

ADMINISTRATIVE PANEL DECISION

Equifax Inc. v. Rakshita Mercantile Private Limited Case No. D2022-1947

1. The Parties

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

The Respondent is Rakshita Mercantile Private Limited, India.

2. The Domain Name and Registrar

The disputed domain name <equifex.com> (the “Domain Name”) is registered with Tirupati Domains and Hosting Pvt Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 30, 2022. On May 30, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On May 31, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on June 2, 2022, 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 June 7, 2022.

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 June 16, 2022. In accordance with the Rules, paragraph 5, the due date for Response was July 6, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 7, 2022.

The Center appointed Ian Lowe as the sole panelist in this matter on July 8, 2022. 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 leading global provider of information solutions and human resources business process outsourcing services for businesses, governments, and consumers. It is based in Atlanta, Georgia, United States and was incorporated in 1913. Its predecessor company dates back to 1899. The Complainant operates or has investments in 24 countries and employs around 11,000 people.

The Complainant is the proprietor of over 220 trademark registrations in some 56 jurisdictions around the world comprising its EQUIFAX mark, including United States trademark number 1027544 EQUIFAX registered on December 16, 1975, and India trademark number 744246 EQUIFAX registered on October 16, 1996. It has carried on business under the name EQUIFAX since 1975. The Complainant registered the <equifax.com> domain name in 1995 and operates its principal website at “www.equifax.com” promoting and offering its services.

The Domain Name was registered on September 9, 2002. It currently resolves variously to diverse legitimate third-party websites after redirecting through one of a number of affiliate marketing websites. At the time of filing of the Complaint it resolved to a web portal of links, presumably to other web pages comprising pay-per-click links to third party websites. At the time of preparation of the Complaint, the websites through which the Domain Name resolved included that at <securysearchapps.com> that invited the user to install the Chrome Extension for an app called SecurySearch “Before you continue to equifax.com”. SecurySearch is known as a “search hijacker” that “stealthily infiltrates systems, modifies browser options, and stealthily records private information.”

5. Parties’ Contentions

A. Complainant

The Complainant contends that the Domain Name is confusingly similar to its EQUIFAX trademark (the “Mark”), that the Respondent has no rights or legitimate interests in respect of the Domain Name, and that the Respondent registered and is using the Domain Name in bad faith.

B. Respondent

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

6. Discussion and Findings

For this Complaint to succeed in relation to the Domain Name the Complainant must prove that:

- (i) the Domain Name is 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 Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has uncontested rights in the Mark, both by virtue of its trademark registrations and as a result of its widespread use of the Mark over many years. Ignoring the generic Top-Level Domain (“gTLD”)

“.com” that may be ignored for this purpose, the Domain Name is identical to the Mark save only for the substitution of the letter “e” for the letter “a”. In the Panel’s view, this difference, suggestive of typosquatting, does not prevent a finding of confusing similarity. Accordingly, the Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

The Complainant has made out a *prima facie* case that the Respondent could have no rights or legitimate interests in respect of the Domain Name. The Respondent has no connection with the Complainant and there is no evidence that the Respondent has ever been known by the Domain Name. The Respondent has used the Domain Name not in connection with a *bona fide* offering of goods or services, but variously to lure Internet users into downloading malicious software; to connect to webpages of pay-per-click links to third party websites; and to connect to legitimate third-party websites taking advantage of affiliate marketing programs. The Panel considers it likely therefore that the Domain Name has been registered for fraudulent purposes and/or by means of typosquatting to direct Internet users who mistype “equifax” to ecommerce websites with a view to benefitting financially from affiliate marketing programs. In the Panel’s view, none of such activity could possibly give rise to rights or legitimate interests in respect of the Domain Name.

The Respondent has chosen not to respond to the Complaint or to take any steps to counter the *prima facie* case established by the Complainant.

In the circumstances, the Panel finds that the Respondent does not have any rights or legitimate interests in respect of the Domain Name.

C. Registered and Used in Bad Faith

In light of the notoriety of the Mark; the unlikelihood that there could be any legitimate reason for registering a domain name so similar to the distinctive EQUIFAX mark; and the reference to “Before you continue to equifax.com” in one of the uses to which the Respondent has put the Domain Name, the Panel finds it most likely that the Respondent had the Complainant and its rights in the Mark in mind when it registered the Domain Name. In the absence of any response by the Respondent, the Panel is satisfied that the Respondent has used the Domain Name either for fraudulent purposes or to take advantage of Internet users mistyping “Equifax” and being directed to third party websites. Moreover, MX records have been established for the Domain Name, indicating that the Respondent intends to use, or has already used, the Domain Name to send emails. In the Panel’s view, all such activity, no doubt with a view to commercial gain, amounts to paradigm bad faith registration and use for the purposes of the Policy. The Panel also notes that the Respondent has been the losing Respondent in very many proceedings under the Policy, indicating that the Respondent has engaged in a pattern of registering and using domain names 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 Domain Name <equifex.com> be transferred to the Complainant.

/Ian Lowe/

Ian Lowe

Sole Panelist

Date: July 22, 2022