

ADMINISTRATIVE PANEL DECISION

Coinme Inc. v. Manlidy, GNN
Case No. D2022-3321

1. The Parties

The Complainant is Coinme Inc., United States of America (“United States”), represented by Seed IP Law Group LLP, United States.

The Respondent is Manlidy, GNN, Singapore.

2. The Domain Name and Registrar

The disputed domain name, <coinmebrs.com> (the “Domain Name”), is registered with OwnRegistrar, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 7, 2022. On September 7, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On September 8, 2022, 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 September 15, 2022. In accordance with the Rules, paragraph 5, the due date for Response was October 5, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default October 21, 2022.

The Center appointed Tony Willoughby as the sole panelist in this matter on October 27, 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, a Delaware Corporation, operates a licensed cryptocurrency cash exchange in the United States through its Coinme mobile app. It has traded under the “Coinme” name since its foundation in 2014 and hosts its website at “www.coinme.com”.

The Complainant is the registered proprietor of United States Trademark Registration No. 4,791,525 COINME (standard character mark) registered on August 11, 2015 (application filed on April 18, 2014) for a variety of financial services in class 36.

The Domain Name was registered on August 22, 2022. It is not currently connected to an active website accessible by the Panel. However, the Complainant has produced screenshots of the website to which the Domain Name was connected on August 24, 2022. The website featured a prominent message “The most trusted cryptocurrency trading Platform” and a description of “Coinme” as “a high-performance open source blockchain platform designed to support and operate a secure, compliant and predictable digital infrastructure”. A copyright notice reads “CopyRight @2022 (sic) Coinme All Rights Reserved”. The website invited visitors to register and to trade.

5. Parties’ Contentions

A. Complainant

The Complainant contends that the Domain Name is confusingly similar to the Complainant’s COINME registered trademark, that the Respondent has no rights or legitimate interests in respect of the Domain Name and that the Domain Name has been registered and is being used in bad faith.

The essence of the Complainant’s case is that the Respondent adopted the Domain Name with full knowledge of the Complainant and its business and to impersonate the Complainant for commercial gain.

The Complainant contends that the buttons on the Respondent’s website inviting visitors to download the Complainant’s mobile app from the Apple App Store and the Android Google Play Store are not what they appear to be. The Complainant contends that clicking those buttons leads to a file with a .mobileconfig file extension being automatically downloaded to the user’s device. The Complainant has produced evidence that such file extensions have been found to be used for various malicious purposes such as installing malicious certificates or configuring the device to use a malicious proxy or VPN.

The Complainant further contends that when registering the Domain Name the Respondent provided the Registrar with a blatantly false address in Singapore featuring a single digit postal code when Singaporean postal codes are of six digits.

B. Respondent

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

6. Discussion and Findings

A. General

According to paragraph 4(a) of the Policy, for this Complaint to succeed in relation to the Domain Name, the Complainant must prove each of the following, namely that:

- (i) the 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 Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

B. Identical or Confusingly Similar

The Domain Name comprises the Complainant's COINME registered trademark followed by the letters "brs" and the ".com" generic Top-Level Domain identifier. The Complainant believes the letters "brs" to be a reference to a cryptocurrency known as "BRS".

Section 1.7 of the [WIPO Overview of WIPO Panel Views on Selected UDRP Questions](#), Third Edition explains the test for identity or confusing similarity under the first element of the Policy and includes the following passage:

"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."

The Complainant's COINME trademark is readily recognizable in its entirety in the Domain Name. The Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights.

C. Rights or Legitimate Interests

The Complainant asserts that it has no association with the Respondent and specifically has granted the Respondent no permission to use its COINME trademark.

The Complainant recites the circumstances set out in paragraph 4(c) of the Policy, any of which if found by the Panel to be present shall demonstrate rights or legitimate interests for the purposes of this element of the Policy, and contends that none of them is applicable. The Complainant contends that the Respondent's impersonation of the Complainant cannot constitute a *bona fide* offering of goods or services for the purposes of paragraph 4(c)(i) of the Policy; there is nothing to indicate that the Complainant is commonly known by the Domain Name (paragraph 4(c)(ii) of the Policy); and the use being made of the Domain Name is a commercial use, is not fair and is not covered by paragraph 4(c)(iii) of the Policy.

The Complainant has produced screenshots of the website to which the Domain Name was connected on August 24, 2022. The website featured a prominent message "The most trusted cryptocurrency trading Platform" and a description of "Coinme" as "a high-performance open source blockchain platform designed to support and operate a secure, compliant and predictable digital infrastructure". A copyright notice reads "CopyRight @2022 (*sic*) Coinme All Rights Reserved". The website invited visitors to register and to trade.

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Further, the Complainant asserts that the Respondent provided a false address when registering the Domain Name. The Singapore address given by the Respondent features a single digit postcode, when to the Panel's knowledge Singaporean postcodes contain six digits.

The Respondent's website no longer being active, the Panel has been unable to verify the Complainant's allegation regarding the deceptive nature of the Apple App Store and the Android Google Play Store buttons on the Respondent's website. However, the evidence as to impersonation is, to say the least, persuasive and the allegation, unchallenged by the Respondent, is not on its face unbelievable.

The Panel is satisfied that the Complainant has made out a *prima facie* case under this element; in other words a case calling for an answer from the Respondent. The Respondent has not responded to any of these allegations.

The evidence produced by the Complainant is overwhelming. The evidence supports the Complainant's contention that the Respondent has set out to impersonate the Complainant for commercial gain. The Panel cannot conceive of any basis upon which the Respondent could be said to have acquired rights or legitimate interests in respect of the Domain Name.

D. Registered and Used in Bad Faith

As can be seen from section C, the Panel has found that in registering and using the Domain Name as it has, the Respondent has impersonated the Complainant. It was clearly intentional. Fraudsters commonly provide false addresses, thereby rendering themselves more difficult to trace.

Paragraph 4(b) of the Policy sets out a non-exhaustive list of circumstances, any of which, if found by the Panel to be present, "shall be evidence of the registration and use of a domain name in bad faith". Impersonation is covered by paragraph 4(b)(iv), which provides: "by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location."

The Panel finds that the Domain Name has been registered and is being used in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

The fact that the objectionable use now appears to have ceased (see section 4) is of no moment. In the view of the Panel, while the Domain Name remains in the hands of the Respondent, it represents a malicious threat hanging over the head of the Complainant and, as such, a continuing bad faith use of the Domain Name, which could be reinstated at any time.

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 Domain Name, <coinmebrs.com>, be transferred to the Complainant.

/Tony Willoughby/

Tony Willoughby

Sole Panelist

Date: November 9, 2022