

## **ADMINISTRATIVE PANEL DECISION**

Stripe, Inc. v. Privacy service provided by Withheld for Privacy ehf / Dominic Morley

Case No. D2022-1356

### **1. The Parties**

The Complainant is Stripe, Inc., United States of America (“United States”), represented by Taft, Stettinius & Hollister, LLP, United States.

The Respondent is Privacy service provided by Withheld for Privacy ehf, Iceland / Dominic Morley, Spain.

### **2. The Domain Name and Registrar**

The disputed domain name <ipostripe.com> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 14, 2022. On April 14, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 14, 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 April 21, 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 amended Complaint on April 25, 2022.

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 April 28, 2022. In accordance with the Rules, paragraph 5, the due date for Response was May 18, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 19, 2022.

The Center appointed Kiyoshi Tsuru as the sole panelist in this matter on May 24, 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 is a technology company that builds economic infrastructure for the Internet, providing services to companies in approximately 40 countries.

The Complainant holds several trademark registrations worldwide, among others, the following:

Trademark	No. Registration	Jurisdiction	Date of Registration	International Classes
STRIPE	4451679	United States	December 17, 2013	36
STRIPE	V0103319	Iceland	June 30, 2017	9, 35, 36, 41, 42, 45
STRIPE	010112498	European Union	December 14, 2011	36

The Complainant owns the domain name <stripe.com>, which was registered on September 12, 1995, long before the date of registration of the disputed domain name, which took place on October 12, 2021. The website to which the disputed domain name used to resolve predominantly displayed the Complainant's STRIPE trademark. According to the evidence submitted with the Amended Complaint, the disputed domain name currently does not resolve to an active website.

#### 5. Parties' Contentions

##### A. Complainant

The Complainant argued the following:

##### I. Identical or Confusingly Similar

That the disputed domain name is confusingly similar to the Complainant's STRIPE trademark since it includes it entirely plus the addition of the acronym "ipo", which stands for "Initial Public Offering".

That the use of said acronym in the disputed domain name does not eliminate the confusing similarity thereof with the Complainant's trademark.

That the use of the generic Top-Level Domain ("gTLD") ".com" does not distinguish the disputed domain name from the STRIPE trademark.

##### II. Rights or Legitimate Interests

That the Respondent lacks rights to or legitimate interests in the disputed domain name and is not making a *bona fide* offering of goods or services or a legitimate noncommercial or fair use of the disputed domain name.

That the Respondent has been identified as "Redacted for Privacy / Privacy service provided by Withheld for Privacy ehf", and then as "Dominic Morley". That, therefore, the Respondent has never been commonly known by the STRIPE trademark.

That the Complainant has not granted to the Respondent any license, permission, or authorization to use its STRIPE trademark in a domain name.

That the Respondent has never operated a *bona fide* or legitimate business under the disputed domain name and is not making a protected noncommercial or fair use of the disputed domain name.

That the Respondent has used the disputed domain name to intentionally mislead Internet users into thinking that the disputed domain name is somehow authorized by or affiliated with the Complainant.

That the Respondent published the following text on the web page to which the disputed domain name resolved: "Stripe Pre-IPO Stock Available Now! Register Your Interest Here!". That, with this publication, the Respondent blatantly attempted to associate himself with the Complainant and its business, by trying to confuse consumers, disrupt the Complainant's business, and trade off the goodwill and reputation of the STRIPE trademark.

That, apparently, the Respondent's real intention was to engage in a phishing and fraud scheme, which was used to collect personal information belonging to confused Internet users.

That the Respondent is currently passively holding the disputed domain name, which does not constitute a *bona fide* offering of goods and services or legitimate business use.

### **III. Registered or Used in Bad Faith**

That there is no reason for the Respondent to have registered the disputed domain name other than to trade off the reputation and goodwill of the Complainant's trademarks, and to disrupt its business.

That the Respondent has used the disputed domain name to host what it appeared to be a phishing website, which translates into bad faith.

That the Respondent was using the disputed domain name to capitalize on Internet users' efforts to find the Complainant's website and profit from their confusion, which constitutes bad faith registration and use under the Policy.

That, even though the Respondent had used the disputed domain name as described above, at the time when the Complaint was filed, the Respondent was not carrying out said use but was passively holding it, since it became inactive.

### **B. Respondent**

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

## **6. Discussion and Findings**

In accordance with paragraph 4(a) of the Policy, the Complainant is required to prove that each of the three following elements is satisfied:

- (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 was registered and is being used in bad faith.

