

ADMINISTRATIVE PANEL DECISION

Equifax Inc. v. Arron Clements

Case No. D2024-4635

1. The Parties

Complainant is Equifax Inc., United States of America (“U.S.”), represented by The GigaLaw Firm, Douglas M. Isenberg, Attorney at Law, LLC, U.S.

Respondent is Arron Clements, U.S.

2. The Domain Name and Registrar

The disputed domain name <creditscorefreeequifax.com> (the “Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 11, 2024. On November 12, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On November 12, 2024, the Registrar transmitted by email to the Center its verification response confirming that 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 Respondent of the Complaint, and the proceedings commenced on November 14, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 4, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on December 5, 2024.

The Center appointed Kimberley Chen Nobles as the sole panelist in this matter on December 9, 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

Complainant, incorporated in Georgia, U.S. in 1913, is based in Atlanta, Georgia, U.S. It provides information solutions and business process services to businesses, governments, and consumers, including credit reporting services that provides consumers with a summary of their credit history and other information reported to credit bureaus by lenders and creditors. Complainant currently operates in 24 countries and employs about 11,000 people worldwide.

Complainant owns numerous registered trademarks in the U.S. and in other jurisdictions for the EQUIFAX mark, including:

- U.S. registered trademark number 1,027,544 for the EQUIFAX word mark, registered on December 16, 1975;
- U.S. registered trademark number 1,045,574 for the EQUIFAX word mark, registered on August 3, 1976; and
- U.S. registered trademark number 1,644,585 for the EQUIFAX word mark, registered on May 14, 1991.

Complainant also owns and operates the domain name <equifax.com>, which was registered on February 21, 1995.

The Domain Name was registered on July 25, 2024, and at the time of filing of the Complaint, the Domain Name redirected to a parked page with Pay-Per-Click ("PPC") links to various services related to the credit reporting business and/or industry. In particular, the Domain Name resolved to a parked page with PPC links such as "Free Annual Credit Report", "Check My Credit Score", and "Free Credit Report". At the time of the Decision, the Domain Name redirected to an inactive or error page.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

Complainant contends that (i) the Domain Name is identical or confusingly similar to Complainant's trademarks; (ii) Respondent has no rights or legitimate interests in the Domain Name; and (iii) Respondent registered and is using the Domain Name in bad faith.

In particular, Complainant contends that it has trademark registrations for EQUIFAX and that Respondent registered and is using the Domain Name with the intention to confuse Internet users looking for bona fide and well-known EQUIFAX products and services.

Complainant notes that it has no affiliation with Respondent, nor authorized Respondent to register or use the Domain Name, which includes Complainant's trademarks, and that Respondent has no rights or legitimate interests in the registration and use of the Domain Name. Rather, Complainant contends that Respondent has acted in bad faith in acquiring and setting up the Domain Name, when Respondent clearly knew of Complainant's rights.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed Complainant must satisfy the Panel that:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name was registered and is being used in bad faith.

Section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”) states that failure to respond to the complainant’s contentions would not by itself mean that the complainant is deemed to have prevailed; a respondent’s default is not necessarily an admission that the complainant’s claims are true.

Thus, although in this case Respondent has failed to respond to the Complaint, the burden remains with Complainant to establish the three elements of paragraph 4(a) of the Policy by a preponderance of the evidence. See, e.g., *The Knot, Inc. v. In Knot We Trust LTD*, WIPO Case No. [D2006-0340](#).

A. Identical or Confusingly Similar

Ownership of a trademark registration is generally sufficient evidence that a complainant has the requisite rights in a mark for purposes of paragraph 4(a)(i) of the Policy. See [WIPO Overview 3.0](#), section 1.2.1. Complainant has provided evidence of its rights in the EQUIFAX trademarks, as noted above. Complainant has also submitted evidence, which supports that the EQUIFAX trademarks are widely known and a distinctive identifier of Complainant’s products and services

With Complainant’s rights in the EQUIFAX trademarks established, the remaining question under the first element of the Policy is whether the Domain Name, typically disregarding the Top-Level Domain (“TLD”) in which it is registered (in this case, “.com”), is identical or confusingly similar to Complainant’s trademark. See, e.g., *B & H Foto & Electronics Corp. v. Domains by Proxy, Inc. / Joseph Gross*, WIPO Case No. [D2010-0842](#).

Here, the Domain Name is confusingly similar to Complainant’s EQUIFAX trademarks. These trademarks are recognizable in the Domain Name. In particular, the Domain Name includes Complainant’s EQUIFAX trademarks in their entirety, with the addition of the terms “credit”, “score”, and “free” without any space(s) in between, i.e., “creditscorefree” in the Domain Name. The addition of the terms “creditscorefree” in the Domain Name does not prevent a finding of confusing similarity between the Domain Name and Complainant’s EQUIFAX trademarks.

