

## **ADMINISTRATIVE PANEL DECISION**

FNF Intellectual Property Holdings, Inc. v. Tiff Frenk, CT Consultants, A Ermshar  
Case No. D2026-0100

### **1. The Parties**

The Complainant is FNF Intellectual Property Holdings, Inc., United States of America (“United States”), represented by Lewis Rice, LLC, United States.

The Respondents are Tiff Frenk, CT Consultants, United States, and A Ermshar, United States.

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

The disputed domain name <ipx1031.net> is registered with NameCheap, Inc.; and the disputed domain name <ixp1031.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (together, the “Registrars”).

The disputed domain names <ipx1031.net>, and <ixp1031.com> will hereinafter be referred to as the “Disputed Domain Names”.

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 9, 2026. On January 12, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Names. On January 12 and 13, 2026, the Registrars transmitted by email to the Center their verification responses disclosing registrant and contact information for the Disputed Domain Names which differed from the named Respondent (Tiff Frenk, Consultants, and Name Cheap) and contact information in the Complaint.

The Center sent an email communication to the Complainant on January 14, 2026 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaints for the Disputed Domain Names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that the Disputed Domain Names are under common control. The Complainant filed an amended Complaint on January 19, 2026.

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 Respondents of the Complaint, and the proceedings commenced on January 22, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 11, 2026. The Respondents did not submit any response. However, the Center received emails from a third party on February 9, 11, and 13, 2026. Accordingly, the Center notified the commencement of panel appointment process on February 13, 2026.

The Center appointed Lynda M. Braun as the sole panelist in this matter on February 19, 2026. 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 corporation with a principal place of business in Florida, United States. The Complainant’s affiliate, Investment Property Exchange Services, Inc. (“IPX”), has been in the tax-deferred exchanges services industry for over three decades and provides its services through its broad nationwide network of regional offices and its highly specialized exchange divisions.

The Complainant owns the following registered trademarks through the United States Patent and Trademark Office (“USPTO”): IPX1031, United States Registration No. 3,426,377, registered on May 13, 2008, with a first use in commerce of February 2000, in international class 36; and IPX1031 (stylized), United States Registration No. 5,232,081, registered on June 27, 2017, in international class 36 (hereinafter collectively referred to as the “IPX1031 Mark”). The Complainant, through IPX, has made continued and uninterrupted use of the IPX1031 Mark for at least 25 years, and in addition to the registered rights detailed above, claims to have common law rights to its IPX1031 Mark

The Disputed Domain Names were registered as follows: <ixp1031.com> was registered on January 3, 2025, by Tiff Frenk, CT Consultants, and <ipx1031.net> was registered on February 28, 2025, by A Ermshar. The Respondents used the Disputed Domain Names in a fraudulent scheme in which the Respondents configured the Disputed Domain Names for email functions and used an email address incorporating the Disputed Domain Names to impersonate two of the Complainant’s employees and send fraudulent emails to the Complainant’s customers, requesting wire payments with instructions to make payments to a bank account presumably controlled by the Respondents. The Complainant’s customers were thus led to believe that they were interacting with genuine representatives of the Complainant.

#### **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 Disputed Domain Names are confusingly similar to the Complainant’s trademark because the Disputed Domain Names contain the IPX1031 Mark, albeit misspelled in one of the domain names, followed by the generic Top-Level Domain (“gTLD”) “.com” in one Disputed Domain Name, and followed by the gTLD “.net” in the other Disputed Domain Name, and thus does not prevent a finding of confusing similarity;

- the Respondents have no rights or legitimate interests in respect of the Disputed Domain Names because, among other things, the Complainant has not authorized the Respondents to register a domain name containing the IPX1031 Mark, and the Respondents were not making a bona fide offering of goods or services through the Disputed Domain Names; and

- the Disputed Domain Names were registered and used in bad faith because, among other things, the Respondents used the Disputed Domain Names in email addresses to impersonate the Complainant's employees and send fraudulent emails to the Complainant's customers, requesting that they make wire payments to the Respondents' bank account, though believing that the payments were being sent to the Complainant's account.

The Complainant seeks the transfer of the Disputed Domain Names from the Respondents to the Complainant in accordance with paragraph 4(i) of the Policy.

## **B. Respondents**

The Respondents did not reply to the Complainant's contentions. However, a third party sent emails to the Center stating that the registrant of the disputed domain name <ixp1031.com> registered the disputed domain name using their contact details without authorization.

