of PPC links cannot give rise to rights or legitimate interests where the disputed domain name targets the Complainant’s trademark. The Complainant adds that the PPC links in question include links to the Complainant’s direct competitors and even make reference to the Complainant’s BRIDGECREST trademark (although once again particulars are not provided).

The Complainant contends that the disputed domain name was registered and is being used in bad faith. It submits that the name “bridgecrest” has no dictionary meaning, and that there is no conceivable reason for the Respondent to have registered the disputed domain name other than to divert the Complainant’s customers and cause confusion by “typosquatting”. The Complainant asserts that the Respondent had actual knowledge of the Complainant’s trademark rights at the date it registered the disputed domain name.

The Complainant submits that the Respondent is using the disputed domain name intentionally to attract, for commercial gain, Internet users to its webpage (containing PPC links to third-parties' websites, including the Complainant's competitors) by causing confusion between the disputed domain name and the Complainant's BRIDGECREST trademark.

The Complainant submits that the Respondent has engaged in pattern of registering domain names including the trademarks of well-known brands. It cites, for example, *Andrey Ternovskiy dba Chatroulette v. Domain Administrator*, See *PrivacyGuardian.org / Zhichao Yang*, WIPO Case No. [D2019-0792](#), concerning the domain names <chatroulwte.com> and <xhatroulette.com>. The Complainant submits that the Respondent has been the subject of 147 such cases under the UDRP and is in the business of registering misleading domain names.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are that:

- (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 established that it is the owner of registered trademark rights for the mark BRIDGECREST. The disputed domain name is identical to that trademark, but for the omission of the letter "e", and is plainly confusingly similar to that trademark upon the straightforward comparison test.

It is irrelevant to the first element under the Policy (although it may be relevant to the second and third elements) that the Complainant's trademark was registered after the date of the registration of the disputed domain name.

The Panel therefore finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

In the view of the Panel, the Complainant's submissions set out above give rise to a prima facie case that the Respondent has no rights or legitimate interests in respect of the disputed domain name. However, the Respondent has failed to file a Response in this proceeding, and has not submitted any explanation for its

registration and use of the disputed domain name, or evidence of rights or legitimate interests on its part in the disputed domain name, whether in the circumstances contemplated by paragraph 4(c) of the Policy or otherwise.

The Respondent's use of the disputed domain name for a parking page containing PPC links does not give rise to rights or legitimate interests in this case. The disputed domain name is not comprised of a dictionary word to which the Respondent's use of the disputed domain name relates and, in any event, the Panel finds that the Respondent has registered and used the disputed domain name in order to target the Complainant's trademark rights.

The Panel therefore finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

C. Registered and Used in Bad Faith

The third element under the policy involves a conjunctive requirement, that the Respondent must both have registered, and have used, the disputed domain name in bad faith.

In cases where a complainant's trademark was registered after the date of registration of a disputed domain name, it will in many cases be impossible for a complainant to demonstrate that the respondent must have had its (then non-existent) trademark rights in mind when it registered the disputed domain name, and therefore that the registration was in bad faith (see e.g. section 3.8.1 of [WIPO Overview 3.0](#)). There is an exception to this, however, where the respondent can be shown to have been aware of "nascent" trademark rights relating to a forthcoming registration on the complainant's part (see e.g. 3.8.2 of [WIPO Overview 3.0](#)). This includes circumstances where a complainant had filed a trademark application.

In this case, while the Complainant's trademark was not registered until September 20, 2016, its trademark application was filed on November 1, 2015, and was therefore a matter of public record. The disputed domain name was registered on August 14, 2016. Taking account of the facts that the Respondent's trademark BRIDGECREST is an invented term, and that the Respondent has provided no explanation for its choice of the disputed domain name, the Panel infers on balance that the Respondent had actual knowledge of the Complainant's trademark application at the date it registered the disputed domain name, and did so in order to take unfair advantage of the Complainant's nascent trademark rights.

The Panel also accepts the Complainant's contention that the present case appears to be one of "typosquatting", in that the disputed domain name comprises the Complainant's (coined) trademark with the omission of one letter. The Panel finds further that, by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation, or endorsement of its website or of a product or service on its website (paragraph 4(b)(iv) of the Policy).

As to the Complainant's allegation of a pattern of abusive registrations, the Panel notes (for example) the following prior decisions under the UDRP, in addition to those cited by the Complainant, in which the Respondent was found to have made bad-faith registrations:

- *DispatchHealth Management, LLC v. Zhichao Yang*, WIPO Case No. [D2023-4507](#), concerning the domain name <dipatchhealth.com>; and
- *ZenBusiness Inc. v. Zhichao Yang*, WIPO Case No. [D2022-4954](#), concerning the domain name <zenbuisness.com>

Both these examples comprise instances of "typosquatting", and the prior cases in which the Respondent has been found to have registered domain names in bad faith adds to the overall impression of bad faith in this case.

The Panel therefore finds that the disputed domain name has been registered and is being used in bad faith.

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 <bridgcrest.com> be transferred to the Complainant.

/Steven A. Maier/

Steven A. Maier

Sole Panelist

Date: December 18, 2024