

ADMINISTRATIVE PANEL DECISION

Stripe, Inc. v. Anastasia Elly

Case No. D2023-4561

1. The Parties

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

The Respondent is Anastasia Elly, United States.

2. The Domain Name and Registrar

The disputed domain name <yourstripe.com> (the “Disputed 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 2, 2023. On November 3, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On November 3, 2023, 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 (Privacy Service Provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 5, 2023, 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 7, 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 the Respondent of the Complaint, and the proceedings commenced on November 13, 2023. In accordance with the Rules, paragraph 5, the due date for Response was December 3, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 6, 2023.

The Center appointed Lynda M. Braun as the sole panelist in this matter on December 20, 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

The Complainant, a corporation organized under the laws of the State of Delaware, is a technology company that builds economic infrastructure for the Internet. Millions of businesses of every size -from new startups to public companies- use the Complainant's software to accept payments and manage their businesses online. The Complainant offers its services to businesses in over 40 countries worldwide, including the United States.

The Complainant owns multiple trademark registrations for its STRIPE trademarks with the United States Patent and Trademark Office ("USPTO"), including, but not limited to STRIPE, United States Trademark Registration No. 4,451,679, registered on December 17, 2013, in international class 36; STRIPE, United States Registration No. 6,275,452, registered on February 23, 2021, in international class 36; and STRIPE, United States Registration No. 6,389,493, registered on June 15, 2021, in international classes 35, 41, and 45. In addition, the Complainant has registered STRIPE trademarks in various jurisdictions worldwide, including in Iceland, Saudi Arabia, the United Kingdom, and Egypt, in connection with financial services and payment processing services since at least as early as 2011.

The aforementioned trademarks will hereinafter collectively be referred to as the "STRIPE Mark".

The Complainant owns the domain name <stripe.com> that resolves to its official consumer-facing website at "www.stripe.com" and on which the Complainant prominently uses its STRIPE Mark to direct visitors to its documentation, libraries, and API ("Application Programming Interface") resources.

The Disputed Domain Name was registered on June 30, 2023, and resolves to a website in Arabic that attempts to impersonate the Complainant as seen in screenshots of the website in an annex to the Complaint. The Complainant submitted a translation of the Respondent's website into English that demonstrates that the site is conceptually similar to the Complainant's official website as it offers competing financial services, and states that the site is a brand of "YourStripe LLC" (likely referring to the Complainant), which is registered in the United States. In addition, the Respondent activated Mail Exchange ("MX") records associated with the Disputed Domain Name, possibly in an attempt to perpetuate a fraudulent phishing scheme to acquire personal and confidential information from users searching for the Complainant's website.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for the transfer of the Disputed Domain Name. Notably, the Complainant contends that:

- the Disputed Domain Name is confusingly similar to the Complainant's STRIPE Mark because the Disputed Domain Name contains the STRIPE Mark in its entirety, and the additional term "your" and the generic Top-Level Domain ("gTLD") ".com" do not prevent a finding of confusing similarity;
- the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because the Complainant has not authorized the Respondent to register a domain name containing the STRIPE Mark, and the Respondent was not making a *bona fide* offering of goods or services through the Disputed Domain Name, and the Respondent has never been commonly known by the STRIPE Mark or any similar name. In addition, the Complainant believes that the Disputed Domain Name could be used for phishing or other fraudulent purposes that cannot constitute a *bona fide* use; and

- the Disputed Domain Name was registered and is being used in bad faith because, among other things, the Disputed Domain Name resolves to a website in Arabic that offers similar and competing financial services as does the Complainant's website, and the Respondent also configures emails using MX records to potentially perpetuate a phishing scheme to acquire confidential information from users.

The Complainant seeks the transfer of the Disputed Domain Name from the Respondent to the Complainant in accordance with paragraph 4(i) of the Policy.

B. Respondent

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

6. Discussion and Findings

In order for the Complainant to prevail and have the Disputed Domain Name transferred to the Complainant, the Complainant must prove the following (Policy, paragraph 4(a)):

- (i) the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (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

Paragraph 4(a)(i) of the Policy requires a two-fold inquiry: a threshold investigation into whether a complainant has rights in a trademark, followed by an assessment of whether the disputed domain name is identical or confusingly similar to that trademark. The Panel concludes that in the present case, the Disputed Domain Name is confusingly similar to the STRIPE Mark.

