

ADMINISTRATIVE PANEL DECISION

Equifax Inc. v. Domain Admin, Abadaba S.A.
Case No. D2022-4432

1. The Parties

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

Respondent is Domain Admin, Abadaba S.A., Panama.

2. The Domain Name and Registrar

The disputed domain name is <equifax.com> which is registered with Sea Wasp, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 20, 2022. On November 21, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 23, 2022, 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 (Jewella Privacy - c4d76, Jewella Privacy LLC Privacy ID# 841326) and contact information in the Complaint. The Center sent an email communication to Complainant on November 24, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on November 25, 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 Respondent of the Complaint, and the proceedings commenced on November 30, 2022. In accordance with the Rules, paragraph 5, the due date for Response was December 20, 2022. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on December 21, 2022.

The Center appointed Gerardo Saavedra as the sole panelist in this matter on December 23, 2022. This Panel finds that it was properly constituted. This 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

Complainant, originally incorporated in 1913, is a provider of information solutions and human resources business process outsourcing services, including credit reporting services. Complainant's common stock is publicly traded in the New York Stock Exchange and is a member of the Standard & Poor's 500 Index. Complainant is one of the three United States nationwide credit reporting agencies.

Complainant has rights over the EQUIFAX mark for which it holds, among others, United States Trademark Registration No. 1027544 in class 36, granted on December 16, 1975, and United States Trademark Registration No. 1045574 in class 35, granted on August 3, 1976, and both with stated first use in commerce on March 4, 1975.

Complainant is the registrant of the domain name <equifax.com>, created on February 21, 1995.

The disputed domain name was registered on June 12, 2006. at the time the complaint was filed, the disputed domain name resolved to the website "www.experian.com", which showed, among others, "about experian", "get your credit report, fico® score*", credit card offers and tools to help you save money".

5. Parties' Contentions

A. Complainant

Complainant's assertions may be summarized as follows.

Complainant operates or has investments in 24 countries in North America, Central America, South America, Europe, and the Asia Pacific region, and employs approximately 11,000 people worldwide. Among its many services, Complainant offers a credit reporting service that provides consumers with a summary of their credit history, and certain other information, reported to credit bureaus by lenders and creditors.

Complainant owns at least 221 trademark registrations in at least 56 jurisdictions around the world for marks that consist of or contain the word Equifax, and has prevailed in numerous UDRP proceedings for domain names that are identical or confusingly similar to the EQUIFAX mark.¹ Further, Complainant is the registrant of the domain name <equifax.com> which Complainant uses in connection with its primary website.

The disputed domain name is confusingly similar to Complainant's EQUIFAX mark. The disputed domain name contains the EQUIFAX mark in its entirety, simply replacing the letter "i" with the letter "u". Despite the disputed domain name's use of the letter "u" in lieu of the letter "i" in the EQUIFAX mark (a common, obvious, or intentional misspelling of the mark), said mark is still clearly recognizable within the disputed domain name.

Respondent has no rights or legitimate interests in the disputed domain name. Complainant has never assigned, granted, licensed or in any way authorized Respondent to register or use the EQUIFAX mark in any manner. 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.

¹ Complainant cites, among others, *Equifax Inc. v. PabloPalermao / Registrant [225148]: Moniker Privacy Services*, WIPO Case No. [D2008-0506](#); *Equifax Inc. v. Domain Controller, Yoyo Email / Yoyo.Email Ltd.*, WIPO Case No. [D2015-0880](#); and, *Equifax Inc. v. Jason Trudeau, 8542074 Canada Inc.*, WIPO Case No. [D2020-0452](#).

Respondent is using the disputed domain name to redirect visitors to a website for one of the three United States credit reporting agencies and thus a direct competitor of Complainant (as reported at “www.usa.gov/credit-reports”). By using the disputed domain name to redirect visitors to such website, Respondent has failed to create a *bona fide* offering of goods or services under the Policy. Respondent’s actions are clearly not legitimate and are misleading and thus Respondent cannot establish rights or legitimate interests pursuant to the Policy.

The disputed domain name was registered and is being used in bad faith. An indication of bad faith is the fact that the oldest existing registrations for the EQUIFAX mark were first used and registered 31 years before Respondent’s registration of the disputed domain name, rendering implausible that Respondent was unaware of Complainant when it registered the disputed domain name. Prior UDRP decisions have referred that EQUIFAX is “well-known” and that it enjoys a “wide reputation”.²

Given the global reach and popularity of Complainant’s services under the EQUIFAX mark as well as the disputed domain name’s similarity to Complainant’s own domain name <equifax.com>, it is inconceivable that Respondent chose the disputed domain name without knowledge of Complainant’s activities and the name and mark under which Complainant is doing business. Because the disputed domain name is “so obviously connected with” Complainant, Respondent’s actions suggest “opportunistic bad faith” in violation of the Policy.

