

## **ADMINISTRATIVE PANEL DECISION**

**Polychain Capital LP v. Sahad Mohammed Riviera, Sahari Muti Inc**  
**Case No. D2024-2533**

### **1. The Parties**

The Complainant is Polychain Capital LP, United States of America, represented by Greenberg Traurig, LLP, United States of America.

The Respondent is Sahad Mohammed Riviera, Sahari Muti Inc, Spain.

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

The disputed domain names <polychain.events>, <polychain.finance> and <polychain.gift> are registered with OwnRegistrar, Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 20, 2024. On June 21, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On the same day, 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 July 1, 2024. In accordance with the Rules, paragraph 5, the due date for Response was July 21, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 22, 2024.

The Center appointed Andrew Brown K.C. as the sole panelist in this matter on July 29, 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 company headquartered in California, United States of America. It was founded in 2016 and operates in the field of cryptocurrency and digital assets. It has 45 employees and more than USD 4 billion in assets under management.

The Complainant has used the trademark POLYCHAIN continually since 2016 in connection with its cryptocurrency and digital asset-related services. It is the owner of registrations for the POLYCHAIN trademark. The relevant registrations (“the POLYCHAIN Trademark”) are:

Country	Number	Mark	Registration Date	Class
United States of America	5511777	POLYCHAIN	July 10, 2018	36
Canada	1103501	POLYCHAIN	July 8, 2021	36
International	1408466	POLYCHAIN	April 9, 2018	36
United Kingdom	00801408466	POLYCHAIN	November 23, 2018	36

The Complainant has also owned and operated the website <polychain.capital> since 2016.

The disputed domain name <polychain.finance> was registered on January 5, 2024. The disputed domain name <polychain.events> was registered on January 5, 2024. The disputed domain name <polychain.gift> was registered on January 6, 2024. All three disputed domain names were registered with the OwnRegistrar Inc.

The Complainant notes that the Whois database of the Registrar of all three disputed domain names lists WhoisSecure as the registrant of <polychain.finance> and <polychain.events> and Sahad Mohammed Riveria/Sahari Muti Inc as registrant of <polychain.gift>. The Registrar confirmed on June 21, 2024 that Sahad Mohammed Riveria/Sahari Muti was the registrant for all the disputed domain names.

The Complainant seeks consolidation of all three disputed domain names in this Complaint on the basis that all three are subject to common control.

Each of the three disputed domain names resolves to the same website content which uses the POLYCHAIN Trademark and offers USD Pchain tokens.

#### 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 names.

Notably, the Complainant contends that the three disputed domain names are identical and confusingly similar to the Complainant's POLYCHAIN Trademark and its domain name <polychain.capital>.

The Complainant's states that the Respondent has no rights or legitimate interests in the disputed domain names. It further states that neither of the Respondent is commonly known by the disputed domain names, has not used or proposed to use the disputed domain names in connection with the bona fide offering of goods or services and has not been authorized, licensed or permitted by the Complainant to register or use the disputed domain names.

The Complainant asserts that the Respondent has never operated any bona fide or legitimate business under the disputed domain names and are not making protected noncommercial or fair use of the disputed domain names. The Complainant says that long after it established its rights in the POLYCHAIN Trademark the Respondent (without authority or consent) registered the disputed domain names.

Finally, the Complainant asserts that the disputed domain names have been registered and are being used in bad faith. The Complainant states that the disputed domain names are being used to host websites passing themselves off as the Complainant's website and which provide inaccurate information about the Complainant. The Complainant states that the Respondent's activities also give consumers the false impression that the Complainant endorsed and sponsored the website found at each of the disputed domain names. The Complainant says that these activities fall within bad faith registration and use under the Policy.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **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 or service mark for the purposes of the Policy, [WIPO Overview 3.0](#), section 1.2.1.

In the case of each of the three domain names the entirety of the Complainant's POLYCHAIN Trademark is reproduced within the disputed domain names. Accordingly, each of the three disputed domain names is identical to the Complainant's trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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 lack rights or legitimate interests in the disputed domain names. 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 names such as those enumerated in the Policy or otherwise.

Panels have held that the use of a domain name for illegal activity such as phishing, impersonation/passing off can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.0.

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.

In the present case, the Panel finds that the three disputed domain names were registered in bad faith for the following reasons:

- (a) The Panel finds that the Complainant's POLYCHAIN Trademark has an established reputation. It had achieved this level of consumer awareness well before the dates of registration of the three disputed domain names on January 5 and 6, 2024.
- (b) The Respondent clearly knew of the Complainant's POLYCHAIN Trademark when it registered the disputed domain names. As discussed in the next section, this is evidenced by the totality of the circumstances. In particular, the Panel relies on the fact that, shortly after registration of the disputed domain names, the Respondent provided a website at each domain name making use of the POLYCHAIN Trademark and designed to pass off the website as being the Complainant or connected with the Complainant. The Respondent's websites refer to "we" and "our" in relation to the POLYCHAIN trademark.

The Panel is also satisfied the Respondent is using the disputed domain names in bad faith for the following reasons:

- (c) As noted, the Complainant has provided evidence that all three disputed domain names have been used to attract or direct Internet users to pages which are made to appear as though they were the Complainant's website. The websites at the disputed domain names include information about the Complainant as well as an offer of "\$PCHAIN" tokens. When website visitors click the "claim \$PCHAIN" button, a QR code is displayed to connect to a cryptocurrency wallet to the Respondent. The Panel is satisfied that Internet users will be confused into thinking that these website pages are connected with or provided by the Complainant when this is not the case.
- (d) The Panel is satisfied that the Respondent registered and used the domain names to intentionally attract for commercial gain and to deceive Internet users by phishing, so as to obtain information from Internet users by purporting to contain information about the Complainant or by pretending that it is the Complainant.
- (e) The use of a proxy shield by a respondent to shield identity has been regarded by previous panels as demonstrating both bad faith registration and use. In the circumstances of this case, the Panel considers that the use of the WhoisSecure privacy shield may properly be taken into account as a relevant factor showing bad faith use.
- (f) The Panel is also entitled to draw and does draw adverse inferences from the failure of the Respondent to respond to the Complaint and the factual allegations made by the Complainant.

## 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 names <polychain.events>, <polychain.finance> and <polychain.gift> be transferred to the Complainant.

*/Andrew Brown K.C./*

**Andrew Brown K.C.**

Sole Panelist

Date: August 10, 2024