## **6. Discussion and Findings**

### **6.1 Preliminary Issue: Consolidation of the Respondents**

The Complainant has requested the consolidation of the Respondents in this proceeding. Pursuant to paragraph 3(c) of the Rules, "[t]he complaint may relate to more than one domain name, provided that the domain names are registered by the same domain-name holder." Where a complaint is filed against multiple respondents, UDRP panels look at whether (i) the domain names or corresponding websites are subject to common control, and (ii) the consolidation would be fair and equitable to all parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.11.2. Procedural efficiency would also underpin panel consideration of such a consolidation scenario. See *Speedo Holdings B.V. v. Programmer, Miss Kathy Beckerson, John Smitt, Matthew Simmons*, WIPO Case No. [D2010-0281](#).

The disputed domain name registrants did not comment on the Complainant's request.

As regards common control, the Panel notes that the nearly identical composition of the Disputed Domain Names, the proximity in the dates of registration of the Disputed Domain Names, the false registrant information provided for the Disputed Domain Names, and the similar fraudulent schemes perpetrated by the Respondents using each of the Disputed Domain Names all demonstrate that the Disputed Domain Names are under common control. Therefore, as regards fairness and equity, the Panel sees no reason why consolidation of the Respondents would be unfair or inequitable to any Party. Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

### **6.2 Substantive Issues**

Paragraph 4(a) of the Policy requires that the Complainant prove the following three elements in order to prevail in this proceeding:

- (i) the Disputed Domain Names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the Disputed Domain Names; and

(iii) the Disputed Domain Names were registered and are being used in bad faith.

### **A. Identical or Confusingly Similar**

Paragraph 4(a)(i) of the Policy requires a two-fold inquiry: a threshold investigation into whether a complainant has rights in a trademark, followed by an assessment of whether the disputed domain name is identical or confusingly similar to that trademark. The Panel concludes that in the present case, the Disputed Domain Names are confusingly similar to the IPX1031 Mark, differing only in one of the Disputed Domain Names by the transposition of the letters “x” and “p”.

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. See [WIPO Overview 3.1](#), section 1.7.

It is uncontroverted that the Complainant has established rights in the IPX1031 Mark based on its registered trademarks for the IPX1031 Mark in the United States. The registration of a mark satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case. As stated in section 1.2.1 of the [WIPO Overview 3.1](#), “[w]here the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case”. The Panel finds that the Complainant satisfied the threshold requirement of having trademark rights in the IPX1031 Mark.

The IPX1031 Mark is recognizable within the Disputed Domain Names as the IPX1031 Mark is used in its entirety, albeit misspelled in one of the Disputed Domain Names by transposing the letters “x” and “p”. Such a minor modification to a disputed domain name is commonly referred to as “typosquatting” and seeks to wrongfully take advantage of errors by a user in typing a domain name into a web browser. The misspelling of the term “ipx” to “ixp” does not prevent a finding of confusing similarity to the IPX1031 Mark. See [WIPO Overview 3.1](#), section 1.9: “A domain name which consists of a variation of a trademark (typically a common, obvious, or intentional misspelling, referred to as typosquatting) is considered by panels to be confusingly similar to the relevant mark for purposes of the first element”; see also *Express Scripts, Inc. v. Whois Privacy Protection Service, Inc. / Domaindeals, Domain Administrator*, WIPO Case No. [D2008-1302](#); *Singapore Press Holdings Limited v. Leong Meng Yew*, WIPO Case No. [D2009-1080](#).

Finally, the addition of a gTLD such as “.com” or “.net” in a domain name is a technical requirement. Thus, it is well established that, as here, such element may typically be disregarded when assessing whether a domain name is identical or confusingly similar to a trademark. See [WIPO Overview 3.1](#), section 1.11.1. Thus, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant’s IPX1031 Mark.

Based on the available record, the Panel finds that 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 that 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 3.1](#), section 2.1.

In this case, given the facts as set out above, the Panel finds that the Complainant has made out a prima facie case. The Respondent has not submitted any arguments or evidence to rebut the Complainant's prima facie case. Furthermore, the Complainant has not authorized, licensed or otherwise permitted the Respondent to use its IPX1031 Mark. Nor does the Complainant have any type of business relationship with the Respondent. There is also no evidence that the Respondent is commonly known by the Disputed Domain Names or by any similar name, nor any evidence that the Respondent was using or making demonstrable preparations to use the Disputed Domain Names in connection with a bona fide offering of goods or services. See Policy, paragraph 4(c).

