ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Equifax Inc. v. Kevin Brown
Case No. D2026-4304

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 Kevin Brown, United States of America, self-represented.

2. The Domain Name and Registrar

The disputed domain name <equifaxvictim.com> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 24, 2026. On September 24, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 25, 2026, 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 (Redacted for Privacy Purposes, Privacy Service Provided by Withheld for Privacy LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 25, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. In response, on September 25, 2026, the Complainant indicated that it did "not wish to make substantive amendments to the Complaint but does wish to add the newly identified registrant as respondent to the Complaint." That was the totality of the Complainant's amendment to the Complaint after learning of the Respondent's identity.

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 September 28, 2026. In accordance with the Rules, paragraph 5, the due date for the Response was October 18, 2026. The Response was filed with the Center

on October 8, 2026. The Complainant filed a request for suspension of the proceeding on October 12, 2026. On the same date, the Center suspended the proceeding until November 11, 2026. The Center received a request from the Respondent to reinstitute the proceeding on October 14, 2026. The Center reinstituted the proceeding on October 27, 2026, and informed the parties that it would proceed to panel appointment.

On October 28, 2026, the Complainant submitted an unsolicited supplemental filing. On the same day, the Respondent submitted an opposition to that filing.

The Center appointed David H. Bernstein as the sole panelist in this matter on November 3, 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.

On November 3, 2026, the Center notified the Parties that the disputed domain name was due to expire on November 20, 2026. On November 4, 2026, the Registrar confirmed that the disputed domain name was renewed for one year and is now due to expire on November 20, 2027.

4. Factual Background

The Complainant is a global data, analytics, and technology company that provides information solutions for businesses, governments, and consumers, and human resources business process automation and outsourcing services for employers. It was incorporated in Georgia, United States in 1913, and its predecessor dates back to 1899. As of December 31, 2025, the Complainant employed approximately 15,000 people in 22 countries. Its common stock trades on the New York Stock Exchange under the symbol EFX.

The Complainant states that it owns at least 221 trademark registrations in at least 56 jurisdictions for marks that consist of or contain EQUIFAX. Those registrations include the following registrations with the United States Patent and Trademark Office ("USPTO"):

- EQUIFAX, Reg. No. 1,027,544, registered December 16, 1975, in class 36;

- EQUIFAX, Reg. No. 1,045,574, registered August 3, 1976, in class 35; and

- EQUIFAX, Reg. No. 1,644,585, registered May 14, 1991, in classes 35, 36, and 42.

The Complainant has long used the domain name <equifax.com>, which was created on February 21, 1995, for its primary website.

The Respondent is an individual based in Georgia, United States. The record reflects that the Respondent has been engaged in a series of consumer-credit disputes with Equifax Information Services, LLC,[1] including litigation in the Superior Court of Gwinnett County, Georgia (Civil Action No. 24-A-110594) and in the United States District Court for the Northern District of Georgia (Civil Action No. 1:25-cv-06439-MHC-JSA). The Respondent's filings in the federal litigation allege, among other things, that his personal information was exposed in the 2017 Equifax data breach, that an unauthorized freeze was placed on his credit file in 2022, and that inaccurate reporting caused him to be denied credit and banking services.

According to the Respondent, on November 18, 2025, a lender, Bank OZK, attempted to obtain his credit information, and the Equifax portion of the resulting report stated that his credit score was unavailable (the "credit event"). The Respondent registered the disputed domain name two days later, on November 20, 2025. Shortly after that, on November 25, 2025, the Respondent filed a claim against Equifax Information Services, LLC in the Magistrate Court of Gwinnett County, Georgia (Civil Action No. 25-M-55789).

[1] The Panel has determined through reference to publicly available sources that Equifax Information Services, LLC is a subsidiary of the Complainant. Such research by the Panel is permissible because "a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits." WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.8.

At the time the Complaint was filed, the disputed domain name did not resolve to an active website. A screen capture dated September 23, 2026, shows a Wix.com page stating, "This domain isn't connected to a site." At that time, mail exchanger ("MX") records had been configured for the disputed domain name. Sometime between September 23, 2026, and October 8, 2026, the Respondent published a website at the disputed domain name.