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. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

It is uncontroverted that the Complainant has established rights in the STRIPE Mark based on its years of use as well as its registered trademarks for STRIPE before the USPTO and jurisdictions worldwide. The consensus view is that "registration of a mark is *prima facie* evidence of validity, which creates a rebuttable presumption that the mark is inherently distinctive". See *CWI, Inc. v. Domain Administrator c/o Dynadot*, WIPO Case No. [D2015-1734](#). The Respondent has not rebutted this presumption, and therefore the Panel finds that the Complainant has rights in the STRIPE Mark.

The Disputed Domain Name consists of the STRIPE Mark in its entirety preceded by the term "your", and then followed by the gTLD ".com". It is well established that a domain name that wholly incorporates a trademark may be deemed confusingly similar to that trademark for purposes of the Policy despite the addition of other terms. As stated in section 1.8 of [WIPO Overview 3.0](#), "where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element". Thus, the mere addition of the term "your" to the Complainant's STRIPE Mark in the Disputed Domain Name does not prevent confusing similarity. See e.g., *Allianz Global Investors of America, L.P. and Pacific Investment Management Company (PIMCO) v. Bingo-Bongo*, WIPO Case No. [D2011-0795](#); and *Hoffmann-La Roche Inc. v. Wei-Chun Hsia*, WIPO Case No. [D2008-0923](#).

Finally, the addition of a gTLD such as ".com" in a domain name is a technical requirement. As such, it is well-established that a gTLD may typically be disregarded when assessing whether a disputed domain name

is identical or confusingly similar to a trademark. See *Proactiva Medio Ambiente, S.A. v. Proactiva*, WIPO Case No. [D2012-0182](#) and [WIPO Overview 3.0](#), section 1.11.1. Thus, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant's STRIPE Mark.

Based on the available record, the Panel finds that 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 that 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.

In this case, given the facts as set out above, the Panel finds that the Complainant has made out a *prima facie* case. The Respondent has not submitted any arguments or evidence to rebut the Complainant's *prima facie* case. Furthermore, the Complainant has not authorized, licensed or otherwise permitted the Respondent to use its STRIPE Mark. Nor does the Complainant have any type of business relationship with the Respondent. There is also no evidence that the Respondent is commonly known by the Disputed Domain Name or by any similar name, nor any evidence that the Respondent was using or making demonstrable preparations to use the Disputed Domain Name in connection with a *bona fide* offering of goods or services. See Policy, paragraph 4(c).

Further, the Respondent's use of the Disputed Domain Name to create and host a website confusingly similar to the Complainant's official website, and to configure emails using MX records to potentially perpetuate a phishing scheme does not confer rights or legitimate interests on the Respondent. See [WIPO Overview 3.0](#), section 2.13.1 (“Panels have categorically held that the use of a domain name for illegal activity (e.g., the sale of counterfeit goods or illegal pharmaceuticals, phishing, distributing malware, unauthorized account access/hacking, impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent.”). Thus, the Panel concludes that nothing on the record before it would support a finding that the Respondent is making a legitimate noncommercial or fair use of the Disputed Domain Name. Rather, the Panel finds that the Respondent is using the Disputed Domain Name for commercial gain with the intent to mislead and defraud the Complainant's customers. Moreover, such use cannot conceivably constitute a *bona fide* offering of a product/service within the meaning of paragraph 4(c)(i) of the Policy. Moreover, since the Disputed Domain Name directs to a website in Arabic that claims to be affiliated with the Complainant and competes with the Complainant's website using the STRIPE Mark preceded by the term “your”, the Respondent's use of the Disputed Domain Name does not demonstrate rights or legitimate interests and does not constitute a protected noncommercial or fair use of the Disputed Domain Name.

Finally, the composition of the Disputed Domain Name, comprising the entirety of the STRIPE Mark together with the term “your”, carries a risk of implied affiliation and cannot constitute fair use here, as it effectively suggests sponsorship or endorsement by the Complainant. See [WIPO Overview 3.0](#), section 2.5.1.

