

ADMINISTRATIVE PANEL DECISION

Guillaume Pousaz, Pousaz Philanthropies v. MELENDEZ PEDRO J,
unknown

Case No. D2025-1720

1. The Parties

Complainants are Guillaume Pousaz (“Complainant No. 1”), United Kingdom (“UK”), and Pousaz Philanthropies (“Complainant No. 2”), UK (together “Complainants”), represented by Venner Shipley LLP, UK.

Respondent is MELENDEZ PEDRO J, United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain name <guilleumepousazfdn.com> is registered with Web Commerce Communications Limited dba WebNic.cc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 29, 2025. On April 29, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 30, 2025, 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 (Domain Admin, Whoisprotection.cc) and contact information in the Complaint. The Center sent an email communication to Complainants on April 30, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainants to submit an amendment to the Complaint. Complainants filed an amended Complaint on May 2, 2025.

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 Respondent of the Complaint, and the proceedings commenced on May 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 26, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on May 27, 2025.

The Center appointed Stephanie G. Hartung as the sole panelist in this matter on June 3, 2025. 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

Complainant No. 1, located in the UK, is the founder and CEO of the global payment services provider CHECKOUT.COM, established in 2008 and valued at USD 40 billion in 2022. He is known as a technology entrepreneur and philanthropist, who also established Complainant No. 2, a charitable foundation as well located in the UK focusing on supporting the safety and education of children worldwide, in 2022.

Complainants have provided evidence that Complainant No. 2 is the registered owner of the following trademark relating to its company name and brand “Pousaz Philantropies”:

- word/device trademark POUSAZ PHILANTROPIES, UK Intellectual Property Office (IPO), registration number: UK 00003894460, registration date: June 30, 2023, status: active.

Respondent, according to the registrar verification, is located in the United States. The disputed domain name was registered on September 10, 2024. By the time of the rendering of this decision, the disputed domain name does not resolve to any active content on the Internet. Complainants, however, have demonstrated that at some point before the filing of the Complaint, the disputed domain name resolved to a website at “www.guillaumepousazfdn.com” which purported to derive from Complainant No. 1 (e.g., by showing its picture and biographical data). Also, Complainants have submitted evidence of fraudulent email communications sent to a third party asking for sensible personal data, thereby impersonating Complainant No.1 and prominently referring to the website under the disputed domain name.

Complainants request that the disputed domain name be transferred to Complainants.

5. Parties’ Contentions

A. Complainants

Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain name. Notably, Complainants contend that Complainant No. 1 has a significant level of repute associated with his role as the founder and CEO of CHECKOUT.COM, while Complainant No. 2 has meanwhile established reputation and goodwill in the POUSAZ PHILANTROPIES trademark.

Complainants submit that the disputed domain name is highly similar to Complainants’ POUSAZ PHILANTROPIES trademark, as it takes the distinctive part, namely the surname “pousaz”, entirely and combines it with the first name “guillaume”; moreover, the letters “fdn” will be understood by consumers as an abbreviation for “foundation”, attempting to refer to Complainants. Moreover, Complainants assert that Respondent has no rights or legitimate interests in respect of the disputed domain name since (1) the latter resolved at some point to a website which purported to be the website of a philanthropic foundation referred to as “Guillaume Pousaz Group”, which is allegedly associated with Complainant No. 1, (2) neither references to Complainant No. 1 nor the use of the name “Guillaume Pousaz” on the website under the disputed domain name are authorized by either of Complainants, and (3) such website obviously provides improper contact data (e.g., the postal address in Saudi Arabia, a phone number in the United Arab Emirates and more address information in California). Finally, Complainants argue that Respondent has registered and is using the disputed domain name in bad faith since (1) in April 2025, the general data privacy email address for CHECKOUT.COM was contacted by a member of the public reporting that it had received a phishing email purporting to derive from “Guillaume Pousaz”, and (2) given the significant reputation of Complainants’ POUSAZ PHILANTROPIES trademark, and noting that the website under the disputed

domain name was being used to impersonate Complainant No. 1, it is inconceivable that Respondent was unaware of Complainants' trademark rights when registering the disputed domain name and it is also inconceivable that Respondent could have any good faith reason to use the disputed domain name, which consists of that POUSAZ PHILANTROPIES trademark.