It is not clear from the record when the website was published, and exactly what it said at the time of publication. The Respondent has submitted undated screen captures that shows a version of a website. Those screen captures differ from the way that the website at the disputed domain name appears at the time of this decision. In his Schedule of Annexes (Annex R-3), the Respondent describes the submitted screen captures as "website-development and redesign records predating notice of this proceeding, to the extent submitted, demonstrating preparations associated with the consumer-criticism website and relevant development/redesign chronology."[2] In his Response, though, the Respondent describes these screen captures as the "current site . . . devoted to consumer criticism, consumer information, Respondent's experiences and litigation involving Equifax, public records, and consumer resources" and as being "full-page captures of the live website." In the Complainant's supplemental submission, the Complainant reproduces excerpts from those screen captures and repeats the Respondent's characterization of those screen captures as reflecting "[t]he current site" and "the live website." The Complainant did not dispute that those screen captures reflected the website as it existed at the time of the Response, on October 8, 2026. Therefore, although the screen captures in Annex R-3 differ from the website as it appears at the time of this decision, the Panel will treat those screen captures as reflecting the website that the Respondent published at some point after September 23, 2026. That website included a header that reproduces the EQUIFAX logo followed by the word "Victim.com". Below that, the website included a "Need Help?" button and links captioned "Report To Equifax to the CFPB" [*sic*] and "Report Equifax To The FTC". The website indicated that it provided resources for victims of the Equifax data breach incident.

On October 13, 2026, during the suspension of this proceeding, the Complainant's counsel invited the Respondent to settle by agreeing to transfer the disputed domain name. On October 14, 2026, the Respondent replied: "Denied. 15 U.S.C. § 1114(2)(D)(v)."

As of the date of this decision, the website to which the disputed domain name resolves has more extensive information about ways to complain to regulators about the Complainant, as well as information about the Respondent's several disputes with Equifax Information Services, LLC. The website continues to reference EQUIFAX in logo form.

5. Parties' Contentions

A. Complainant

(i) Identical or confusingly similar

The Complainant contends that the disputed domain name is confusingly similar to its EQUIFAX trademark because it incorporates the mark in its entirety, and the addition of the word "victim" does not prevent a finding of confusing similarity.

(ii) Rights or legitimate interests

The Complainant contends that the Respondent lacks rights or legitimate interests in the disputed domain name. The Complainant has never authorized the Respondent to use its mark, and avers that the Respondent has never been commonly known by the disputed domain name and has never acquired any trademark or service mark rights in the disputed domain name. The Complainant contends that the Respondent's failure to use the disputed domain name in connection with an active website shows both a lack of a bona fide offering of goods or services and a lack of legitimate noncommercial or fair use.

---

[2] Annex R-3 also contains dated emails from November and December 2025 concerning an email account for, and search-engine optimization of, a Wix site at the disputed domain name. It is unclear whether the "pre-UDRP" description is intended to refer only to the dated emails or also to the undated screen captures. It also is unclear whether the Respondent had already developed the draft website as of that time.

(iii) Registered and used in bad faith

The Complainant contends that its EQUIFAX mark is well known such that the Respondent must have known of it when he registered the disputed domain name. The Complainant argues that, because the disputed domain name is "so obviously connected" with the Complainant, the Respondent's actions suggest "opportunistic bad faith". The Complainant also contends that bad faith exists under the passive holding doctrine given the distinctiveness and reputation of the EQUIFAX mark, the concealment of the Respondent's identity (at the time the Complaint was filed), and the absence of any plausible good faith use. The Complainant further argues that the configuration of MX records creates a risk that the disputed domain name could be used for phishing and is further evidence of bad faith.

(iv) Supplemental filing

In its unsolicited supplemental filing, the Complainant contends that the Respondent published his website only after the Complaint was filed, which cannot create rights or legitimate interests or avoid a finding of bad faith, and instead reflects a defensive move. The Complainant also contends that the Respondent's use of the EQUIFAX logo at the top of the website reinforces the Respondent's lack of rights and his bad faith. The Complainant further argues that the inclusion of the word "victim" in the disputed domain name is irrelevant, citing decisions transferring domain names that combined a trademark with terms such as "fuck", "sucks", and "hate".

B. Respondent

(i) Identical or confusingly similar

The Respondent does not dispute that the Complainant possesses rights in the EQUIFAX mark or that the disputed domain name incorporates the mark, but contends that the Complainant has not satisfied the second and third elements.

