

ADMINISTRATIVE PANEL DECISION

Stripe, Inc. v. Freelance Expert
Case No. D2022-4047

1. The Parties

The Complainant is Stripe, Inc., United States of America (“United States”), represented by Taft Stettinius & Hollister, United States.

The Respondent is Freelance Expert, Nigeria.

2. The Domain Name and Registrar

The disputed domain name, <stripemoneysystem.com> (the “Domain Name”), is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 27, 2022. On October 28, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On October 28, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 4, 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 amended Complaint on November 8, 2022, naming the underlying registrant (Freelance Expert) as an additional Respondent. For the purposes of this decision all references to the Respondent are references to Freelance Expert.

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 November 11, 2022. In accordance with the Rules, paragraph 5, the due date for Response was December 1, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 2, 2022.

The Center appointed Tony Willoughby as the sole panelist in this matter on December 28, 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 United States corporation. It is a technology company that builds economic infrastructure for the Internet. It operates a website at "www.stripe.com" on which it introduces itself as:

"A fully integrated suite of payment products – We bring together everything that's required to build websites and apps that accept payments and send payouts globally. Stripe's products power payments for online and in-person retailers, subscriptions businesses, software platforms and marketplaces, and everything in between. We also help companies beat fraud, send invoices, issue virtual and physical cards, reduce friction at checkout, get financing, manage business spend, and much more."

The Complainant is the registered proprietor of numerous trade mark registrations covering STRIPE, the name under which it trades, including United States Registration No. 4,451,679 STRIPE (standard character mark) registered on December 17, 2013, in class 36 for a variety of financial services.

The Domain Name was registered on October 5, 2021. The Panel has attempted to visit the website to which it is connected, but was unable to access it. The screenshots supplied by the Complainant show a homepage, the prominent central message on which reads: "The Breakthrough Done-For-You Strategy Which Instantly Gives Anyone Access To A Verified Stripe Account Without LLC, EIN, If You Are Not A USA Citizen Or Do Not Have Business In The USA."

The website invites visitors to enroll and sign up for the Stripe Money System at a 98% discounted fee.

5. Parties' Contentions

A. Complainant

The Complainant contends that the Domain Name is confusingly similar to the Complainant's STRIPE registered trade mark; that the Respondent has no rights or legitimate interests in respect of the Domain Name; and that the Domain Name has been registered and is being used in bad faith.

The essence of the Complainant's case is that it is plain from the manner in which the Domain Name is being used that the Respondent registered the Domain Name with knowledge of the Complainant and its business and with the intention of deriving commercial gain on the back of the reputation and goodwill associated with the STRIPE trade mark. The Complainant's primary contention is that the Domain Name has been registered and is being used in bad faith within the meaning of paragraph 4(b)(iv) of the Policy. The Complainant points to the offers on the Respondent's website to provide Stripe accounts, bypassing the Complainant's processes for acquiring such accounts. The Complainant also produces evidence to show that mail exchange records have been set up on the Domain Name, which suggests to the Complainant that the Respondent has made preparations to use the Domain Name for the issuing of spam or fraudulent phishing emails.

B. Respondent

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

6. Discussion and Findings

A. General

According to paragraph 4(a) of the Policy, for this Complaint to succeed in relation to the Domain Name, the Complainant must prove each of the following, namely that:

- (i) the Domain Name is identical or confusingly similar to a trade mark 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.

B. Identical or Confusingly Similar

The Domain Name comprises the word "stripe" followed by the words "money" and "system" and the ".com" generic Top-Level Domain.

Section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)) explains the test for identity or confusing similarity under the first element of the Policy and includes the following passage:

"While each case is judged on its own merits, in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing."

The Complainant's STRIPE registered trade mark is readily recognisable in the Domain Name. The Panel finds that the Domain Name is confusingly similar to a trade mark in which the Complainant has rights.

C. Rights or Legitimate Interests

Paragraph 4(c) of the Policy sets out a non-exhaustive list of circumstances, any of which, if found by the Panel to be present, shall demonstrate rights or legitimate interests for the purposes of this element of the Policy. Those circumstances are that (i) before any notice to the Respondent of the dispute, the Respondent has made use of, or made demonstrable preparations to use, the Domain Name in connection with a *bona fide* offering of goods or services; (ii) the Respondent has been commonly known by the Domain Name; (iii) the Respondent has been making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the Complainant's trade mark.

The Complainant asserts that it has no connection with the Respondent and has not granted the Respondent any permission to use its STRIPE trade mark. It has produced evidence to show that the Respondent has been using the Domain Name to attract in customers offering them for a fee to provide them with Stripe accounts, bypassing the Complainant's processes for acquiring such accounts. The Complainant contends that such a use cannot on any basis constitute a *bona fide* offering of goods or services. Furthermore, there is nothing before the Panel to show that the Respondent is commonly known by the Domain Name. Finally, in the context

of paragraph 4(c) of the Policy, the Complainant's screenshot evidence of the use made of the Domain Name demonstrates that it is a commercial use and the Complainant contends that the Domain Name can only have been selected by the Respondent to attract in consumers to the Respondent's website on the back of the reputation and goodwill associated with the Complainant's STRIPE trade mark, deceiving them into believing that they would be visiting an official website authorised by the Complainant.

The Complainant has also pointed out that visitors to the Respondent's website are required to enroll and open accounts with the Respondent if they wish to avail themselves of what the Respondent has to offer. This will involve providing personal information. The Complainant has produced evidence to show that that mail exchange records have been set up on the Domain Name, which suggests to the Complainant that the Respondent has made preparations to use the Domain Name for the issuing of spam or fraudulent phishing emails.

The Panel is satisfied that the Complainant has made out a *prima facie* case under this element of the Policy; in other words a case calling for an answer from the Respondent. In coming to that view the Panel has felt it unnecessary to consider the Complainant's allegations as to the potential use of the Domain Name for phishing and other forms of fraud in respect of which there is no direct evidence.

The Respondent has not sought to answer the Complainant's contentions and the Panel cannot conceive of any basis upon which the Respondent can be said to have acquired rights or legitimate interests in respect of the Domain Name.

The Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name.

D. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy sets out a non-exhaustive list of circumstances, which if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith. The Complainant relies primarily upon sub-paragraph (iv), which provides: "by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location."

The Panel is satisfied on the unchallenged evidence before it that the Complainant's contentions are well founded. The use made of the Domain Name demonstrates that it was registered by the Respondent with the Complainant in mind and with the intention of profiting on the back of the reputation and goodwill associated with the STRIPE trade mark. While it is likely that visitors attracted to the Respondent's website by the use of the Complainant's trade mark in the Domain Name will realise that the website is not a website of or authorised by the Complainant, diversion will have been accomplished and the Respondent will have obtained the desired opportunity for commercial gain.

The Panel finds that the Domain Name has been registered and is being used in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

The fact that the objectionable use may now have ceased (the Panel has been unable to access the Respondent's website) is of no moment. In the view of the Panel, while the Domain Name remains in the hands of the Respondent, it represents a malicious threat hanging over the head of the Complainant and, as such, a continuing bad faith use of the Domain Name.

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, <stripemoneysystem.com>, be transferred to the Complainant.

/Tony Willoughby/

Tony Willoughby

Sole Panelist

Date: January 11, 2023