Further, based on the Respondent's use made of the Disputed Domain Names to impersonate two of the Complainant's employees and configure emails to perpetuate a fraudulent email scheme does not confer rights or legitimate interests on the Respondent. See [WIPO Overview 3.1](#), section 2.13.1 ("Panels have categorically held that the use of a domain name for illegal activity (e.g., ... passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent."). See also *Agricola Industrial Lo Valledor AASA v. Name Redacted*, WIPO Case No. [D2021-0402](#) (respondent's use of a domain name for a fraudulent scheme is not a bona fide offering and constitutes prima facie evidence that the respondent lacks rights or legitimate interests). This is precisely what occurred here, where the Respondent sent fraudulent emails created from the Disputed Domain Names to several of the Complainant's customers, presumably requesting wire payment to the Respondent's bank account.

In sum, the Panel concludes that the Complainant has established an unrebutted prima facie case that the Respondent lacks rights or legitimate interests in the Disputed Domain Names. The Panel finds that the Respondent is using the Disputed Domain Names for commercial gain with the intent to mislead and defraud the Complainant's customers by incorporating the Disputed Domain Names into fraudulent emails sent by the Respondent to those customers in the name of actual employees of the Complainant. Such use cannot conceivably constitute a bona fide offering of a product or service within the meaning of paragraph 4(c)(i) of the Policy. The Panel concludes that nothing on the record before it would support a finding that the Respondent is making a legitimate noncommercial or fair use of the Disputed Domain Names.

Based on the available record, the Panel finds that 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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith. The Panel finds that based on the record, the Complainant has demonstrated the existence of the Respondent's bad faith registration and use of the Disputed Domain Names, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.1](#), section 3.2.1.

Panels have held that the use of a domain name for illegal activity constitutes bad faith. [WIPO Overview 3.1](#), section 3.4. Having reviewed the record, the Panel finds that the Respondent's registration and use of the Disputed Domain Names constitutes bad faith under the Policy due to the Respondent's use of a fraudulent email scheme in which the Respondent, impersonating the Complainant's employees, sent emails incorporating the IPX1031 Mark to the Complainant's customers, requesting payments to bank accounts presumably controlled by the Respondent. See [WIPO Overview 3.1](#), section 3.1.4 (use of a domain name for per se illegitimate activity such as passing off is considered evidence of bad faith). See also *Stichting BDO v. Contact Privacy Inc. Customer 7151571251/gregory Motto*, WIPO Case No. [D2022-2023](#) (finding use of an email address incorporating the disputed domain name to fraudulently obtain payment of invoices to be evidence of bad faith pursuant to paragraph 4(b)(iv) of the Policy for intentionally misleading and confusing the public into believing that the Respondent was associated and/or affiliated with the Complainant).

Thus, the Panel concludes that the Respondent used the Disputed Domain Name as part of an illegal scheme to defraud the Complainant's customers of significant sums of money. Such conduct demonstrates the Respondent's bad faith and is precisely the conduct that the Policy aims to proscribe.

The Panel also finds that the Respondent had actual knowledge of the Complainant and its rights in the IPX1031 Mark when registering the Disputed Domain Names, emblematic of bad faith registration and use. It strains credulity to believe that the Respondent did not know of the Complainant or its IPX1031 Mark when registering the Disputed Domain Names, as evidenced by the misspelling of the IPX1031 Mark used in the Disputed Domain Names, and the inclusion of the IPX1031 Mark in fraudulent emails. Thus, the Panel finds that in the present case, the Respondent had the Complainant's IPX1031 Mark in mind when registering and using the Disputed Domain Names.

Further, the Panel concludes that the Respondent's registration and use of the Disputed Domain Names was an attempt to disrupt the Complainant's business for commercial gain. See *Newegg Inc. v. Nicole Alex and Alexander Ethan*, WIPO Case No. [D2019-2740](#) (registration of disputed domain names was likely to have been made in an attempt to receive commercial gain from their exploitation). The Panel additionally finds that the Respondent's use of the Disputed Domain Names was also highly likely to confuse the Complainant's customers into incorrectly believing that the Respondent was authorized by or affiliated with the Complainant.

Finally, one Disputed Domain Name is the subject of typosquatting, as it contains a misspelling of the IPX1031 Mark, which is evidence of bad faith registration and use. See *Nutricia International BV v. Eric Starling*, WIPO Case No. [D2015-0773](#); see also *ESPN, Inc. v. XC2*, WIPO Case No. [D2005-0444](#) ("It is well-settled that the practice of typosquatting, of itself, is evidence of the bad faith registration of a domain name.").

Based on the available record, the Panel finds that the third element of the Policy has been established.

## 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 <ipx1031.net>, and <ixp1031.com> be transferred to the Complainant.

/Lynda M. Braun/

**Lynda M. Braun**

Sole Panelist

Date: February 27, 2026