By using the disputed domain name to redirect visitors to a website of one of Complainant’s primary competitors, Respondent is clearly “creating a likelihood of confusion” with the EQUIFAX mark, constituting bad faith pursuant to the Policy. Previous UDRP panels have found that a respondent has acted in bad faith where, as here, Respondent uses the disputed domain name that is confusingly similar to the EQUIFAX mark to redirect Internet users to a website for another of the three United States credit reporting agencies (*Equifax Inc. v. Domain Administrator, Fundacion Privacy Services LTD*, WIPO Case No. [D2022-2343](#)).

Respondent is a serial cybersquatter who has lost multiple domain name dispute proceedings, which shows Respondent’s bad faith since it has “engaged in a pattern of such conduct” pursuant to the Policy.³

Complainant requests that the disputed domain name be transferred to Complainant.

B. Respondent

Respondent did not reply to Complainant’s contentions.

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs the Panel to “decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”.

As regards who is the proper Respondent in this case, pursuant to paragraph 1 of the Rules “Respondent means the holder of a domain-name registration against which a complaint is initiated”. At the Center’s request, the Registrar sent its registrar verification on November 23, 2022, disclosing Domain Admin,

² Complainant relies on *Equifax Inc. v. Domain Controller, Yoyo Email / Yoyo.Email Ltd.*, WIPO Case No. [D2015-0880](#); *Equifax Inc. v. Super Privacy Service LTD c/o Dynadot / Babacan Gunduz*, WIPO Case No. [D2021-3814](#); and, *Equifax Inc. v. Balticsea LLC, Balcsea LLC*, WIPO Case No. [D2022-2497](#).

³ Complainant cites 26 UDRP cases, including: *Sanofi-Aventis v. Abadaba S.A.*, WIPO Case No. [D2006-1611](#); *Eldorado Stone Operations, LLC v. Abadaba S.A., Domain Admin*, WIPO Case No. [D2007-1580](#); *Allstate Insurance Company v. Whois Privacy Services Pty Ltd / Abadaba S.A., Domain Admin*, WIPO Case No. [D2010-2228](#); and, *UnitedHealth Group Incorporated v. Domain Admin, Abadaba S.A.*, WIPO Case No. [D2020-1838](#).

Abadaba S.A., as the registrant of the disputed domain name, and thus on November 25, 2022, Complainant filed an amendment to the Complaint naming Domain Admin, Abadaba S.A., as additional Respondent. Since the real underlying registrant has been promptly disclosed, this Panel decides to have Domain Admin, Abadaba S.A., as the proper Respondent and thus further references to Respondent herein shall be understood to Domain Admin, Abadaba S.A.⁴

The lack of response from Respondent does not automatically result in a favorable decision for Complainant (see *Berlitz Investment Corp. v. Stefan Tinculescu*, WIPO Case No. [D2003-0465](#), and section 4.3 of the [WIPO Overview 3.0](#)). The burden for Complainant, under paragraph 4(a) of the Policy, is to show: (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; (ii) that Respondent has no rights or legitimate interests in respect of the disputed domain name; and (iii) the disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

It is undisputed that Complainant has rights over the EQUIFAX mark.

Since the addition of a generic Top-Level Domain (*i.e.* “.com”) after a domain name is technically required, it is well established that such element may be disregarded where assessing whether a domain name is identical or confusingly similar to a mark. Taking into account the aforesaid, it is clear that the disputed domain name almost identically reproduces the EQUIFAX mark. This Panel considers that such mark is recognizable in the disputed domain name and that the replacement of the “i” letter with the “u” letter in the disputed domain name does not avoid a finding of confusing similarity with said mark (see sections 1.7 and 1.9 of the [WIPO Overview 3.0](#)).

Thus, this Panel finds that Complainant has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Complainant has alleged and Respondent has failed to deny that Respondent has no rights or legitimate interests in respect of the disputed domain name.

Complainant contends that it has not authorized Respondent to use its EQUIFAX mark, that Respondent is not commonly known by the disputed domain name, that Respondent has not acquired any trademark or service mark rights in the disputed domain name, that the disputed domain name creates a risk of confusion with Complainant and its mark, and that Respondent is not using the disputed domain name in connection with any *bona fide* offer of goods or services. The evidence in the present proceeding shows that the disputed domain name directs visitors to a website of Complainant’s competitor, which cannot be deemed as a *bona fide* offering of goods or services, nor a fair use of the disputed domain name. Moreover, the typosquatting nature of the disputed domain name reflects Respondent’s intent to impersonate Complainant, misleading Internet users unaware of the typographical error and expecting to find Complainant, which cannot confer rights or legitimate interests upon Respondent.

