

ADMINISTRATIVE PANEL DECISION

Zions Bancorporation, N.A., a National Banking Association, dba Zions First National Bank v. Iridian ANAHI Estrada
Case No. D2022-0382

1. The Parties

The Complainant is Zions Bancorporation, N.A., a National Banking Association, dba Zions First National Bank, United States of America (“United States” or “U.S”), represented by TechLaw Ventures, PLLC, United States.

The Respondent is Iridian ANAHI Estrada, United States.

2. The Domain Name and Registrar

The disputed domain name <zionsbank.space> is registered with Beget LLC (the “Registrar”).

3. Procedural History

The Complaint in English was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 4, 2022. On February 4, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 7, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on February 10, 2022, 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 amendment to the Complaint on February 10, 2022.

The Registrar confirmed that the language of the Registration Agreement for the disputed domain name was Russian. On February 7, 2022, the Center sent an email communication in both English and in Russian to the Parties and invited the Complainant to respond by February 13, 2022 and the Respondent to comment on the Complainant’s response by February 15, 2022. On February 10, 2022, the Complainant sent an email, requesting for English to be the language of the proceeding. The Respondent did not file any comments on the language of the proceeding.

The Center verified that the Complaint together with the amendment to 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 February 18, 2022. In accordance with the Rules, paragraph 5, the due date for Response was March 10, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 11, 2022.

The Center appointed Clark W. Lackert as the sole panelist in this matter on March 18, 2022. 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, including rights from its predecessors in interest, is a U.S. banking corporation in Utah, and has been using its ZIONS trademark in U.S. commerce for banking services since at least as early as 1891, and obtained U.S. federal registration No. 2,380,325 for such mark on August 29, 2000. The Complainant has been using its ZIONS BANK trademark in commerce since at least as early as 1992 and obtained U.S. federal registration No. 2,381,006 for such mark on August 29, 2000. The Complainant has been using its ZIONSBANK.COM mark in U.S. commerce since at least as early as 1995 and obtained U.S. federal registration No. 2,531,436 for such mark on January 22, 2002. The Complainant registered its domain name <zionsbank.com> on July 5, 1995.

The Respondent did not file a Response to this proceeding and is in default. The disputed domain name was registered on January 16, 2022. It currently resolves to an inactive website.

5. Parties’ Contentions

A. Complainant

The Complainant has used its trademark ZIONS since the nineteenth century, and its other trademarks, ZIONS BANK and ZIONSBANK.COM since the 1990s. The Respondent is trying to trade off the goodwill of these trademarks in order to divert web traffic and confuse Internet users into believing that its disputed domain name is sponsored or authorized by the Complainant.

B. Respondent

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

6. Discussion and Findings

6.1 Language of Proceeding

According to the information provided by the Registrar, the language of the Registration Agreement for the disputed domain name is Russian. Under paragraph 11 of the Rules, unless otherwise agreed by the Parties, or specified otherwise in the Registration Agreement, the language of the administrative proceeding shall be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding.

The Panel finds that English is the proper language for the following reasons:

- Complainant, located in Texas, is unable to communicate in Russian and translation of the Complaint would unfairly disadvantage and burden the Complainant and delay the proceedings and adjudication of this matter;
- The disputed domain name is in English and comprised of Latin characters;
- The term ZIONSBANK, which is the dominant portion of the disputed domain name, does not carry any specific meaning in the Russian language;
- Upon information provided, the Respondent is a resident of the United States of America.
- Even in instances where a registration agreement was in a language other than English, past Panels have made the decision to allow a case to proceed in English based on the totality of circumstances in that case. See *Immobilière Dassault SA, Groupe Industriel Marcel Dassault v. DuanZuoChun*, [D2011-2106](#) (WIPO February 21, 2012). See also *Dama S.p.A. v. Duan Zuochun*, [D2012-1015](#) (WIPO July 5, 2012).

6.2 Substantive issues

Pursuant to the Policy, paragraph 4(a), the Complainant must prove each of the following to justify the transfer of the disputed domain name:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark 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 Respondent has registered and is using the disputed domain name in bad faith.

The Panel finds that the Complainant's arguments and evidence are well-founded.

