

ADMINISTRATIVE PANEL DECISION

Kroo Bank Ltd. v. Name Redacted

Case No. D2023-0500

1. The Parties

The Complainant is Kroo Bank Ltd., United Kingdom, represented by Dentons UK and Middle East LLP, United Kingdom (“UK”).

The Respondent is Name Redacted.¹

2. The Domain Name and Registrar

The disputed domain name <kroo-bank.com> (the “Domain Name”) is registered with Wild West Domains, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 2, 2023. On February 2, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On February 3, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name, which differed from the named Respondent (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 8, 2023, 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 February 10, 2023.

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”).

¹ The Respondent appears to have used the name of a third party when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted the Respondent’s name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on February 13, 2023. In accordance with the Rules, paragraph 5, the due date for Response was March 5, 2023. Emails were received by the Center from a third-party on February 22 and 24, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Commencement of Panel Appointment Process on March 10, 2023.

The Center appointed Ian Lowe as the sole panelist in this matter on March 29, 2023. 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 bank based in London, UK, established in 2016. It is authorised and regulated as a bank by the UK Prudential Regulation Authority and Financial Conduct Authority. The Complainant is the proprietor of a number of registered trademarks comprising KROO, including UK trademarks number 3390486 KROO registered on June 28, 2019, and 3844923 KROO BANK registered on February 17, 2023. The Complainant operates a website at "www.kroo.com" promoting and marketing its financial services.

The Domain Name was registered on January 2, 2023. It does not resolve to an active website.

5. Identity of the Respondent

The Respondent is an individual, notified by the Registrar as the registrant of the Domain Name. The registrant address record gives two street addresses in Harrow, UK. The street address at the given postcode appears from Royal Mail records to be a hospice. The other street address does not exist at that postcode but, at a different postcode in Harrow, is the postal address of a company of which the Registrar identified registrant is a director. In email exchanges with the Center on February 22 and 24, 2023, this person disclaimed any knowledge of the Domain Name or of the Complainant and denied that he was the registrant of the Domain Name or that he had registered the Domain Name.

The registrant email address, according to the Registrar's Whois record, is that of what appears to be a female name at a domain name that is a very slight misspelling of a well-known firm of UK estate agents. A person of that name is employed by those estate agents.

In the circumstances, the Panel is satisfied that the person responsible for the registration of the Domain Name is very likely not the Registrar identified individual, and has given false contact details.

6. Parties' Contentions

A. Complainant

The Complainant contends that the Domain Name is identical or confusingly similar to its KROO and KROO BANK trademarks, that the Respondent has no rights or legitimate interests in respect of the Domain Name, and that the Respondent registered and is using the Domain Name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

B. Respondent

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

7. Discussion and Findings

For this Complaint to succeed in relation to the Domain Name, the Complainant must prove that:

- (i) the Domain Name is 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.

A. Identical or Confusingly Similar

The Complainant has uncontested rights in its KROO and KROO BANK trademarks, both by virtue of its trademark registrations and as a result of its use of the marks over a number of years. Ignoring the generic Top-Level Domain (“gTLD”) “.com”, the Domain Name comprises the entirety of the Complainant’s KROO trademark together with a hyphen and the term “bank”, and is identical to its KROO BANK trademark save for the addition of a hyphen. In the view of the Panel, these differences do not prevent a finding of confusing similarity between the Domain Name and the Complainant’s mark. Accordingly, the Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

The Complainant has made out a strong *prima facie* case that the Respondent could have no rights or legitimate interests in respect of the Domain Name. The Domain Name is not being used for an active website. There is no information available as to the true registrant of the Domain Name, and in the Panel’s view, it is difficult to conceive a legitimate purpose for registering a domain name comprising the entirety of the Complainant’s KROO BANK trademark, particularly in light of the Complainant’s banking business. The Domain Name could only have been registered to deceive Internet users into believing that it had been registered by or operated on behalf of the Complainant and for purposes likely associated with phishing or other improper activities. This is all the more likely given the nature of the registrant contact email address as discussed above.

The Respondent has chosen not to respond to the Complaint to explain its registration or use of the Domain Name, or to take any other steps to counter the *prima facie* case established by the Complainant. In the circumstances, the Panel finds that the Respondent does not have any rights or legitimate interests in respect of the Domain Name.

C. Registered and Used in Bad Faith

In light of the nature of the Domain Name, comprising as it does the entirety of the Complainant’s neologistic name, there is little doubt that the Respondent had the Complainant and its rights in the KROO and KROO BANK marks in mind when it registered the Domain Name. As set out above, the only possible inference is that the Respondent registered the Domain Name for commercial gain with a view to taking unfair advantage of the Complainant’s rights in the marks and to confuse Internet users into believing that the Domain Name was being operated by or authorized by the Complainant. The manner in which the Domain Name was registered with misleading and false contact details follows a pattern of those engaged in phishing or other unlawful conduct and further supports a finding of bad faith registration and use.

While the Domain Name may not currently resolve to an active website, passive holding of a domain name does not prevent a finding of bad faith, as noted in section 3.3 of the [WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition](#). Accordingly, the Panel finds that the Domain Name has been registered and is being used in bad faith.

8. 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, <kroo-bank.com>, be transferred to the Complainant.

/Ian Lowe/

Ian Lowe

Sole Panelist

Date: April 12, 2023