

## ADMINISTRATIVE PANEL DECISION

ClearBank Limited v. uhra yilan  
Case No. D2024-2792

### 1. The Parties

The Complainant is ClearBank Limited, United Kingdom (“UK”), represented by Founders Law Limited, UK.

The Respondent is uhra yilan, Türkiye.

### 2. The Domain Name and Registrar

The disputed domain name <clearbankwhereyoucan.com> is registered with Dynadot Inc (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 9, 2024. On July 10, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 11, 2024, 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 (Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 12, 2024, 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 17, 2024.

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”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on July 18, 2024. In accordance with the Rules, paragraph 5, the due date for Response was August 7, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 8, 2024.

The Center appointed Miguel B. O’Farrell as the sole panelist in this matter on August 14, 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 major clearing bank in the UK and operates as a “bank for banks” which delivers payment processing and banking services to financial companies.

The Complainant employs over 700 people and operates its main corporate website from “www.clear.bank” since 2017.

The Complainant is the owner of a global portfolio of over 70 trade marks for its CLEARBANK mark as well as its WHERE YOU CAN mark, including the following.

UK Trademark No. UK00915011141, CLEARBANK, registered on May 30, 2016, in classes 35, 36, 38, 42, 45;

UK Trademark No. UK00004020198, WHERE YOU CAN, registered on May 24, 2024, filed on February 29, 2024, in classes 9, 35, 41.

The CLEARBANK mark, registered on May 30, 2016, pre-dates registration of the disputed domain name by almost eight years. The WHERE YOU CAN mark was first filed in the UK on February 29, 2024, which pre-dates the registration of the disputed domain name.

The disputed domain name was registered on April 4, 2024, and resolves to a page where it is offered for sale for USD 2,850.

#### **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.

##### **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.

The entirety of the CLEARBANK and WHERE YOU CAN marks is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical or confusingly similar to the marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. The “.com” generic Top-Level Domain (“gTLD”) is viewed as a standard registration requirement and is generally disregarded under the first element confusing similarity test, as set forth in section 1.11.1 of [WIPO Overview 3.0](#).

## **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.

Moreover, the nature of the disputed domain name, incorporating the Complainant’s CLEARBANK and WHERE YOU CAN marks, carries a risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5.1.

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 is satisfied that the Respondent must have been aware of the Complainant’s trademarks CLEARBANK and WHERE YOU CAN mentioned in Section 4 above (“Factual Background”) when it registered the disputed domain name on April 4, 2024, many years after the Complainant had registered and intensely used the name and house mark CLEARBANK and also, to a certain extent, the sub brand trademark WHERE YOU CAN.

The Respondent when registering the disputed domain name has targeted the Complainant’s name and trademarks to capitalize on their reputation for its own benefit, which is tantamount to bad faith under the Policy.

Furthermore, the Panel considers that the disputed domain name was registered with the intention of selling it to either the Complainant or a competitor of the Complainant for a sum exceeding the Respondent’s out-of-pocket expenses, which falls within the scope of a scenario indicating bad faith registration and use, as provided in paragraph 4(b)(i) of the Policy.

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 <clearbankwhereyoucan.com> be transferred to the Complainant.

*/Miguel B. O'Farrell/*

**Miguel B. O'Farrell**

Sole Panelist

Date: August 23, 2024