

ADMINISTRATIVE PANEL DECISION

Stripe, Inc. v. Abdur Rahman
Case No. D2022-4473

1. The Parties

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

The Respondent is Abdur Rahman, Bangladesh.

2. The Domain Name and Registrar

The disputed domain name <usukstripe.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 23, 2022. On November 23, 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 (Registration Private / Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 24, 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 29, 2022.

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 30, 2022. In accordance with the Rules, paragraph 5, the due date for Response was December 20, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 22, 2022. On December 25, 2022, the Respondent sent an email communication to the Center.

The Center appointed William A. Van Caenegem as the sole panelist in this matter on January 5, 2023. 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 technology company providing software to clients in 40 or so countries, so they can accept payments and manage their businesses online. The Complainant uses the STRIPE mark in the fields of financial services and payment software. The trademark STRIPE is registered *inter alia* in the United States: U.S. Reg. No. 4451679, registered on December 17, 2013, in relation to “financial services, namely, online credit card payment and transaction processing and transmission of bills and payments thereof; financial services, namely, electronic funds transfer via electronic communications networks; clearing and reconciling financial transactions via electronic communications networks.”; in the United Kingdom (“UK”): UK Reg. No. UK00916270134, registered on August 28, 2017, and covering similar services; as well as further registrations in the United States; Canada; Australia; the European Union; and International Registration No. 1255080, January 14, 2015, all for services in Class 36.

The Complainant has used the STRIPE mark in relation to online payment and financial services since 2011 and claims for it the status of a well-known mark in the United States.

The disputed domain name was registered on June 4, 2022. It resolves to a website that imitates the Complainant’s own site at “www.stripe.com”.

5. Parties’ Contentions

A. Complainant

The Complainant says that the disputed domain is confusingly similar to its STRIPE trademark because it consists of that “well-known” mark in its entirety in combination with the geographically descriptive terms “us” and “uk”. The use of the latter geographical terms makes no difference to the inference of confusing similarity, nor is the “.com” extension of any consequence in that regard, according to the Complainant.

The Complainant notes that the Respondent has never been commonly known by the STRIPE trademarks and has never used any similar mark by which it may have become known, other than the use considered in this proceeding. The Complainant has also not granted any license, permission, or authorization by virtue of which the Respondent could own or use any domain name registrations that are confusingly similar to any of its STRIPE trademarks. The Complainant also points out that the Respondent has never operated any legitimate or *bona fide* business, but instead impersonates the Complainant and its legitimate website found at “www.stripe.com”. The Respondent is said to intentionally mislead consumers into thinking that the disputed domain name is authorized or associated with the Complainant.

The Complainant says that as of November 22, 2022, the Respondent’s devious intentions were made clear as it used the Complainant’s identical or near identical branding, colors, content, font, stylization, and copyright, among other website elements and features, in the website to which the disputed domain name resolves. As of November 28, 2022, the Respondent appears to have ceased use of the Complainant’s colors, font, stylization, and other website design features. However, according to the Complainant, the Respondent is still using an infringing modification of the STRIPE Mark throughout the website content. The website to which the disputed domain name resolves says that it provides “social and banking accounts”, while also stating that “usukstripe” is “one of the Best Quality, Reliable Social Media Marketing Services provider”. The Complainant says that both of these uses are highly likely to confuse Internet users into falsely thinking the Respondent is somehow authorized by or affiliated with the Complainant, and to disrupt the Complainant’s business due to the deliberate impersonation.

Such a blatant attempt to associate the disputed domain name with the Complainant is said to be clear evidence that the Respondent is intentionally attempting to trade off the goodwill and notoriety of the Complainant. Such a use cannot confer rights or a *bona fide* interest, so the Complainant says.

The Complainant also points out that the Respondent's real intention appears to be a phishing and fraud website, which harvests personal information of confused consumers. The Complainant asserts that therefore there is a significant risk that consumers may provide personal identifiable information to the Respondent under a false belief in an affiliation with the Complainant, which is not an activity that can confer rights or legitimate interests.

Further, the Complainant says there is no conceivable reason for the Respondent to have registered the disputed domain name other than to trade off the reputation and goodwill of the STRIPE trademarks and to disrupt the Complainant's business. The nature of the domain name itself and the blatant attempt at impersonation evidences both bad faith registration and use. The Complainant says the Respondent must have had actual knowledge of the STRIPE trademarks of the Complainant, but if not then a simple google search would have revealed the Complainant's many trademark registrations, websites, and references in trade and commerce to the Complainant. In any case, use of the disputed domain name for a phishing exercise is clearly a bad faith activity. Attempting to benefit from the confusion of Internet users trying to find the Complainant's legitimate presence on the Internet is clearly also in bad faith, says the Complainant. Further, the Complainant asserts that mail exchange records have been set up by the Respondent at the website to which the disputed domain name resolves, which is a clear indication that the Respondent has made preparations for, if not executed already, the circulation of emails that could potentially contain spam or fraudulent phishing material, thereby presenting a grave risk to consumers.

Finally, the Complainant points out that the use of a privacy service can also be taken into account, in a manner adverse to the Respondent, when assessing bad faith.

B. Respondent

The Respondent did not reply to the Complainant's contentions but sent an email communication to the Center on December 25, 2022 stating: "This is my domain".

6. Discussion and Findings

A. Identical or Confusingly Similar

The disputed domain name is not identical to the STRIPE trademark of the Complainant. However, that registered trademark is recognizable in the disputed domain name. It is included in its entirety, and the additional terms "us" and "uk" do not prevent a finding of confusing similarity. The disputed domain name is therefore confusingly similar to the STRIPE trademarks of the Complainant.

Therefore the Panel holds that the first element of the Policy is fulfilled.

B. Rights or Legitimate Interests

The Respondent has not replied to any of the contentions of the Complainant, who makes out a *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant has not authorized the use of its STRIPE registered trademark in any manner, and there is no indication that the Respondent is known by the disputed domain name or anything related to the term "stripe" or has any prior-established legal or registered rights in relation to that term. The disputed domain name has been used by the Respondent to lure unsuspecting Internet users to imitation websites that have at various times replicated the Complainant's STRIPE mark and other aspects of the get-up of its genuine website. These are not activities of a kind to generate legitimate interests or legal rights in the name of a Respondent;

rather, they rely on a deception to attempt to obtain an unfair commercial or financial advantage, or to enable the Respondent to obtain confidential information from consumers by subterfuge.

Therefore the Panel holds that the Respondent has no rights or legitimate interests in the disputed domain name.

C. Registered and Used in Bad Faith

The composition of the disputed domain name, the fact that the STRIPE mark of the Complainant was long registered and had an extensive reputation by the time of registration of the disputed domain name, and the fact that the latter was used to attract consumers to a website that mimics the Complainant's own, are all factors indicative of bad faith registration and use. As indicated above, the Respondent is clearly engaged in an attempt to deceive Internet users, and possibly to obtain valuable confidential information from them by subterfuge. The Respondent has replicated brand and get-up aspects of the Complainant's legitimate website in the website to which the disputed domain name resolves, all to trick consumers into thinking that they are dealing with a genuine site of the Complainant.

Therefore the Panel holds that the disputed domain name was registered and 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 name <usukstripe.com> be transferred to the Complainant.

/William A. Van Caenegem/

William A. Van Caenegem

Sole Panelist

Date: January 19, 2023