

ADMINISTRATIVE PANEL DECISION

Skopos Financial, LLC v. Host Master, Transure Enterprise Ltd
Case No. D2023-3713

1. The Parties

Complainant is Skopos Financial, LLC, United States of America (“United States”), represented by SafeNames Ltd., United Kingdom.

Respondent is Host Master, Transure Enterprise Ltd, United States.

2. The Domain Names and Registrar

The disputed domain names <reprisefinanciamyoffer.com> and <reprisefinanciamyofferl.com> are registered with Above.com, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 1, 2023. On September 5, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On September 8, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (above_privacy) and contact information in the Complaint. The Center sent an email communication to Complainant on September 8, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on September 11, 2023.

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 Respondent of the Complaint, and the proceedings commenced on September 14, 2023. In accordance with the Rules, paragraph 5, the due date for Response was October 4, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on October 10, 2023.

The Center appointed Timothy D. Casey as the sole panelist in this matter on October 31, 2023. 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 is a financial auto lender that started providing personal loans to individuals in May 2022 for emergencies, bill consolidation, home improvement, vacations, and the like, using the trademarks REPRISE and REPRISE FINANCIAL (the “REPRISE FINANCIAL Marks”). Complainant owns two trademarks as follows:

Mark	Designation	Class(es)	Registration No.	Registration Date
REPRISE	United States of America	036	6,791,486	July 12, 2022
REPRISE FINANCIAL	United States of America	036	6,791,485	July 12, 2022

The disputed domain name was registered on May 21, 2023.

Complainant provided evidence showing that the disputed domain name previously resolved to website pages including pay-per-click (“PPC”) links largely related to finances and taxes, and currently resolves to website pages including malicious software.

5. Parties’ Contentions

A. Complainant

Complainant contends that the REPRISE FINANCIAL Marks satisfy the threshold of having trademark rights for standing to file a UDRP case and that the disputed domain names are confusingly similar to the REPRISE FINANCIAL Marks primarily because the REPRISE FINANCIAL Marks are clearly recognizable in the disputed domain names. Complainant contends that the addition of the terms “myoffer” and “myoffer1” are merely generic, geographic, or descriptive terms that do not negate a finding of confusing similarity. Complainant further contends that the top-level domain (“TLD”) should be disregarded.

Complainant contends that Respondent has no rights or legitimate interests in the disputed domain names. Complainant is unaware of any trademark rights that Respondent might have in the term “reprise financial”, and has received no license from Complainant to use the same. The disputed domain names currently resolve to website pages containing some form of malicious software which Complainant contends shows that Respondent is seeking to take advantage of the REPRISE FINANCIAL Marks and as such the current use cannot constitute a bona fide offering of goods or services. Complainant notes that Respondent has not made a legitimate noncommercial or fair use of the disputed domain names, particularly in view of Respondent’s prior use of the disputed domain names to host PPC links. Complainant further contends that Respondent is not known, nor has Respondent ever been commonly known, by the term “reprise financial” or the disputed domain names.

Complainant further contends that Respondent registered and is using the disputed domain names in bad faith because (1) registration of the REPRISE FINANCIAL Marks predates the creation date of the disputed domain names, (2) searching the term “reprise financial” using popular search engines will list Complainant’s brand and services, (3) there is an obvious connection between the REPRISE FINANCIAL Marks and the disputed domain names that suggest opportunistic bad faith, particularly because Respondent is unaffiliated with Complainant, and (4) Complainant sent Respondent a cease-and-desist letter on July 11, 2023, putting Respondent on notice of Complainant’s rights in the REPRISE FINANCIAL Marks and received no response. Further, as noted above, Complainant contends that Respondent’s prior use of the disputed domain names

in association with PPC links and current usage in association with malicious software constitutes use in bad faith. Complainant also notes that Respondent activated mail exchange ("MX") records for the disputed domain names, suggesting that Respondent could engage in phishing using the disputed domain names, which is further evidence of bad faith. Finally, Complainant contends that Respondent has a pattern of bad faith registrations as evidenced by over 90 previous UDRP decisions against Respondent.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

Complainant's use of the REPRISE FINANCIAL Marks and registrations are more than sufficient to establish that Complainant has trademark rights in the REPRISE FINANCIAL Marks.

Complainant contends that the disputed domain names are confusingly similar to the REPRISE FINANCIAL Marks. The Panel agrees that the REPRISE FINANCIAL Marks are recognizable in the disputed domain names and that the added terms do not prevent a finding that the disputed domain names are confusingly similar to the REPRISE FINANCIAL Marks.

B. Rights or Legitimate Interests

The Panel finds that Respondent has no rights or legitimate interests in the disputed domain names. Respondent does not appear to be commonly known by the disputed domain names. Complainant has not permitted Respondent to use the REPRISE FINANCIAL Marks or otherwise licensed such use and has no business relationship with Respondent.

Respondent's prior use, i.e., association with PPC links, of the disputed domain names is not a bona fide offering of goods or services that would give rise to rights or legitimate interests in the disputed domain names. Respondent's current use of the disputed domain names in association with malicious software is also not a bona fide offering of goods or services.

Respondent has not rebutted Complainant's prima facie case and has provided no arguments or evidence showing potential rights or legitimate interests in the disputed domain names. For these reasons, the Panel finds that Respondent has no rights or legitimate interests in the disputed domain names.

C. Registered and Used in Bad Faith

Respondent clearly was aware or should have been aware of the REPRISE FINANCIAL Marks prior to creation of the disputed domain names, particularly given the obvious connection between the REPRISE FINANCIAL Marks and the disputed domain names and how the disputed domain names have been used. Respondent's failure to respond to Complainant's cease-and-desist letter is further evidence of bad faith, as is the evidence of Respondent's pattern of bad faith registrations.

The Panel finds that Respondent's registration and use of the disputed domain names are 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 names <repriseфинанциamyoffer.com> and <repriseфинанциamyofferl.com> be transferred to Complainant.

/Timothy D. Casey/

Timothy D. Casey

Sole Panelist

Date: November 21, 2023