

ADMINISTRATIVE PANEL DECISION

Equifax Inc. v. CRISTIAN APARA

Case No. D2025-1732

1. The Parties

The Complainant is Equifax Inc., United States of America (“United States” or “U.S.”), represented by The GigaLaw Firm, Douglas M. Isenberg, Attorney at Law, LLC, United States.

The Respondent is CRISTIAN APARA, Chile.

2. The Domain Name and Registrar

The disputed domain name <equifaxchile.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 30, 2025. On April 30, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 1, 2025, 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 amendment to the Complaint on May 3, 2025.

The Center verified that the Complaint together with the amendment to 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 May 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 27, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 28, 2025.

The Center appointed Francisco Castillo-Chacón as the sole panelist in this matter on June 4, 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

The Complainant is a global data, analytics and technology company. The Complainant provides information solutions for businesses, governments and consumers, and the Complainant provides human resources business process automation and outsourcing services for employers. The Complainant has a large and diversified group of clients, including financial institutions, corporations, government agencies and individuals. The Complainant's services are based on comprehensive databases of consumer and business information derived from numerous sources including credit, financial assets, telecommunications and utility payments, employment, income, educational history, criminal justice data, healthcare professional licensure and sanctions, demographic and marketing data. The Complainant uses advanced statistical techniques, machine learning and proprietary software tools to analyze available data to create customized insights, decision-making and process automation solutions and processing services for our clients. The Complainant is a leading provider of information and solutions used in payroll-related and human resource management business process services in the United States, as well as e-commerce fraud and charge back protection services in North America. For consumers, the Complainant provides products and services to help people understand, manage and protect their personal information and make more informed financial decisions. Additionally, the Complainant also provides information, technology and services to support debt collections and recovery management.

The Complainant owns at least 221 trademark registrations in at least 56 jurisdictions around the world for marks that consist of or contain the word "Equifax," which was first used in commerce and registered in 1975. The Complainant submitted a schedule of these registrations along with its Complaint. Among the multiple registrations cited, it is worth mentioning the Complainant's registrations for the EQUIFAX trademark in the United States include the following: EQUIFAX: U.S. Reg. No. 1,027,544 (first used in commerce March 4, 1975; registered December 16, 1975) for use in connection with "insurance risk information reporting services concerning potential policy holders"; EQUIFAX: U.S. Reg. No. 1,045,574 (first used in commerce March 4, 1975; registered August 3, 1976) for use in connection with "conducting investigations and reporting on individuals and firms concerning credit, character and finances..."; EQUIFAX: U.S. Reg. No. 1,644,585 (first used in commerce March 4, 1975; registered May 14, 1991) for use in connection with, inter alia, "providing on-line access to computer databases containing information relating to applicants for insurance, credit, mortgage loans, and employment".

The Complainant also owns numerous domain names, including <equifax.com> which predate the registration of disputed domain name on April 14, 2025. The Complainant's domain names date back to February 21, 1995, this predates the registration of the disputed domain name by more than 20 years. The disputed domain name does not resolve to 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 that the mark EQUIFAX is well known in its industry and a worldwide leader in its field. The Complainant further contends that the trademark has a long and extensive use, and that it is a key player in its industry.

In addition, the Complainant asserts that the Respondent has no rights or legitimate interests in the disputed domain name since the Complainant has no relationship with the Respondent and the latter is not commonly known by the disputed domain name. The Respondent certainly had knowledge of the internationally famous EQUIFAX mark when the disputed domain name was registered given the distinctiveness and international reputation of the EQUIFAX mark. The Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services, nor making any legitimate noncommercial or fair use of it.

The Complainant states that the disputed domain name was registered and used in bad faith given that: (a) the Respondent was aware of the EQUIFAX mark; and (b) the Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services, nor making any legitimate noncommercial or fair use of them.

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 Complainant is the owner of the mark EQUIFAX in several jurisdictions.

The disputed domain name incorporates Complainant's entire trademark.

The disputed domain name consists of the Complainant's EQUIFAX mark in its entirety with the addition of the word "Chile". Although the addition of other terms like "Chile" here may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent the disputed domain name from being confusingly similar to the Complainant's trademark. The Panel finds that the disputed domain name is confusingly similar to the Complainant's EQUIFAX mark. [WIPO Overview 3.0](#), section 1.8.

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.

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:

- (i) circumstances indicating that the respondent has registered or has 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 the complainant, for valuable consideration in excess of its documented out-of-pocket costs directly related to the domain name; or
- (ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or
- (iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the respondent's website or location.

The Panel considers it evident that the Respondent was aware of the Complainant and its reputation in the EQUIFAX mark at the time the disputed domain name was registered. The Complainant is one of the largest companies in its field with worldwide operations.

The word "equifax" is a coined term, and makes no sense combined with the term "Chile" other than as a reference to the Complainant. The registration of the disputed domain name was therefore made with knowledge of the Complainant's EQUIFAX mark and, in the absence of rights or legitimate interests amounts to registration in bad faith.

Panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. [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 the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

The disputed domain name has been registered and is being used in bad faith. 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 <equifaxchile.com> be transferred to the Complainant.

/Francisco Castillo-Chacón/

Francisco Castillo-Chacón

Sole Panelist

Date: June 12, 2025