(ii) Rights or legitimate interests

The Respondent contends that he registered the disputed domain name in the immediate context of an actual dispute with the Complainant's subsidiary, two days after the November 18, 2025, credit event. Consistent with that context, a few days later, the Respondent filed a Statement of Claim in the Magistrate Court of Gwinnett County, Georgia. The Respondent contends that the disputed domain name, by combining EQUIFAX with the critical term "victim", signals criticism rather than affiliation, and that his website is a genuine, noncommercial consumer criticism site within Paragraph 4(c)(iii) of the Policy.

(iii) Registered and used in bad faith

The Respondent does not contend that he was unaware of the Complainant, but argues that his knowledge does not establish a bad faith purpose. He asserts that he did not register the disputed domain name to sell it, to block the Complainant, or to disrupt a competitor, and that he has not used it for commercial gain. He contends that the Complainant's screenshot of an inactive page does not establish the website's status throughout the relevant period, that temporary website inactivity does not establish the Respondent's intent when the disputed domain name was registered, and that the mere existence of MX records does not establish phishing or fraud.

(iv) Opposition to supplemental filing

The Respondent contends that the Complainant has not identified an unforeseen or exceptional circumstance justifying an unsolicited supplemental filing and asks the Panel to decline to admit the Complainant's supplemental filing or, alternatively, to consider his opposition as well. He contends, among other things, that the absence of an Internet Archive capture does not prove that no website existed, that later website content cannot substitute for proof of bad faith at registration, that the word "victim" is directly relevant to the rights or legitimate interests analysis, and that the logo must be viewed in the context of the website that directs visitors to government consumer-protection agencies.

6. Discussion and Findings

Paragraph 4(a) of the Policy provides that, to obtain transfer of a domain name, a complainant must prove each of the following:

(i) the 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 domain name; and
(iii) the respondent registered and used the domain name in bad faith.

A. Preliminary Issue: Supplemental Filings

Paragraphs 10 and 12 of the Rules give the Panel discretion to determine the admissibility of evidence and to request further statements. Unsolicited supplemental filings are generally discouraged, and the party submitting one should clearly show its relevance to the case and why it was unable to provide the information in its complaint or response (for example, owing to some unforeseen or exceptional circumstance). WIPO Overview 3.1, section 4.6. A complainant is expected to anticipate and address likely plausible defenses in its complaint. That said, a supplemental filing may be appropriate to address defenses that could not reasonably have been anticipated. WIPO Overview 3.1, section 3.1.

The Panel admits the Complainant's supplemental filing in part. The portions addressing the post-Complaint posting of the Respondent's website, and the content of that website, including the use of the EQUIFAX logo at the top of the website, concern matters that first came to light after the filing of the Complaint. When the Complaint was filed, the disputed domain name did not resolve to an active website, so the Complainant could not have addressed that content earlier. As the Respondent himself acknowledged in his Response, those portions are relevant to whether the Respondent's use is fair and not misleading. WIPO Overview 3.1, sections 2.5.2 and 2.6.3. The Complainant, therefore, is entitled to respond with a supplemental submission to this new evidence and the arguments that the Complainant could not have reasonably anticipated in the Complaint.

The Panel declines to admit the portion of the supplemental filing arguing that the use of the word "victim" in the disputed domain name is irrelevant. The word "victim" appears in the disputed domain name itself, and a criticism defense under Paragraph 4(c)(iii) of the Policy was therefore an obvious defense for the Complainant to anticipate. That is especially true given that the Registrar disclosed the identity of the Respondent in its verification response, at which point the Complainant knew or should have known that the Respondent was the same person who had filed three claims against the Complainant's subsidiary in three different courts. Despite having been given that knowledge, the Complainant declined to make any substantive revisions to its Complaint, including to address the extent to which the Respondent, who claimed to be a victim of the Complainant and its data breach, had a legitimate interest in registering the disputed domain name. Having declined to amend its Complaint substantively when it learned of the identity of the Respondent, the Complainant may not file late arguments about the impact of the word "victim" in the disputed domain name through a supplemental submission. Those are arguments that the Complainant could have anticipated at the time it amended its Complaint.

To ensure that the Parties are treated with equality, the Panel admits the Respondent's opposition to the extent that it responds to the admitted portions of the Complainant's supplemental filing. Rules, paragraph 10(b).

B. Identical or Confusingly Similar

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 3.1, section 1.7.

The Complainant has shown rights in respect of a trademark for the purposes of the Policy through its USPTO registrations for EQUIFAX. WIPO Overview 3.1, section 1.2.1. The entirety of the EQUIFAX mark is reproduced within the disputed domain name. Although the addition of the term "victim" may bear on assessment of the second and third elements, it does not prevent a finding of confusing similarity. WIPO Overview 3.1, sections 1.8 and 1.13. The generic Top-Level Domain ".com" is a standard registration requirement and may be disregarded for this purpose. WIPO Overview 3.1, section 1.11.1. The Respondent does not contend otherwise.

