

ADMINISTRATIVE PANEL DECISION

Lendo part of Schibsted AS v. Sebaastian Vettel
Case No. D2023-5311

1. The Parties

The Complainant is Lendo part of Schibsted AS, Norway, represented by Abion AB, Sweden.

The Respondent is Sebaastian Vettel, Latvia.

2. The Domain Name and Registrar

The disputed domain name <lendosupport.com> is registered with Hosting Concepts B.V. d/b/a Registrar.eu. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 21, 2023. On December 22, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 27, 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 (Whois Privacy Protection Foundation Zuid-Holland) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 2, 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 January 5, 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 January 8, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 28, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 31, 2024.

The Center appointed Adam Taylor as the sole panelist in this matter on February 5, 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

Since 2007, the Complainant has provided online loan comparison and related services in Norway, Sweden and Denmark under the mark LENDO.

The Complainant owns a number of trade marks for LENDO including European Union Trade Mark No. 006463376, registered on December 18, 2008, in class 36.

The Complainant operates various websites including “www.lendo.se”, “www.lendo.no”, “www.lendo.dk” and “www.lendo.group”.

The disputed domain name was registered on November 8, 2022.

As of November 30, 2022, the disputed domain name resolved to a website branded “BitChain” that purported to provide compliance, risk management and other services to financial institutions, and which included text that duplicated content on other websites, as well as dummy text (“Lorem ipsum...”).

The Respondent also configured MX records enabling use of the disputed domain name for email.

The Respondent did not reply to the Complainant’s multiple cease and desist letters sent between November 23, 2022, and November 29, 2023.

5. Parties’ Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

Under the Policy, the Complainant is required to prove on the balance of probabilities that:

- the disputed domain name is identical or confusingly similar to a trade mark in which the Complainant has rights;
- the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- 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 trade mark 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 trade mark 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 confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, “support”) may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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 recognised 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.

As to paragraph 4(c)(i) of the Policy, and as discussed in section 3 above, the disputed domain name has been used for a website which appears bogus, including content duplicative of other websites, as well as dummy text. The foregoing does not constitute a bona fide offering of goods or services.

Nor is there any evidence that paragraphs 4(c)(ii) or (iii) of the Policy are relevant in the circumstances of this case.

Furthermore, panels have held that the use of a domain name for illegal activity (here, claimed phishing) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

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 Panel notes the following:

1. The disputed domain name includes the Complainant’s distinctive mark.

2. The use of the term “support” in conjunction with the Complainant’s mark denotes an official source for support relating to the Complainant’s services.
3. The disputed domain name has been used for a website that purported to offer services relating to the Complainant’s industry.
4. As discussed in section 6B above, the Respondent’s website was likely bogus.
5. The name of the Respondent – similar to the distinctive name of a well-known German racing driver – is likely false.

Furthermore, panels have held that the use of a domain name for illegal activity (here, claimed phishing) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. The Panel notes that the Respondent has not appeared in this proceeding to dispute the Complainant’s allegations regarding fraudulent use of the disputed domain name, or otherwise.

Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain name constitutes bad faith under the Policy.

Based on the available record, the Panel finds 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 <lendosupport.com> be transferred to the Complainant.

/Adam Taylor/

Adam Taylor

Sole Panelist

Date: February 19, 2024