This Panel considers that Complainant has established a *prima facie* case that Respondent has no rights or legitimate interests in the disputed domain name (see *Casio Keisanki Kabushiki Kaisha (Casio Computer Co., Ltd.) v. Jongchan Kim*, WIPO Case No. [D2003-0400](#), and section 2.1 of the [WIPO Overview 3.0](#)). In the present proceeding, there is no evidence of circumstances of the type specified in paragraph 4(c) of the Policy or of any other circumstances giving rise to a possible right to or legitimate interest in the disputed domain name by Respondent.

⁴ The use of privacy service providers, the disclosure of underlying registrants, and the determination of the proper respondent have been dealt with in several UDRP decisions. For instance, see *The iFranchise Group v. Jay Bean / MDNH, Inc. / Moniker Privacy Services [23658]*, WIPO Case No. [D2007-1438](#). See also section 4.4.5 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”).

Based on the aforesaid, this Panel concludes that paragraph 4(a)(ii) of the Policy is satisfied.

C. Registered and Used in Bad Faith

Complainant contends that Respondent's registration and use of the disputed domain name is in bad faith, which Respondent chose not to rebut.

Complainant refers that its EQUIFAX mark has been deemed well known, although it provided no evidence that such was the case back in 2006 where the disputed domain name was created. Notwithstanding the aforesaid, taking into consideration that the registration and use of Complainant's EQUIFAX mark and <equifax.com> domain name preceded the registration of the disputed domain name by a number of years, Complainant's international presence, and that Complainant's business has been featured at its website, this Panel is of the view that Respondent should have been aware of the existence of Complainant and its mark at the time it obtained the registration of the disputed domain name, which is indicative of bad faith.

It is uncontested that the disputed domain name redirects visitors to a website featuring a Complainant's competitor, which generally is enough to evidence bad faith.⁵ Further, Respondent's bad faith may also be deduced from the following facts: (i) the disputed domain name incorporates Complainant's EQUIFAX mark coupled with just a minor typographical error variation, practice commonly known as typosquatting and which has been deemed as a strong indicative of bad faith under a number of UDRP decisions;⁶ (ii) several prior UDRP decisions against Respondent for having registered as domain names marks of third parties;⁷ (iii) Respondent's use of a privacy service to hide its name and contact details; (iv) the risk of confusion of the disputed domain name with Complainant and its mark; and (v) Respondent's failure to appear at this proceeding, which may be indicative that Respondent lacks arguments and evidence to support its holding of the disputed domain name.

In sum, the overall evidence indicates that Respondent's choice of the disputed domain name was deliberate for its substantial similarity with, and with the likely intention to benefit from the reputation and goodwill of, Complainant's EQUIFAX mark, and potentially disrupt Complainant's business, which denotes bad faith.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, this Panel orders that the disputed domain name <equifax.com> be transferred to Complainant.

/Gerardo Saavedra/

Gerardo Saavedra

Sole Panelist

Date: January 6, 2023

⁵ See *Staples, Inc., Staples The Office Superstore, Inc., Staples Contract and & Commercial, Inc. v. John Morgan*, WIPO Case No. [D2004-0537](#). "Respondent's registration and use of the Disputed Domain Name for re-directing Internet users, particularly customers and potential customers of Complainants, from Complainants' website to the website of OfficeMax, a company which directly competes with Complainants, constitutes bad faith."

⁶ See *Amazon.com, Inc. v. Steven Newman a/k/a Jill Wasserstein a/k/a Pluto Newman*, WIPO Case No. [D2006-0517](#): "the practice of typosquatting, in and of itself, constitutes bad faith registration." See also *Go Daddy Software, Inc. v. Daniel Hadani*, WIPO Case No. [D2002-0568](#): "Typosquatting is virtually *per se* registration and use in bad faith."

⁷ See section 3.1.2 of the [WIPO Overview 3.0](#). See also *Discover Financial Services v. Registration Private, Domains By Proxy, LLC / Carolina Rodrigues, Fundacion Comercio Electronico*, WIPO Case No. [D2020-3107](#): "The Panel agrees that the Respondent is clearly in the business of registering domain names that include the trademarks of others [...] This alone constitutes evidence of registration and use in bad faith."