Accordingly, the Panel finds that the Complainant has established the first element of the Policy.

C. Rights or Legitimate Interests

Although the overall burden of proof in UDRP proceedings is on the complainant, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the disputed domain name. WIPO Overview 3.1, section 2.1. Here, the Complainant has made out a prima facie case: it has not authorized the Respondent to use its mark, there is no evidence that the Respondent is commonly known by the disputed domain name, and the disputed domain name did not resolve to an active website at the time of the filing of the Complaint and the amendment to the Complaint.

On the information available to it when it prepared the Complaint, it was reasonable for the Complainant to believe that it was dealing with a cybersquatter. The disputed domain name incorporates the well-known EQUIFAX mark, the registrant's identity was concealed behind a privacy service, the disputed domain name was not being used for an active website, and MX records had been configured. That picture changed, however, when the Registrar disclosed the Respondent's identity. At that point, the Complainant should have realized that the Respondent was the same individual who had filed three claims against the Complainant's subsidiary in three different courts. A domain name pairing EQUIFAX with the word "victim", registered by a litigant pursuing grievances against the Complainant's subsidiary, at least suggested that the Respondent might have a legitimate interest in publicizing those grievances, rather than an intent to trade on the Complainant's mark.

Whether the Complainant had made out a prima facie case at the time of the amendment to the Complaint is a close question. Ultimately, given the absence of any active use of the disputed domain name at that time, coupled with the fact that MX records showed that the disputed domain name had been configured for sending and receiving email, the Panel finds that the Complainant continued to have valid suspicions about the Respondent's intentions. For that reason, the Panel finds that the Complainant had alleged sufficient facts to establish a prima facie showing that the Respondent lacked rights or legitimate interests in the disputed domain name. The question, therefore, is whether the Respondent has come forward with evidence sufficient to rebut that prima facie case and to demonstrate rights or a legitimate interest.

The Panel finds that he has. Paragraph 4(c)(iii) of the Policy provides that a respondent may have rights or legitimate interests in a domain name if he is making a "legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue." The use of a domain name for genuine, noncommercial criticism can support such a legitimate interest, provided that the criticism is genuine rather than a pretext for cybersquatting, commercial activity, or tarnishment. WIPO Overview 3.1, section 2.6.1. In assessing genuineness, panels do not examine the veracity or accuracy of the criticism, or whether it is defamatory, but look at whether the motivation behind the criticism is genuine. *Id.*

Where the domain name at issue is not identical to the complainant's mark but comprises the mark plus a derogatory term, "panels tend to find that the respondent has a legitimate interest in using the trademark as part of the domain name of a genuine criticism site if such use is prima facie, genuinely fair, and not misleading or false." WIPO Overview 3.1, section 2.6.3. Here, the disputed domain name pairs EQUIFAX with the word "victim", which communicates a grievance against the Complainant, rather than any affiliation with it. Critical terms of this kind "tend to communicate, prima facie at least, that there is no such affiliation." WIPO Overview 3.1, section 2.5.1. It is unlikely that a reasonable Internet user would expect the Complainant to register a domain name describing its own customers as its victims.

The Complainant is right that panels tend to assess claimed rights or legitimate interests at the time the complaint is filed. Panels may, however, also consider evidence of past use and the surrounding context around the registration and use of the disputed domain name. WIPO Overview 3.1, section 2.11. The circumstances surrounding the registration of this domain name confirm what the disputed domain name itself suggests: That the Respondent believed he was a victim of a data breach event related to the Complainant, and intended to communicate about that belief through the disputed domain name. The Respondent registered the disputed domain name just two days after he experienced the credit event, and, shortly thereafter, he filed a sworn Statement of Claim against the Complainant's subsidiary concerning that event. That pleading was filed in a Georgia court ten months before this proceeding began, and the record reflects additional litigation between the Respondent and the Complainant's subsidiary. The Respondent's involvement in litigation against the Complainant's subsidiary supports an inference that the Respondent genuinely holds the critical views expressed in the disputed domain name and that his asserted purpose is not pretextual. Furthermore, there is no evidence that the Respondent has ever used, or offered to use, the disputed domain name for any commercial purpose, that he ever used it for fraudulent email, that he ever sought to sell it, or that he has registered any other domain name corresponding to the Complainant's marks.

