

ADMINISTRATIVE PANEL DECISION

Grantify Ltd v. Moa Vibes
Case No. D2024-0763

1. The Parties

The Complainant is Grantify Ltd, United Kingdom, represented by Shakespeare Martineau LLP., United Kingdom.

The Respondent is Moa Vibes, United States of America.

2. The Domain Name and Registrar

The disputed domain name <grantifyfund.org> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 19, 2024. On February 21, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 22, 2024, the Registrar transmitted by email to the Center its verification response confirming that the 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 the Respondent of the Complaint, and the proceedings commenced on March 11, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 31, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 3, 2024.

The Center appointed Alistair Payne as the sole panelist in this matter on April 8, 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 was incorporated in 2019 to assist start-up businesses to acquire government grant funding in the United Kingdom and more recently in the United States of America. It has since incorporation traded under the name “Grantify” and the Complainant owns United Kingdom trademark registration UK00003564268 for its GRANTIFY mark which was registered on June 25, 2021. The Complainant owns the domain name <grantify.io> from which it hosts its main website and it has a significant on-line presence as a result of on-line marketing campaigns, an established social media presence with 25,000 followers, its participation in well known trade summits such as the Web Summit in Lisbon and “Meet The Founders” and its various partnerships and media reviews.

The disputed domain name was registered on June 25, 2023, and resolves to a website featuring the GRANTIFY mark which purports to assist individuals and businesses to obtain grants. It makes claims such as having had USD 1.2 million of grants available this year and with a total award value of USD 546,000 in 2023. The website at the disputed domain name further claims a *“568m Donation Reach”* with *“168+ Company Donor”* *“895+ Personal Donor”* and *“487+ Organization Apply”*. It represents that it has partnerships with various well-known companies before inviting applicants to fill out a detailed application form including personal details, contact details and social security number. The application form also requires details of the type of grant (“Personal” or “Business”) and of the purpose which includes “personal need” and “debt repayment” and finally requires the applicant to upload the back and front of an identification document.

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 wholly incorporates its GRANTIFY mark and is confusingly similar to it. It says that the inclusion of the word “fund”, which is descriptive of the services allegedly offered, does not distinguish the disputed domain name and therefore does not prevent a finding of confusing similarity.

The Complainant submits that the Respondent’s only interest in the disputed domain name is to divert online traffic away from the Complainant, and to encourage Internet users to submit personal data to the Respondent, as part of an illegitimate data mining enterprise. It submits that the Respondent is making a disingenuous offer of grant monies from the website at the disputed domain name without any upfront payment required, and without any substantiation of a funding source and that the Respondent has no legitimate connection to any grant funding program or body, or any Government backed grant source. The Complainant asserts that the depth of information sought by this preliminary application process is unnecessary and intrusive in circumstances that funding is not provided immediately upon application but requires the Respondent to allegedly contact the would-be applicant to discuss “the next steps”. The Complainant avers that no such process takes place, and instead that the website at the disputed domain name is used to illegally obtain data from unsuspecting Internet users.

The Complainant says that the Respondent is not making a legitimate or noncommercial use of the GRANTIFY mark, nor is it using the disputed domain name in a fair manner. Instead, says the Complainant, the Respondent possesses the disputed domain name purely to make an unlawful commercial gain or in the alternative, the Respondent is attempting to misleadingly divert consumers or tarnish the Complainant’s mark. The Complainant says that it is unaware of any claims by the Respondent to have any rights or legitimate interests in respect of the disputed domain name.

Due to the reputation attaching to the Complainant's GRANTIFY mark the Complainant says that the Respondent must have been aware of the Complainant's interests when it registered the disputed domain name and that it did so for its own purposes and in order to use the Complainant's mark for its own valuable gain. It says that the Respondent registered or acquired the disputed domain name without any intention to use it for legitimate purposes and that the business for which it is using the mark is a sham that disrupts the Complainant's business and the Respondent has therefore both registered and used the disputed domain name in bad faith.

B. Respondent

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

6. Discussion and Findings

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 confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of the term "fund" 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 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.

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

It appears to the Panel that the Respondent is using the Complainant's coined and highly distinctive and well reputed GRANTIFY mark on the website to which the disputed domain name resolves in relation to exactly the same activity as conducted by the Complainant, in order to associate itself with the Complainant and to confuse Internet users into thinking that it has some association with the Complainant that it does not have.

In addition, there is no indication of the source of the grant monies allegedly available. Further, it appears very unlikely that in the short period between the registration of the disputed domain name and the date of this Complaint that the grant statistics claimed on the website could be accurate.

The grant application form on the Respondent's website seeks a considerable amount of information from grant applicants and much more detailed information than required upon a preliminary request, including details such as their social security number and both sides of a piece of personal identification. In the circumstance and in the absence of any explanation by the Respondent to the contrary, it appears to the Panel, as submitted by the Complainant, that the Respondent is seeking to phish for personal information from would be grant applicants and that the website at the disputed domain name is a sham for this illegal activity. Accordingly, the Panel finds that the Respondent's activity on the website to which the disputed domain name resolves is not bona fide and is illegal and cannot confer rights or legitimate interests in the disputed domain name.

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 Complainant's GRANTIFY mark is a coined term which is highly distinctive and which was registered in 2019, some years before the Respondent registered the disputed domain name in mid-2023. The Complainant has made considerable on-line and other use of the GRANTIFY mark which appears to have developed a reputation and degree of renown since its first use in 2019. Considering also that the disputed domain name resolves to a website which uses the GRANTIFY in relation to exactly the same activity for which the Complainant uses the mark, the Panel considers that the Respondent must have been aware of the Complainant's mark and business when it registered the disputed domain name.

Panels have held that the use of a domain name for illegal activity, here claimed as phishing, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. The website to which the disputed domain name resolves attempts to masquerade as a GRANTIFY website and in doing so to trade off the reputation attaching to the Complainant's mark and business. It then seeks to obtain much more detailed information from would be applicants than is necessary at the preliminary expression of interest stage of a grant application. Various of the representations on the website lack credibility and overall and for the reasons set out under Part B above the Panel finds this to be a plain case of phishing by the Respondent which amounts to use of the disputed domain name in bad faith.

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

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 <grantifyfund.org> be transferred to the Complainant.

/Alistair Payne/

Alistair Payne

Sole Panelist

Date: April 19, 2024