

ADMINISTRATIVE PANEL DECISION

Skopos Financial, LLC v. johnnleed
Case No. DCO2024-0039

1. The Parties

The Complainant is Skopos Financial, LLC, United States of America, represented by SafeNames Ltd., United Kingdom.

The Respondent is johnnleed, China.

2. The Domain Name and Registrar

The disputed domain name <reprisefinancial.co> is registered with Above.com, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 22, 2024. On May 23, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 28, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 28, 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 May 28, 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 May 30, 2024. In accordance with the Rules, paragraph 5, the due date for Response was June 19, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 20, 2024.

The Center appointed Fabrizio Bedarida as the sole panelist in this matter on June 24, 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 in this proceeding, Skopos Financial, LLC, is a financial auto lender that provides loans to individuals and families to help purchase new or used vehicles. In 2021, the Complainant founded the REPRISE FINANCIAL brand, specialising in personal loans for individuals. The Complainant provides loans of from USD 2,500 to USD 25,000 and has funded over USD 1.8 billion in loans to date.

The Complainant is, inter alia, the owner of:

- United States of America trademark registration number 6,791,486 for the REPRISE trademark registered on July 12, 2022; and

- United States of America trademark registration number 6,791,485 for the REPRISE FINANCIAL trademark registered on July 12, 2022;

The Complainant registered the domain name of its official website, "www.reprisefinancial.com", on January 11, 2022. The Complainant's official website, according to third-party statistics, averages over 180,000 visits per month from users globally.

The Complainant is active on social media, promoting their services online under the REPRISE FINANCIAL name, particularly on Facebook, X (Twitter), and LinkedIn.

The disputed domain name was registered on January 27, 2024.

The disputed domain name is currently inactive. From the submissions provided by the Complainant it appears that previously (at least on May 20, 2024), the disputed domain name was used to host a series of Pay-Per-Click (PPC) links. Some of these links directed users to third-party websites offering loans, thus competing directly with the Complainant's activity.

The Complainant's representatives sent a cease and desist letter to the Respondent (via the registrar's email), which to date remains unanswered.

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.

Notably, the Complainant contends that the disputed domain name is identical to the Complainant's REPRISE FINANCIAL trademark, that the Respondent has no rights or legitimate interests in the disputed domain name, and particularly that the Respondent registered and used the disputed domain name to host a series of PPC links related to the Complainant's activity in order to capitalize on and take advantage of the renown of the Complainant's trademark, aiming to unlawfully profit through this use. In addition, the Complainant submits that the presence of mail exchange (MX) records suggests the Respondent could engage in harmful activity through email distribution, given the evidently implied affiliation with the disputed domain name and the Complainant's trademark.

B. Respondent

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

6. Discussion and Findings

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain name is identical or confusingly similar to a trademark 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 or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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.

Although 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 difficult 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 (although the burden of proof always remains on the complainant). 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.

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.

In addition, the Panel notes that the composition of the disputed domain name, being identical to the Complainant's REPRISE FINANCIAL trademark and almost identical to the Complainant's official domain name <reprisefinancial.com>, carries a high risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5.1.

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, the Panel notes that the Respondent intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's trademark. Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

The disputed domain name reproduces, without any authorization or approval, the Complainant's registered REPRISE FINANCIAL trademark, and is also almost identical to the Complainant's domain name <reprisefinancial.com>. The disputed domain name was used to host PPC links related to the Complainant's activity.

Therefore, it is more likely than not that the Respondent, when registering the disputed domain name, had knowledge of the Complainant's earlier rights to the REPRISE FINANCIAL trademark, and chose the disputed domain name intentionally in order to misleadingly attract Internet users to its own website for commercial gain, by creating a likelihood of confusion with the Complainant's trademark, and this amounts to bad faith use and registration of the disputed domain name

Furthermore, as stated in *CKM Holdings Inc. v. Grant Chonko, Genesis Biosciences*, WIPO Case No. [D2022-0479](#): "A MX record is a resource record in the domain name system specifying which email server is responsible for accepting email on behalf of a domain name. It is not necessary to assign MX records to a domain name if the registrant does not intend to use the domain name to send and receive email. Activating the MX records to designate an email server and enable email is an action beyond mere registration of the Disputed Domain Name and may constitute bad faith use." It is not clear if the Respondent took this action, or it may be a Registrar default, but without the benefit of a Response, the Panel has no information from the Respondent to the contrary.

Finally, the Respondent's failure to respond to the Complainant's cease and desist letter and to the allegations made in this proceeding regarding its bad faith in registering and using the disputed domain name can be seen as further indication of bad faith.

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 <reprisefinancial.co> be transferred to the Complainant.

/Fabrizio Bedarida/
Fabrizio Bedarida
Sole Panelist
Date: July 3, 2024