The Complainant nevertheless argues that a website created after a complaint is filed cannot establish rights or legitimate interests. The Complainant is correct that the posting of a pretextual website after a complaint is filed may well undermine a respondent's claim of legitimate interests. But here, the subsequent website does not seem to be a pretext to cover up the Respondent's cybersquatting intent. Rather, the content of the subsequent website is consistent with the positions that the Respondent had already taken in litigation against the Complainant's subsidiary.[3] The Panel notes that the record is not entirely clear as to when the website reflected in the Respondent's undated screen captures was first created or published. Regardless, even if the Panel were to disregard the subsequent website, that would not undermine the Respondent's contention that he registered the disputed domain name for the purpose of communicating his complaints about the Complainant rather than for illegitimate, cybersquatting-related purposes. [4]

Nor does the absence of a website when the Complaint was filed, or the fact that the content on the website the Respondent later published may not be accurate, change the analysis. The relevant question is not whether the Respondent's website contains accurate criticism, but whether the Respondent had a legitimate noncommercial interest in the disputed domain name when he registered it and when he subsequently used it. On this record, the composition of the disputed domain name, viewed together with the contemporaneous dispute that appears to have prompted its registration, supports a finding that the Respondent had such an interest both when he registered the disputed domain name and when the Complaint was filed, even before any website was published. Because the Respondent's interest was legitimate at those times, the Panel finds that the Respondent had rights or legitimate interests in the disputed domain name.[5]

The Respondent's use of the EQUIFAX logo at the top of the website does not change that analysis. Whether a criticism site is fair depends in part on whether it is clear to Internet users that the site is not operated by the complainant, "especially where this is readily apparent from the site look-and-feel and content". WIPO Overview 3.1, section 2.5.2. Although it is true that the Respondent's criticism could have been conveyed without the logo, a nominative use of a logo may well be fair as long as the website, in context, is not deceptive or misleading. *Id.*; see also *International Information Systems Security Certification Consortium, Inc. v. Security University, LLC*, 674 F.3d 100 (2d Cir. 2012). In this case, the nominative use of the EQUIFAX logo does not render the Respondent's use misleading; the website does not look at all like

[3] The website to which the disputed domain name now resolves is devoted to the Respondent's grievances against the Complainant, his litigation, and consumer resources. It also directs visitors to file complaints about the Complainant with various governmental agencies. The record contains no evidence that the website has ever displayed advertising or offered any goods or services for sale. Such content is consistent with the criticism communicated by the disputed domain name itself and with the grievance documented in the Respondent's court filings.

[4] The Panel's conclusions also would not change if the screen captures instead reflected website development that predated notice of this proceeding. If anything, such preparations would further support the Respondent's claimed legitimate interest.

[5] The subsequent use of a website might, in other circumstances, be relevant to undermine a claim of rights or legitimate interests. For example, had the Respondent tried to sell the disputed domain name to the Complainant, see, e.g., *Wal-Mart Stores, Inc. v. Richard MacLeod d/b/a For Sale*, WIPO Case No. D2000-0662; *Dover Downs Gaming & Entertainment, Inc. v. Domains By Proxy, LLC / Harold Carter Jr, Purlin Pal LLC*, WIPO Case No. D2019-0633, or had the Respondent engaged in fraudulent phishing emails using the disputed domain name, see, e.g., *NaviStone, Inc. v. tas tas, tasst*, WIPO Case No. D2026-3601, such activities might have supported an inference that the Respondent lacked rights or legitimate interests. But those are not the facts of this case.

an official EQUIFAX website, the logo is immediately followed by the word "victim", which immediately signals criticism, and the content of the website could not plausibly be mistaken for content published by the Complainant. See *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. D2001-0903 (finding fair use despite use of the complainant's logo where the respondent's website made clear that it was a repair center and not the complainant itself); *cf. Scrum Alliance, LLC v. Contact Privacy Inc. Customer 1247644697 / Matthew Barcomb*, WIPO Case No. D2021-2932 (reference to logo in parody website was a fair use when the website was clearly a parody and not from the complainant). Nothing in the record shows that the Respondent's website gives the impression of being operated by or affiliated with the Complainant, or reflects an intent to impersonate or pass off as the Complainant. See *Akelius Residential Property AB v. Privacy Department, IceNetworks Ltd.*, WIPO Case No. D2022-3275.