Given the Respondent's failure to submit a formal Response, the Panel may decide this proceeding based on the Complainant's undisputed factual allegations, in accordance with paragraphs 5(f), 14(a), and 15(a) of the Rules, (see *Joseph Phelps Vineyards LLC v. NOLDC, Inc., Alternative Identity, Inc., and Kentech*, WIPO Case No. [D2006-0292](#)).

### **A. Identical or Confusingly Similar**

The Complainant has filed evidence showing that it owns registrations for the trademark STRIPE, among other places, in the United States, Iceland, and the European Union, where the Respondent has declared to

have his domicile.

The disputed domain name is confusingly similar to the Complainant's trademark STRIPE, as it incorporates said trademark entirely, with the addition of the acronym "ipo", which stands for "Initial Public Offering".

Generally, panels appointed under the Policy have found that the inclusion of additional terms in a disputed domain name does not prevent a finding of confusing similarity under the first element (see sections 1.7, and 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

The addition of the gTLD ".com" to the disputed domain name constitutes a technical requirement of the Domain Name System. Therefore, it has no legal significance in the present case (see *CARACOLITO S SAS v. Nelson Brown, OXM.CO*, WIPO Case No. [D2020-0268](#); *SAP SE v. Mohammed Aziz Sheikh, Sapteq Global Consulting Services*, WIPO Case No. [D2015-0565](#); and *Bentley Motors Limited v. Domain Admin / Kyle Rocheleau, Privacy Hero Inc.*, WIPO Case No. [D2014-1919](#)).

Therefore, the first element of the Policy has been met.

## **B. Rights or Legitimate Interests**

Paragraph 4(c) of the Policy sets forth the following examples as circumstances where a respondent may have rights to or legitimate interests in the disputed domain name:

- (i) before any notice to the respondent of the dispute, the use by the respondent of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the domain name in connection with a *bona fide* offering of goods or services; or
- (ii) the respondent (as an individual, business, or other organization) has been commonly known by the disputed domain name, even if it did not acquire trademark or service mark rights; or
- (iii) the respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Complainant has asserted that it has no connection with the Respondent, that it has not authorized nor given consent or license to the Respondent to register the disputed domain name, and that the Respondent has not been commonly known by the disputed domain name (see cases *Beyoncé Knowles v. Sonny Ahuja*, WIPO Case No. [D2010-1431](#); and *Six Continents Hotels, Inc. v. IQ Management Corporation*, WIPO Case No. [D2004-0272](#)). The Respondent did not contest these allegations.

The Case file contains no evidence that demonstrates that the Respondent has used or has made demonstrable preparations to use the disputed domain name in connection with a *bona fide* offering of goods or services (see *Valentino S.p.A. v. Qiu Yufeng, Li Lianye*, WIPO Case No. [D2016-1747](#); and *Rolex Watch U.S.A., Inc. v. NCSO*, WIPO Case No. [D2010-0948](#)).

The Complainant proved that the website to which the disputed domain name resolved predominantly displayed the Complainant's STRIPE trademark. This shows that the Respondent attempted to impersonate the Complainant, since Internet users looking for the Complainant who came across the website to which the disputed domain name resolved might have thought that said website was affiliated to or sponsored by the Complainant, which cannot be deemed as a *bona fide* offering of goods and services.

Thus, taking into account that the Respondent has intended to confuse Internet users into believing that the website to which the disputed domain name resolved was related to the Complainant, this Panel considers that the Respondent has attempted to impersonate the Complainant. The consensus view among panels appointed under the Policy is that the use of a domain name for illegal activity, such as impersonation, or passing off, cannot confer rights to, or legitimate interests in a domain name (see section 2.13.1 of the [WIPO Overview 3.0](#); see also *Self-Portrait IP Limited v. Franklin Kelly*, WIPO Case No. [D2019-0283](#); *Seminole Tribe of Florida, d / b / a Seminole Gaming v. Privacy Protect, LLC / Ibro King, Akara Inc.*,

WIPO Case No. [D2018-1692](#); *Allianz SE v. Paul Umeadi, Softcode Microsystems*, WIPO Case No. [D2019-1407](#); *SVB Financial Group v. WhoisGuard Protected, WhoisGuard, Inc. / Citizen Global Cargo*, WIPO Case No. [D2018-0398](#); and *Haas Food Equipment GmbH c. Usman ABD, Usmandel*, WIPO Case No. [D2015-0285](#)).

