

ADMINISTRATIVE PANEL DECISION

Zions Bancorporation, N.A. , a national banking association, dba Nevada State Bank v. Panda, Panda
Case No. D2024-0832

1. The Parties

The Complainant is Zions Bancorporation, N.A., a national banking association, dba Nevada State Bank, United States of America (“United States”), represented by TechLaw LLP, United States.

The Respondent is Panda, Panda, Viet Nam.

2. The Domain Name and Registrar

The disputed domain name <nsbank.top> is registered with Alibaba.com Singapore E-Commerce Private Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 29, 2024. On March 1, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 4, 2024, 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 March 4, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 24, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 25, 2024.

The Center appointed Kiyoshi Tsuru as the sole panelist in this matter on March 28, 2024. 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 United States national banking association doing business under the name Nevada State Bank since 1959, offering banking, credit card, commercial, and consumer lending and financing, real estate and mortgage brokerage, trust, estate, and fiduciary management services, among others.

The Complainant is the owner of several trademark registrations in the United States, including:

Trademark	Registration No.	Jurisdiction	Date of Registration	Goods or Services
NEVADA STATE BANK	2862148	United States	July 13, 2004.	Class 36. Financial Services; namely, banking; credit card services; electronic credit card transactions; commercial and consumer lending and financing; real estate and mortgage brokerage; trust, estate and fiduciary management, planning and consulting services; securities brokerage and trading services; providing secure financial transactions in the nature of electronic cash transactions, electronic credit card transactions, electronic debit transactions, electronic check processing transactions and electronic transmission of bill payment data via a global computer network; insurance services, namely, underwriting and brokerage of property, casualty and life insurance policies and annuity contracts; providing financial news and information via website on a global computes network.
NSBANK	4174370	United States	July 17, 2012.	Classes 9 and 42. Application software and downloadable software for personal computers, mobile devices, and tablet devices, namely , software to allow customers to access bank account information, transact bank business and engage in consumer transactions in Class 9 (U.S. Cls. 21, 23, 26, 36 and 38).

The Complainant's parent company, Zions Bancorporation, owns the domain name <nsbank.com>, which resolves to the Complainant's official website. The Panel notes that the domain name <nevadastatebank.com> redirects to the Complainant's domain name <nsbank.com>.

The disputed domain name <nsbank.top> was registered on February 19, 2024. At the moment of writing of this decision, the disputed domain name does not resolve to an active website.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends the following:

I. Identical or Confusingly Similar.

That the disputed domain name is confusingly similar to its NSBANK and NEVADA STATE BANK trademarks, since the disputed domain name wholly incorporates the NSBANK mark and also uses the acronym of the Complainant's NEVADA STATE BANK trademark.

That the incorporation of the generic Top-Level-Domain ("gTLD") ".top" in the disputed domain name does not prevent a finding of confusing similarity under the first element of the Policy.

II. Rights or Legitimate Interests.

That the disputed domain name has not been used in connection to a bona fide offering of goods or services.

That there is no evidence showing that the Respondent has any rights in a name or sign which is similar or identical to the Complainant's trademarks.

That the Respondent is not authorized by any means to use the Complainant's NSBANK or NEVADA STATE BANK trademarks.

III. Registered and Used in Bad Faith

That the Respondent is deliberately using, in a misleading way, the Complainant's NSBANK and NEVADA STATE BANK trademarks in the disputed domain name, with the purpose of creating a likelihood of confusion with the Complainant.

That due to the well-known status and reputation of the Complainant, the Respondent knew or should have known about the Complainant's trademarks.

B. Respondent

The Respondent did not reply to the Complainant's contentions and is therefore in default. No exceptional circumstances explaining the default have been put forward.

6. Discussion and Findings

Given the Respondent's default, the Panel may decide this proceeding based on the Complainant's undisputed factual allegations under 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](#), and *Encyclopaedia Britannica, Inc. v. null John Zuccarini, Country Walk*, WIPO Case No. [D2002-0487](#); see also WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 4.3).

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark and service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the NSBANK mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to this mark for the purposes of the Policy. The disputed domain name is also confusingly similar to the NEVADA STATE BANK trademark. [WIPO Overview 3.0](#), section 1.7.

Based on the available record, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the Complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

Based on the available record, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

The Panel notes that the Complainant has ascertained its rights over the NSBANK and NEVADA STATE BANK trademarks. The dates of registration of the Complainant's trademarks significantly precede the date of registration of the disputed domain name.

In the present case, the Panel notes that the Respondent registered the disputed domain name which entirely reproduces the Complainant's trademark NSBANK, which fact shows that the Respondent has targeted the Complainant, which constitutes opportunistic bad faith (see [WIPO Overview 3.0](#), section 3.2.1).

According to the unrebutted assertions of the Complainant and the widespread use that the Complainant has made of the NSBANK and NEVADA STATE BANK trademarks, as well as the fact that the term "nsbank" is not a dictionary word but rather an arbitrary term that was coined by the Complainant, this Panel finds that the Respondent, more likely than not, knew the Complainant's marks at the time of registration of the disputed domain name, which constitutes bad faith registration under the Policy.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. Having reviewed the available record, the Panel finds that the current non-use of the disputed domain name does not prevent a finding of bad faith in the circumstances of this proceeding. Although panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, and (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement). [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Based on the available record, the Panel finds that the Complainant has established the third element of the Policy.

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 <nsbank.top> be transferred to the Complainant.

/Kiyoshi Tsuru/

Kiyoshi Tsuru

Sole Panelist

Date: April 11, 2024.