

## **ADMINISTRATIVE PANEL DECISION**

BlockFi Inc. v. Jackson Oliver

Case No. D2022-2700

### **1. The Parties**

The Complainant is BlockFi Inc., United States of America (“United States”), represented by Haynes and Boone, LLP, United States.

The Respondent is Jackson Oliver, United States.

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

The disputed domain name <blockficrypto.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 July 25, 2022. On July 25, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 26, 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 July 26, 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 July 30, 2022. Additionally, on July 25, 2022, a revised Complaint regarding the correct Registrar was received by the Center.

The Center verified that the Complaints 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 August 2, 2022. In accordance with the Rules, paragraph 5, the due date for Response was August 22, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 25, 2022.

The Center appointed Evan D. Brown as the sole panelist in this matter on August 31, 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 financial services company describing itself as “dedicated to building a bridge between cryptocurrencies and traditional financial and wealth management products.” It owns the trademark BLOCKFI which it has registered in the United States (Reg. No. 5,989,814, registered on February 18, 2020). The Complainant and its mark have also been featured in press articles and similar content relevant to the cryptocurrency space. According to the Whois records, the disputed domain name was registered on June 14, 2021. The Respondent has used the disputed domain name to set up a website purporting to offer financial services related to cryptocurrency. The Complainant asserts, among other things, that the Respondent was using its website with the intent to create a false impression of legitimacy in order to improperly profit and trade off of the goodwill associated with the Complainant’s BLOCKFI mark, including by conducting a phishing scheme to improperly collect users’ personal and financial information, thereby creating confusion or a false association with the Complainant.

#### **5. Parties’ Contentions**

##### **A. Complainant**

The Complainant contends that the disputed domain name is identical or confusingly similar to the Complainant’s trademark; that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and that the disputed domain name was registered and is being used in bad faith.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (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 disputed domain name has been registered and is being used in bad faith. The Panel finds that all three of these elements have been met in this case.

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

This first element under the Policy functions primarily as a standing requirement. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.7. This element requires the Panel to consider two issues: first, whether the Complainant has rights in a relevant mark; and, second, whether the disputed domain name is identical or confusingly similar to that mark.

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. See *Advance Magazine Publishers Inc., Les Publications Conde Nast S.A. v. Voguechen*, WIPO Case No. [D2014-0657](#). The Complainant has demonstrated its rights in the BLOCKFI mark by providing evidence of its trademark registration.

The disputed domain name incorporates the BLOCKFI mark in its entirety. This is sufficient for showing confusing similarity under the Policy. The presence of the word “crypto” within the disputed domain name does not eliminate the confusing similarity.

Accordingly, the Panel finds that the Complainant has satisfied this first element under the Policy.

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

The Panel evaluates this element of the Policy by first looking to see whether the Complainant has made a *prima facie* showing that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. If the Complainant makes that showing, the burden of production of demonstrating rights or legitimate interests shifts to the Respondent (with the burden of proof always remaining with the Complainant). See [WIPO Overview 3.0](#), section 2.1; *AXA SA v. Huade Wang*, WIPO Case No. [D2022-1289](#).

On this point, the Complainant asserts, among other things, that: (1) the Respondent is neither affiliated with the Complainant nor has it been authorized to use the BLOCKFI mark in any manner, (2) there is no evidence to suggest that the Respondent is commonly known by the disputed domain name, or that the Respondent was commonly or legitimately known as “Blockfi,” or “Blockficrypto” or any variation thereof, prior to the registration of the disputed domain name, and (3) the Respondent was capitalizing on the confusing similarity of the disputed domain name to the Complainant’s BLOCKFI mark in order to pass itself off as the Complainant, seeking to benefit from Internet traffic intended for the Complainant as well as operating what appears to be a phishing scheme.

The Panel finds that the Complainant has made the required *prima facie* showing. The Respondent has not presented evidence to overcome this *prima facie* showing. And nothing in the record otherwise tilts the balance in the Respondent’s favor. Accordingly, the Panel finds that the Complainant has established this second element under the Policy.

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

The Policy requires a complainant to establish that the disputed domain name was registered and is being used in bad faith. The Policy describes several non-exhaustive circumstances demonstrating a respondent’s bad faith registration and use. Under paragraph 4(b)(iv) of the Policy, a panel may find bad faith when a respondent “[uses] the domain name to intentionally attempt to attract, for commercial gain, Internet users to [respondent’s] website or other on-line location, by creating a likelihood of confusion with complainant’s mark as to the source, sponsorship, affiliation, or endorsement of [respondent’s] website or location or a product or service on [the respondent’s] website or location”.

Given the Respondent’s conduct of choosing a domain name incorporating the Complainant’s registered mark to set up a website to apparently imitate the Complainant, the Panel finds it more likely than not that the Respondent targeted the Complainant and thereby registered the disputed domain name in bad faith. The Panel also finds it more likely true than not that the Respondent is using the disputed domain name for phishing purposes or, at least, to benefit unfairly of its confusing similarity with the Complainant’s BLOCKFI mark. Registering and using a domain name containing a mark confusingly similar to a third party’s mark, to imitate that mark owner and to engage in a phishing scheme, is a clear a clear example of bad faith under the Policy. The Complainant has successfully established the third UDRP element.

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

*/Evan D. Brown/*

**Evan D. Brown**

Sole Panelist

Date: September 15, 2022