Furthermore, the Panel notes that the composition of the disputed domain name carries a risk of implied affiliation, a risk affirmed by its use, since it was actually used to impersonate the Complainant (see section 2.5.1 of the [WIPO Overview 3.0](#)).

The Complainant has established a *prima facie* case asserting that the Respondent lacks rights to or legitimate interests in the disputed domain name. The Respondent did not submit any evidence or arguments to challenge the Complainant's assertions.

Therefore, the second element of the Policy has been fulfilled.

### **C. Registered and Used in Bad Faith**

Bad faith under the Policy is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant's mark. According to paragraph 4(b) of the Policy, the following circumstances, in particular but without limitation, shall be evidence of registration and use in bad faith:

- (i) circumstances indicating that the respondent has registered or has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or
- (ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or
- (iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on its website or location.

The fact that the Respondent registered the disputed domain name which entirely reproduces the Complainant's trademark STRIPE, plus the acronym "ipo" which stands for "Initial Public Offering", shows that the Respondent has targeted the Complainant and its business, which constitutes opportunistic bad faith (see section 3.2.1 of the [WIPO Overview 3.0](#); see also *L'Oréal v. Contact Privacy Inc. Customer 0149511181 / Jerry Peter*, WIPO Case No. [D2018-1937](#); *Gilead Sciences Ireland UC / Gilead Sciences, Inc. v. Domain Maybe For Sale c/o Dynadot*, WIPO Case No. [D2019-0980](#); *Dream Marriage Group, Inc. v. Romantic Lines LP, Vadim Parhomchuk*, WIPO Case No. [D2020-1344](#); and *Valentino S.p.A. v. Qiu Yufeng, Li Lianye*, WIPO Case No. [D2016-1747](#)).

The evidence in the case file also shows that the Respondent has intentionally used the disputed domain name to attract, for commercial gain, Internet users to the website to which the disputed domain name resolved, by creating the impression among Internet users that the mentioned website was related to, associated with, or endorsed by the Complainant. Such conduct constitutes bad faith under paragraph 4(b)(iv) of the Policy (see section 3.1.4 of the [WIPO Overview 3.0](#); see also *trivago GmbH v. Whois Agent, Whois Privacy Protection Service, Inc. / Alberto Lopez Fernandez, Alberto Lopez*, WIPO Case No. [D2014-0365](#); and *Jupiter Investment Management Group Limited v. N/A, Robert Johnson*, WIPO Case No. [D2010-0260](#)).

Therefore, this Panel considers that the Respondent tried to capitalize on the reputation and goodwill of the Complainant's trademark by misleading Internet users, for commercial gain, to the disputed domain name by

creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the disputed domain name, which constitutes bad faith under paragraph 4(b)(iv) of the Policy (see section 3.1.4 of the Policy, see also *Fontem Holdings 4, B.V. v. J- B-, Limestar Inc.*, WIPO Case No. [D2016-0344](#); *Archer-Daniels-Midland Company v. Wang De Bing*, WIPO Case No. [D2017-0363](#), and *Merck Sharp & Dohme Corp. v. Domain Administrator, PrivacyGuardian.org / George Ring, DN Capital Inc.*, WIPO Case No. [D2017-0302](#)).

The Respondent's attempt to impersonate the Complainant for commercial gain is also indicative of bad faith (see section 3.1.4 of the [WIPO Overview 3.0](#); see also *Philip Morris Products S.A. v. Domain Administrator, Registrant of iqosatismaganiz.com (apiname com) / Anl Girgin, Teknoloji Sarayi*, WIPO Case No. [D2019-0466](#); *Self-Portrait IP Limited v. Franklin Kelly, supra*; and *Friedman and Soliman Enterprises, LLC v. Gary Selesko, M&B Relocation and Referral, LLC*, WIPO Case No. [D2016-0800](#)).

Considering that the Complainant has proven that the Respondent used the disputed domain name in bad faith, it is not necessary to analyze the passive holding argument raised by the Complainant, in relation to the current inactivity of the disputed domain name.

Taking these facts into consideration, the third element of the Policy has been met.

## 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 <ipostripe.com> be transferred to the Complainant.

/Kiyoshi Tsuru/

**Kiyoshi Tsuru**

Sole Panelist

Date: June 7, 2022