A. Identical or Confusingly Similar

The Complainant has registered rights in its trademarks ZIONS, ZIONS BANK, and ZIONSBANK.COM, and has used ZIONS for 130 years. A side-by-side comparison of the disputed domain name and the Complainant's registered trademarks shows that the Complainant's trademarks are clearly included and recognizable. The threshold test for confusing similarity under the UDRP involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name. "While each case is judged on its own merits, in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing." See section 1.7, WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview"). Including the Complainant's registered marks and the dominant part of other of the Complainant's registered mark results to the disputed domain name being confusingly similar with the Complainant's trademarks under this limb of the Policy. Moreover, the applicable top-level domain (".space") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. See section 1.11.1, WIPO Overview. Accordingly, the top-level domain ".space" should be disregarded in this matter.

The requirements of paragraph 4(a)(i) of the Policy have been satisfied.

B. Rights or Legitimate Interests

Under the Policy, once the complainant asserts a *prima facie* case against the respondent, the respondent bears the burden of production to provide relevant evidence demonstrating it has rights or legitimate interests in the subject domain name pursuant to paragraph 4(a)(ii) of the Policy. See section 2.1, [WIPO Overview 3.0](#). The Respondent did not reply to the Complainant's contentions, and there is no evidence in the record

which indicate any rights or legitimate interests in the disputed domain name owned by the Respondent.

The requirements of paragraph 4(a)(ii) of the Policy have been satisfied.

C. Registered and Used in Bad Faith

Bad faith is shown by using well-known trademarks in infringers' domain names, as well as passive holding of the same. Based on a recent US. federal government Form 10-K filed with the U.S. Securities and Exchange Commission, the Complainant had approximately USD 26 million in advertising expenses in 2018, which was an increase from USD 22 million in 2017. Accordingly, the Complainant's trademarks can be seen as widely known in the State of Utah and surrounding regions including nearby Texas and elsewhere. The mere registration of a domain name that is identical or confusingly similar to a widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. See section 3.1.4, WIPO Overview.

Additionally, it is well settled that the non-use of a domain name that is confusingly similar to a Complainant's mark constitutes use in bad faith: "From the inception of the UDRP, panelists have found that the non-use of a domain name (including a blank or 'coming soon' page) would not prevent a finding of bad faith under the doctrine of passive holding." See section 3.3, [WIPO Overview 3.0](#); see *Clerical Med. Inv. Group Ltd. v. Clericalmedical.com*, WIPO Case No. [D2000-1228](#) (finding the mere holding of an infringing domain name without active use satisfies the bad faith requirement of the Policy).

While the UDRP does not operate on a strict doctrine of binding precedent, panelists strive for consistency with prior decisions and seeks to ensure the UDRP operates in a fair and predictable manner. See section 4.1, WIPO Overview. The Complainant, or its affiliates, has prevailed on several prior complaints for domain names that include Complainant's registered marks and are similar to the disputed domain name and under circumstances similar to the underlying action. In the following decisions, the disputed domain names have been transferred to the Complainant, and each of the identified domain name disputes should be given consideration for consistency (see section 4.1, WIPO Overview): See similar case decisions: *Zions Bancorporation v. Ryan G Foo / PPA Media Services*, WIPO Case No. [D2014-1797](#), for <zionsbank.com>; *Zions Bancorporation v. Ryan G Foo, PPA Media Services / Domain Admin, Whois Privacy Corp.*, WIPO Case No. [D2014-2278](#), for <zionsbanl.com>; *Zions First National Bank v. Erika McGavern / Rosie Noble*, WIPO Case No. [D2015-0929](#), for <zionsank.com>; *Zions First National Bank v. Domain Admin / Whols Privacy Corp.*, WIPO Case No. [D2015-1137](#), for <zionsbak.com>; *Zions First National Bank v. Xu Shuaiwei / Domain Administrator, See PrivacyGuardian.org*, WIPO Case No. [D2015-1177](#), for <zonsbank.com>; *Zions First National Bank v. Namescope Limited/Domain Hostmaster, Customer ID: 71451303542601, Whois Privacy Services Pty Ltd.*, WIPO Case No. [D2015-1837](#), for <zionsfirstnationalbank.com>; *Zions First National Bank v. Whois Privacy Services Pty Ltd/Domain Admin Privacy Ltd. Disclosed Agent for YOLAPT*, WIPO Case No. [D2015-1894](#), for <zionsbank.com>; and many others where the Complainant has defended its rights.

The requirements of paragraph 4(a)(i) of the Policy have been satisfied.

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 <zionsbank.space> be transferred to the Complainant.

/Clark W. Lackert/

Clark W. Lackert

Sole Panelist

Date: March 29, 2022