

ADMINISTRATIVE PANEL DECISION

Greenlight Financial Technology, Inc. v. Thomas Basmajian,
HOTWEBDOMAINS, Incorporated
Case No. D2024-4845

1. The Parties

The Complainant is Greenlight Financial Technology, Inc., United States of America (“USA”), represented by Nelson Mullins Riley & Scarborough, L.L.P., USA.

The Respondent is Thomas Basmajian, HOTWEBDOMAINS, Incorporated, USA.

2. The Domain Name and Registrar

The disputed domain name, <greenlightdebitcard.com>, 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 November 23, 2024. On November 25, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 25, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 26, 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 November 26, 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 November 27, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 17, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 18, 2024.

The Center appointed Dennis A. Foster as the sole panelist in this matter on December 24, 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 Delaware, USA, financial software corporation organized in 2014 and headquartered in Georgia, USA. The Complainant began doing business in 2017, and is best known for GREENLIGHT, a debit card and mobile application that together aim to help parents teach their children financial responsibility.

The Complainant has had some success thus far with its business. The Complainant's business website is at: "www.greenlight.com".

In conjunction with its GREENLIGHT software, the Complainant also owns the following trademarks:

USA – Registration No. 5106237 – Registration Date December 20, 2016 - Int. Class 36 (payment processing services);

USA – Registration No. 5106660 – Registration Date December 20, 2016 - Int. Class 9 (mobile application for retail management);

Canada – Registration No. TMA1084040 – Registration Date October 8, 2020 - Int. Classes 9, 36 and 42 (as above and temporary use of a non-downloadable web application).

The disputed domain name was registered on October 10, 2024. The disputed domain name resolves to a website that offers Pay-Per-Click ("PPC") links to other websites that compete with the Complainant's business, and to a website that offers the disputed domain name for sale for USD 16 million. The Respondent's website also is equipped for mail exchange ("MX") service.

5. Parties' Contentions

A. Complainant

- When a domain name incorporates the entirety of a trademark, the domain name should be considered confusingly similar to that mark for the purposes of UDRP standing.
- The addition of other words or items to the Complainant's trademark does not prevent a finding of confusing similarity.
- The Respondent does not have any prior rights or legitimate interests in the disputed domain name.
- The Complainant has not authorized the Respondent to use its trademark, nor is the Respondent a licensee of the Complainant.
- The Respondent is making a commercial use of the disputed domain name, and thus can not claim to be making a noncommercial or fair use.
- The Respondent knew or should have known of the Complainant's trademark rights when it registered the disputed domain name, which supports the inference that the Respondent registered the disputed domain name in bad faith.

- The disputed domain name should be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy provides that a complainant must demonstrate each of the following in order to obtain a transfer or cancellation of a disputed domain name:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights;
- (ii) the respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

Under paragraph 15(a) of the Rules, a Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable.

A. Identical or Confusingly Similar

The Complainant has annexed copies of its GREENLIGHT trademark registrations in the USA and Canada whose details the Panel has set out above in the Factual Background section. The Panel finds this is proof that the Complainant has trademark rights in the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.2.1.

As to whether the disputed domain name is identical or confusingly similar to the Complainant's trademark, the Panel notes that the Respondent has incorporated the Complainant's entire GREENLIGHT trademark into the disputed domain name while also adding the words "debitcard". The Panel finds that the Complainant's trademark still is readily recognizable in the disputed domain name, and that therefore the disputed domain name is confusingly similar to the Complainant's trademark. [WIPO Overview 3.0](#), section 1.7.

The Panel thus finds that the Complainant has carried its burden of proof under Policy paragraph 4(a)(i).

B. Rights or Legitimate Interests

Owing to the difficulty of proving a negative, i.e., the Complainant proving that the Respondent does not have rights or legitimate interests in the disputed domain name, it is the consensus under the Policy that it is sufficient that the Complainant make out a prima facie case that the Respondent does not have rights or legitimate interests in the disputed domain name. The burden of production then shifts to the Respondent to come forward with evidence that it does have rights or legitimate interests in the disputed domain name, although the overall burden of proof remains on the Complainant. [WIPO Overview 3.0](#), section 2.1.

In the present case, the Complainant contends that the Respondent is not its licensee, nor in any other way affiliated with it. The Panel finds this constitutes a prima facie case under the Policy. Given that in the present case the Respondent has defaulted and did not come forward with any evidence, the Complainant's prima facie case should prevail. Nonetheless, for the sake of completeness, the Panel will examine the record to see if there is any evidence that the Respondent might have rights or legitimate interests in the disputed domain name as allowed under Policy paragraph 4(c)(i,ii and iii). In doing so, the Panel will accept as true all the Complainant's reasonable contentions. [WIPO Overview 3.0](#), section 2.1; and see *SomaLogic*

Operating Co. v. Edward Jones, WIPO Case No. [D2022-2902](#) (“In making that assessment, the Panel shall accept as true all reasonable contentions presented in the Complaint.”)

The Respondent is using the disputed domain name to host PPC links to other websites, most of which compete with the Complainant’s business. The Respondent also uses the disputed domain name to advertise that the disputed domain name is for sale for USD 16 million. Under the premises of this case, neither of these is a bona fide offering of goods or services as allowed under Policy paragraph 4(c)(i) as the Panel will discuss further in the bad faith section below. [WIPO Overview 3.0](#), section 2.9.

Further, the Panel does not discern in the record that the Respondent has ever been commonly known by the disputed domain name as allowed per Policy paragraph 4(c)(ii). Next, as the Complainant points out, the Respondent’s PPC setup is for financial gain and therefore the Respondent cannot claim to be making a legitimate noncommercial or fair use of the disputed domain name per Policy paragraph 4(c)(iii).

It follows, then, that the Complainant has dispatched its burden of proof under Policy paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

The Policy at paragraph 4(b) lays out non-exhaustive grounds for finding a respondent has registered and is using a disputed domain name in bad faith. The Panel finds that Policy paragraph 4(b)(iv) in particular is pertinent for the circumstances of the present case:

“by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other online 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 notes that the Respondent’s PPC scheme involves using the Complainant’s distinctive and successful trademark to attract Internet users to its website where virtually all of the PPC choices lead to businesses that compete with the Complainant. The Panel finds it is obvious that the Respondent had in mind the Complainant when it registered the disputed domain because its plans for exploiting the Complainant’s trademark were ready to be put into practice shortly after registration. Moreover, the composition of the disputed domain name, adding the related words “debitcard” to the Complainant’s trademark, further supports such a finding.

The Panel also notes that the Respondent has offered on its website a PPC link to another website that offers the disputed domain name for sale for USD 16 million. While the Panel doubts that the Respondent seriously expects to receive the asking price, the Panel finds this price nonetheless indicates that the Respondent calculates that the disputed domain name’s fake connection with the Complainant would allow the Respondent to get a good price for the disputed domain name and in the meantime to attract Internet users to its website for its PPC scheme. In this regard, the Panel finds the Respondent has compounded its bad faith use of the disputed domain name per Policy paragraph 4(b)(iv) with a violation of Policy paragraph 4(b)(ii):

“circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name.”

The Panel therefore finds that the Complainant has carried its burden of proof under Policy paragraph 4(a)(iii) to show that the Respondent registered and is using the disputed domain name in bad faith.

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 <greenlightdebitcard.com> be transferred to the Complainant.

/Dennis A. Foster/

Dennis A. Foster

Sole Panelist

Date: January 7, 2025