B. Respondent

Respondent did not reply to Complainants' contentions.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, Complainants carry the burden of proving:

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

Respondent's default in the case at hand does not automatically result in a decision in favor of Complainants, however, paragraph 5(f) of the Rules provides that if Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute solely based upon the Complaint. Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from Respondent's failure to submit a Response as it considers appropriate.

A. Consolidation due to multitude of Complainants

First, as regards the multitude of Complainants, given that Complainant No. 1 is the founder and CEO of Complainant No. 2, owner of the concerned POUSAZ PHILANTROPIES trademark, Complainants obviously have a specific common grievance against Respondent why it is appropriate in the case at hand and in line with the UDRP panelists' majority view to accept this Complaint filed by multiple complainants (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.1).

B. Identical or Confusingly Similar

Second, 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 Complainants' POUSAZ PHILANTROPIES trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

Complainants have shown rights in respect of the POUSAZ PHILANTROPIES trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. Also, the dominant part of such trademark, namely Complainant No. 1's family name "pousaz", is reproduced within the disputed domain name which is why Complainants' POUSAZ PHILANTROPIES trademark is at least recognizable therein. Accordingly, the disputed domain name is confusingly similar to Complainants' POUSAZ PHILANTROPIES trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. Although the addition of other terms (here: Complainant No. 1's first name "guillaume" plus the term "fdn" which is a common abbreviation of the term "foundation") may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and Complainants' POUSAZ PHILANTROPIES trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel, therefore, finds the first element of the Policy has been established.

C. Rights or Legitimate Interests

Third, paragraph 4(c) of the Policy provides a list of circumstances in which 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 Complainants have established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted Complainants’ 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.

In particular, Respondent obviously has neither been granted a license nor has it been otherwise authorized by Complainants to use the POUZAZ PHILANTROPIES trademark, either as a domain name or in any other way. Also, there is no reason to believe that Respondent’s name somehow corresponds with the disputed domain name, and Respondent does not appear to have any trademark rights associated with Complainant No. 1’s family name “pousaz”. Finally, the disputed domain name at some point in the past resolved to a website at “www.guillaumepousazfdn.com” which purported to derive from Complainant No. 1 (e.g., by showing its picture and biographical data); moreover, fraudulent email communications was sent to a third party asking for sensible personal data, thereby again purporting to derive from Complainant No.1 and prominently referring to the website under the disputed domain name. Such use of the disputed domain name constitutes a clear impersonation of both Complainants, presumably for some unlawful purpose, and, thus, neither qualifies as bona fide nor as legitimate noncommercial or fair within the meaning of paragraph 4(c) of the Policy. In this context, panels have long held that the use of a domain name for illegal activity (here: impersonating/passing off Complainants for an unlawful purpose) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel, therefore, finds the second element of the Policy has been established, too.

D. Registered and Used in Bad Faith

Finally, 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 circumstances of this case leave no doubts that Respondent was fully aware of Complainant No.1 and of Complainant No.2’s business and the rights in the POUZAZ PHILANTROPIES trademark when registering the disputed domain name and that the latter clearly is directed thereto. Moreover, using the disputed domain name to operate a website at “www.guillaumepousazfdn.com” which purported to derive from Complainant No. 1 (e.g., by showing its picture and biographical data) and sending fraudulent email communications to a third party asking for sensible personal data, thereby again purporting to derive from Complainant No.1 and prominently referring to the website under the disputed domain name, is a clear indication that Respondent intentionally attempted to attract, for commercial gain, Internet users to its own website and fraudulent email communication by creating a likelihood of confusion with Complainants’ POUZAZ PHILANTROPIES trademark as to the source, sponsorship, affiliation or endorsement of Respondent’s Internet presence. Such circumstances are evidence of registration and use of the disputed

domain name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy. Also, UDRP panels have long held that the use of a domain name for illegal activity (here: impersonating/passing off Complainants for an unlawful purpose) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

The Panel, therefore, finds that Complainants have established the third element of the Policy, too.

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, <guillaumepousazfdn.com>, be transferred to Complainants.

/Stephanie G. Hartung/

Stephanie G. Hartung

Sole Panelist

Date: June 16, 2025