

ADMINISTRATIVE PANEL DECISION

Coinme Inc. v. main main, main
Case No. D2022-3322

1. The Parties

The Complainant is Coinme Inc., United States of America (“United States”), represented by Seed Intellectual Property Law Group, PLLC, United States.

The Respondent is main main, main, China.

2. The Domain Names and Registrars

The disputed domain name <coinmeap.com> and <coinmeler.com> are registered with PDR Ltd. d/b/a PublicDomainRegistry.com. (the “Registrar 1”). The disputed domain name <coinmeapps.com> is registered with Name.com, Inc. (the “Registrar 2”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 7, 2022. On September 7, 2022, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On September 8, 2022, the Registrar 1 transmitted by email to the Center its verification response for the disputed domain name <coinmeap.com>, confirming that the Respondent is listed as the registrant and providing the contact details. On September 8, 2022, the Registrar 2 transmitted by email to the Center its verification response for the disputed domain name <coinmeapps.com>, confirming that the Respondent is listed as the registrant and providing the contact details. On September 12, 2022, the Center transmitted by email to the Registrar 1 a request for registrar verification in connection with the disputed domain name <coinmeler.com>, which was a requested addition in this proceeding by the Complainant. On September 13, 2022, the Registrar 1 transmitted by email to the Center its verification response, confirming that the Respondent is listed as the registrant and providing the contact details. The Complainant filed an amended Complaint on September 13, 2022, in which the addition of the disputed domain name <coinmeler.com> was included.

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 Respondent of the Complaint, and the proceedings commenced on September 19, 2022. In accordance with the Rules, paragraph 5, the due date for Response was October 9, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 10, 2022.

The Center appointed Steven A. Maier as the sole panelist in this matter on October 17, 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.

The Panel is satisfied that the three disputed domain names in this proceeding are under common control. The registrant of each of the three disputed domain names has registered its name with the concerned Registrar as "main main, main" and each purports to have an address in Hong Kong, China. The disputed domain names <coinmeap.com> and <coinmeapps.com> were both registered on July 24, 2022, and the disputed domain name <coinmeler.com> soon afterwards, on August 4, 2022. The first and third of the disputed domain names also have a registrar in common. The Complainant also produces evidence that all three of the disputed domain names resolve to websites which are virtually identical in appearance. The Panel therefore directs that the proceedings in respect of all three of the disputed domain name be consolidated and the term Respondent in the remainder of this Decision shall refer to the beneficial holder of all three of the disputed domain names.

4. Factual Background

The Complainant is a corporation organized under the laws of Delaware, United States. It operates a cryptocurrency cash exchange, *i.e.* the means for customers to buy or sell cryptocurrency using cash or debit facilities.

The Complainant is the owner of registrations in numerous territories for the trademark COINME. Those registrations include, for example:

- United States trademark registration number 4791525 for the word mark COINME, registered on August 11, 2015, for services in International Class 36; and
- International trademark registration number 1567981 for the word mark COINME, registered on November 16, 2020, for goods and services in International Classes 9, 36 and 42, including China among its designations under the Madrid Protocol.

The Complainant also uses a figurative version of its COINME trademark ("the Coinme Logo") which it states it has used since 2016. It is unclear whether the Complainant asserts any registered rights in the Coinme Logo.

The disputed domain names were registered on the dates stated earlier in this Decision.

The three disputed domain names have resolved to websites which are virtually identical in appearance. Each is headed "Coinme – The most trusted cryptocurrency trading Platform." The websites make numerous references to the COINME trademark and include sections headed "About Coinme" as well as featuring what appear to be cryptocurrency market rates. The websites conclude with a depiction of the Coinme Logo and what appears to be a link to the Apple App Store.

5. Parties' Contentions

A. Complainant

The Complainant submits that it was founded in 2014 and is now the largest licensed cryptocurrency cash exchange. It states that it operates thousands of physical locations in 49 of the states within the United States and also offers a mobile app. It also cites its ownership of the domain name <coinme.com>.

The Complainant submits that each of the disputed domain names is identical or confusingly similar to its COINME trademark. It contends that the disputed domain names <coinmeap.com> and <coinmeapps.com> both combine that trademarks with a version of the term "app" and that the disputed domain name <coinmeler.com> contains a reference to the cryptocurrency "Leslar Coin" which is known by the acronym LER. The Complainant submits that, in any event, its trademark is recognizable in each of the disputed domain names.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain names. It states that it has no relationship with the Respondent and has never authorized it to use its COINME trademark, that the Respondent has not commonly been known by any of the disputed domain names and that the Respondent is making neither *bona fide* commercial use nor legitimate noncommercial or fair use of the disputed domain names. Instead, the Complainant contends that the Respondent is using the disputed domain names misleadingly to exploit the Complainant's goodwill.

The Complainant submits that the disputed domain names have been registered and are being used in bad faith. It contends that, owing to its reputation established over many years, the Respondent must have been aware of its COINME trademark and services when it registered the disputed domain names. The Complainant also submits that each of the Respondent's websites make infringing use of the COINME mark on no less than 13 occasions. It adds that, when clicking on what appears to be a link to the Apple App Store, users are in fact offered a file download, which is liable to be malicious in nature. The Complainant adds that by providing its registration details as "main main, main" and otherwise, the Respondent has plainly provided false contact information in connection with each of the disputed domain names.

B. Respondent

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

6. Discussion and Findings

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are that:

- (i) the disputed domain names are 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 disputed domain names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has established that it is the owner of registered trademark rights for the mark COINME. Each of the disputed domain names comprises that trademark in full, together with additional characters which in no case prevent the Complainant's trademark from being recognizable within the disputed domain name. The Panel therefore finds that each of the disputed domain names is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

In the view of the Panel, the Complainant's submissions set out above give rise to a *prima facie* case that the Respondent has no rights or legitimate interests in respect of the disputed domain name. However, the Respondent has failed to file a Response in this proceeding and has not submitted any explanation for its registration and use of the disputed domain name, or evidence of rights or legitimate interests on its part in the disputed domain name, whether in the circumstances contemplated by paragraph 4(c) of the Policy or otherwise. Moreover, the Panel finds that the Respondent has used the disputed domain names dishonestly to impersonate the Complainant, which use cannot give rise to rights or legitimate interests in respect of the disputed domain names. The Panel therefore finds that the Respondent has no rights or legitimate interests in respect of the disputed domain names.

C. Registered and Used in Bad Faith

It is clear to the Panel from the Respondent's use of the disputed domain names that it was aware of the Complainant's COINME trademark at the time it registered the disputed domain names and that it did so in order to take unfair commercial advantage of the Complainant's goodwill in that mark. The Respondent has used the disputed domain names for the purpose of websites which impersonate the Complainant by adopting its COINME trademark and the Coinme Logo and which contain a deceptive link to software which, the Panel infers, is intended to provide a financial benefit for the Respondent if accessed by visitors to the website. The Panel therefore finds that, by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website or of a product or service on its website (paragraph 4(b)(iv) of the Policy). The Panel finds further that the Respondent has clearly provided false contact details in connection with its registration of each of the disputed domain names. The Panel therefore finds that each of the disputed domain names has been registered and is being used 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 disputed domain names, <coinmeap.com>, <coinmeapps.com> and <coinmeler.com>, be transferred to the Complainant.

/Steven A. Maier/

Steven A. Maier

Sole Panelist

Date: October 31, 2022