In sum, the Panel finds that the Complainant has established an un rebutted *prima facie* case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name.

Based on the available record, the Panel finds that 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.

The Panel finds that based on the record, the Complainant has demonstrated the existence of the Respondent's bad faith registration and use of the Disputed Domain Name pursuant to paragraph 4(a)(iii) of the Policy.

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.

Panels have held that the use of a domain name for illegal activity, as is present here, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds that the Respondent's registration and use of the Disputed Domain Name constitutes bad faith under the Policy due to the Respondent's use of a website purportedly offering competing financial services to unwitting customers who were searching for the Complainant's services. Further, the activation of MX records for the Disputed Domain Name by the Respondent is evidence of bad faith because it "give[s] rise to the strong possibility that [the] Respondent intended or intends to use the disputed domain name to send emails as part of a fraudulent phishing scheme." See *Altria Group, Inc. and Altria Group Distribution Company v. Emerson Terry*, WIPO Case No. [D2021-0045](#). See also [WIPO Overview 3.0](#), section 3.1.4 ("the use of a domain name for *per se* illegitimate activity such as ... phishing ... is manifestly considered evidence of bad faith").

In the present case, the Panel notes that the STRIPE Mark is contained in its entirety in the Disputed Domain Name. The use of a domain name to intentionally attempt to attract Internet users to a respondent's website or online location by creating a likelihood of confusion with a complainant's mark as to the source, sponsorship, affiliation or endorsement of the registrant's website or online location for commercial gain demonstrates registration and use in bad faith. Here, the Respondent's registration and use of the Disputed Domain Name indicate that such registration and use had been done for the specific purpose of trading on and targeting the name and reputation of the Complainant. See *Madonna Ciccone, p/k/a Madonna v. Dan Parisi and "Madonna.com"*, WIPO Case No. [D2000-0847](#) ("[t]he only plausible explanation for Respondent's actions appears to be an intentional effort to trade upon the fame of Complainant's name and mark for commercial gain").

Moreover, the Panel concludes that the Respondent's registration of the Disputed Domain Name was an attempt to disrupt the Complainant's business by diverting Internet users who were searching for the Complainant's services from its official website to the Respondent's website, as well as to prevent the Complainant from registering the Disputed Domain Name. See *Banco Bradesco S.A. v. Fernando Camacho Bohm*, WIPO Case No. [D2010-1552](#). The Respondent's use of the Disputed Domain Name is also highly likely to confuse Internet users into incorrectly believing that the Respondent is somehow authorized by or affiliated with the Complainant, and to disrupt the Complainant's business by advertising and offering financial services meant for the United States.

The Panel also finds that the Respondent knew that the Complainant had rights in the STRIPE Mark when registering the Disputed Domain Name, emblematic of bad faith registration and use. The Respondent created a conceptually similar, competing website in Arabic, making clear that the Respondent was well-aware of the Complainant and its STRIPE Mark, also demonstrating bad faith. Therefore, it strains credulity to believe that the Respondent had not known of the Complainant or its STRIPE Mark when registering the Disputed Domain Name. See *Myer Stores Limited v. Mr. David John Singh*, WIPO Case No. [D2001-0763](#) ("a finding of bad faith may be made where the respondent "knew or should have known" of the registration and/or use of the trademark prior to registering the domain name"). Thus, the Panel finds that in the present

case, the Respondent had the Complainant's STRIPE Mark in mind when registering the Disputed Domain Name.

In sum, the Panel concludes that the circumstances of this case, including claims that the Disputed Domain Name has been used to impersonate the Complainant and perpetrate a phishing scheme for the Respondent to acquire sensitive information from the Complainant's customers, the failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good faith use, and the implausibility of any good faith use to which the Disputed Domain Name may be put, support an inference of bad faith.

Based on the available record, the Panel finds that the third element of the Policy has been established.

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 <yourstripe.com> be transferred to the Complainant.

/Lynda M. Braun/

Lynda M. Braun

Sole Panelist

Date: January 3, 2024