If the Respondent changes his use of the disputed domain name in the future—such as trying to sell it to the Complainant or using it for commercial purposes—that might undermine the Respondent's arguments for legitimacy, might support an inference that the initial registration and use was in fact pretextual, despite the findings made here on the record available to this Panel, and likely would support a refiled UDRP complaint. See WIPO Overview 3.1, section 4.18. But those issues are not presented in this proceeding.

Accordingly, the Panel finds that the Complainant has failed to establish the second element of the Policy.

D. Registered and Used in Bad Faith

Bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant's mark. WIPO Overview 3.1, section 3.1.

None of the circumstances set out in Paragraph 4(b) of the Policy are present here. There is no evidence in the record that the Respondent registered the disputed domain name to sell it to the Complainant. There is also no evidence in the record of a pattern of abusive registrations. The Respondent is not a competitor of the Complainant, and the broader notion of a competitor under Paragraph 4(b)(iii) of the Policy "would not encompass legitimate noncommercial criticism." WIPO Overview 3.1, section 3.1.3. Nor is there evidence that the Respondent has sought to attract Internet users for commercial gain.

The website that the Respondent published at the disputed domain name is consistent with the legitimate noncommercial purpose for which the Respondent registered it. The Respondent's delay in posting a website is not determinative (the Respondent may have been waiting to see how his disputes with the Complainant's subsidiary were going to be resolved by the courts, or may have been preoccupied with those disputes). Nor is it improperly defensive that the Respondent posted his website in response to the Complainant's Complaint; there is no deadline on when a critic has to post critical content (and if the Complainant's action caused the Respondent to expedite his planned website, that is a problem of the Complainant's own making).

For the foregoing reasons, the Panel finds it more likely than not that the Respondent registered the disputed domain name to express his personal views about the Complainant and to voice his grievances against it, and not to profit from or otherwise exploit the Complainant's EQUIFAX mark. See WIPO Overview 3.1, section 4.2. The Panel acknowledges that the Complainant may regard the content of the Respondent's website as inaccurate, unfair, or objectionable. That, however, is not the question the Policy requires the Panel to determine. Whether the Respondent's website is accurate or fair is not the issue. Criticism does not amount to tarnishment under the Policy. WIPO Overview 3.1, section 3.12.

The Complainant articulates several other arguments that, it claims, establish bad faith. It cites the passive holding doctrine to claim that the Respondent's non-use of the disputed domain name for ten months was bad faith. It also argues that the Respondent concealed his identity in bad faith when he registered the disputed domain name, that there is no plausible good faith use of the disputed domain name, and that, in light of the configuration of MX records, there is a risk that the disputed domain name could be used for phishing and is further evidence of bad faith.

None of these arguments alter the Panel's conclusion. First, the passive holding doctrine asks whether, in the totality of the circumstances, the non-use of a domain name supports an inference of bad faith. WIPO Overview 3.1, section 3.3. Here, the disputed domain name pairs the mark with a critical term, and the record supports the Respondent's explanation for his registration, namely his contemporaneous dispute with the Complainant's subsidiary. Second, the use of a privacy or proxy service is not itself evidence of bad faith. WIPO Overview 3.1, section 3.6. The Registrar promptly disclosed the Respondent's identity, and there is no indication in the record that the Respondent employed a privacy or proxy service merely to hide his identity from an anticipated complainant, to avoid being notified of a UDRP proceeding filed against him, or to frustrate this proceeding. Third, for the reasons explained above, there is a plausible good faith use of the disputed domain name, namely genuine, noncommercial criticism of the Complainant. Fourth, the configuration of MX records shows only that the disputed domain name is capable of sending and receiving email. The Respondent states that he has never sent an email from the disputed domain name, and the Complainant has not identified any email sent from the disputed domain name, let alone a phishing or impersonating email. *Cf. NaviStone, Inc. v. tas tas, tasst*, WIPO Case No. D2026-3601 (finding bad faith on evidence of actual fraudulent emails). Speculation that the disputed domain name could be used for phishing is not evidence that it has been. *Fresha.com SV Ltd v. Saifudheen MS, Maktal Technoloiges Privare Ltd.,* WIPO Case No. D2026-3847.

Accordingly, the Panel finds that the Complainant has failed to establish the third element of the Policy.

7. Decision

For the foregoing reasons, the Complaint is denied.

/David H. Bernstein/
David H. Bernstein
Sole Panelist
Date: November 17, 2026