Thus, the Panel finds that Complainant has satisfied the first element of the Policy.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, a complainant must make a prima facie showing that a respondent possesses no rights or legitimate interests in a disputed domain name. See, e.g., *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. [D2008-1393](#). Once a complainant makes such a prima facie showing, the burden of production shifts to the respondent, though the burden of proof always remains on the complainant. If the respondent fails to come forward with relevant evidence showing rights or legitimate interests, the complainant will have sustained its burden under the second element of the UDRP.

From the record in this case, it is evident that Respondent was, and is, aware of Complainant and its trademarks, and does not have any rights or legitimate interests in the Domain Name. Complainant has confirmed that Respondent is not affiliated with Complainant, or otherwise authorized or licensed to use Complainant’s trademarks or to seek registration of any domain name incorporating the trademarks. Respondent is also not known to be associated with the EQUIFAX trademarks and there is no evidence

showing that Respondent has been commonly known by the Domain Name. Further, the nature of the Domain Name comprising Complainant's trademarks in their entirety, with the inclusion of the terms "creditscorefree" indicates an awareness of Complainant, as these are terms used in the industry that Complainant operates in.

In addition, Respondent has not used the Domain Name in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use. Rather, at the time of filing of the Complaint, the Domain Name redirected to a parked page with PPC links for various services related to Complainant and/or the EQUIFAX trademark, such as "Free Annual Credit Report", "Check My Credit Score", and "Free Credit Report". At the time of the Decision, the Domain Name redirected to an inactive website. Such use does not constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use and cannot under the circumstances confer on Respondent any rights or legitimate interests in the Domain Name. See, e.g. *Intesa Sanpaolo S.p.A. v. Charles Duke / Oneandone Private Registration*, WIPO Case No. [D2013-0875](#).

Accordingly, Complainant has provided evidence supporting its prima facie claim that Respondent lacks any rights or legitimate interests in the Domain Name. Respondent has failed to produce countervailing evidence of any rights or legitimate interests in the Domain Name. Thus, the Panel concludes that Respondent does not have any rights or legitimate interests in the Domain Name and Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds that Respondent's actions indicate that Respondent registered and is using the Domain Name in bad faith.

Paragraph 4(b) of the Policy provides a non-exhaustive list of circumstances indicating bad faith registration and use on the part of a domain name registrant, namely:

"(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your 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 your website or location or of a product or service on your website or location."

The Panel finds that Complainant provided ample evidence to show that registration and use of the EQUIFAX trademarks long predate the registration of the Domain Name. Complainant is also well established and known. Indeed, the record shows that Complainant's EQUIFAX trademarks and related products and services are widely known and recognized. Therefore, Respondent was likely aware of the EQUIFAX trademarks when it registered the Domain Name, or knew or should have known that the Domain Name was confusingly similar to Complainant's trademarks. See [WIPO Overview 3.0](#), section 3.2.2; see also *TTT Moneycorp Limited v. Privacy Gods / Privacy Gods Limited*, WIPO Case No. [D2016-1973](#).

Moreover, at the time of filing of the Complaint, the Domain Name redirected to a parked page prominently featuring a banner “creditscorefreeequifax” with PPC links for various services related to Complainant and/or the EQUIFAX trademark, such as “Free Annual Credit Report”, “Check My Credit Score”, and “Free Credit Report”. Such use of Complainant’s trademarks EQUIFAX at the time of registration of the Domain Name is evident of Respondent’s awareness of Complainant’s trademarks and its effort to opportunistically capitalize on the registration and use of the Domain Name.

Such use of the Domain Name is also disruptive to Complainant’s business and potentially damaging to Complainant’s reputation and goodwill, particularly because its use is in the same business and industry as Complainant’s, for activities for which Complainant’s trademarks are well-known, and is evidence of bad faith. See *Lennar Pacific Properties Management, Inc., Lennar Corporation v. Registration Private, Domains By Proxy, LLC / IAutomation Contractors*, WIPO Case No. [D2022-1768](#).

The Panel therefore finds that Respondent’s awareness of Complainant’s trademark rights at the time of registration suggests bad faith. See *Red Bull GmbH v. Credit du Léman SA, Jean-Denis Deletraz*, WIPO Case No. [D2011-2209](#); *Nintendo of America Inc v. Marco Beijen, Beijen Consulting, Pokemon Fan Clubs Org., and Pokemon Fans Unite*, WIPO Case No. [D2001-1070](#); and *BellSouth Intellectual Property Corporation v. Serena, Axel*, WIPO Case No. [D2006-0007](#).

In the present circumstances, considering the distinctiveness and reputation of the EQUIFAX trademarks, the failure of Respondent to submit a response or to provide any evidence of actual or contemplated good faith use, and particularly noting the Domain Name clearly targeted Complainant, the Panel finds that Respondent has registered and is using the Domain Name in bad faith and Complainant succeeds under the third element of paragraph 4(a) 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 Domain Name <creditscorefreeequifax.com> be transferred to Complainant.

/Kimberley Chen Nobles/
Kimberley Chen Nobles
Sole Panelist
Date: December 17, 2024