

ADMINISTRATIVE PANEL DECISION

Allica Bank v. Abigail Govender

Case No. D2023-0726

1. The Parties

The Complainant is Allica Bank, United Kingdom, represented by ZeroFox, United States of America (“United States”).

The Respondent is Abigail Govender, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <allicabank.net> (“the Domain Name”) is registered with Google LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 17, 2023. On February 20, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On February 21, 2023, 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 (Contact Privacy Inc. Customer 7151571251), and contact information in the Complaint. The Center sent an email communication to the Complainant on February 22, 2023, providing the registrant and contact information disclosed by the Registrar (Contact Privacy Inc. Customer 7151571251), and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on February 23, 2023.

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 February 24, 2023. In accordance with the Rules, paragraph 5, the due date for Response was March 16, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 17, 2023.

The Center appointed Dawn Osborne as the sole panelist in this matter on March 27, 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 the owner of, *inter alia*, the ALLICA BANK mark, registered, *inter alia*, in the United Kingdom under no 3343135 for financial services since 2018. It operates a web site at “www.allica.bank”.

The Domain Name registered in 2022 points to the Complainant’s web site at “www.allica.bank” and has MX records configured.

5. Parties’ Contentions

A. Complainant

The Complainant’s contentions can be summarised as follows:

The Complainant is the owner of, *inter alia*, the ALLICA BANK mark, registered, *inter alia*, in the United Kingdom for financial services since 2018.

The Domain Name registered in 2022 is identical to the Complainant’s trade mark ALLICA BANK under the Policy adding only the generic Top-Level Domain (“gTLD”) “.net”.

The Respondent has no rights or legitimate interests in the Domain Name, is not commonly known by it and is not authorised by the Complainant.

The Domain Name points to the Complainant’s site at “www.allica.bank” to actively create a false association with the Complainant, cause confusion and trade on the Complainant’s goodwill which is not a *bona fide* offering of goods or services or legitimate noncommercial or fair use.

Registration of a domain name containing a sign confusingly similar to a mark with a reputation to point to the Complainant’s own web site shows actual knowledge of the Complainant, its rights and business, and is opportunistic registration and use in bad faith.

B. Respondent

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

The Center received correspondence from the former company of the registrant who merely asserted that she no longer worked with them.

6. Discussion and Findings

A. Identical or Confusingly Similar

The Domain Name consist of the Complainant's ALLICA BANK mark (which is registered in the UK for financial services since 2018), and the gTLD “.net”.

The gTLD “.net” does not serve to distinguish a Domain Name from a Complainant’s mark.

Accordingly, the Panel holds that the Domain Name is identical to the Complainant's registered mark.

As such the Panel holds that Paragraph 4(a)(i) of the Policy has been satisfied.

B. Rights or Legitimate Interests

There is no evidence or reason to suggest the Respondent is commonly known by the Domain Name.

Redirecting Internet users to the Complainant's website is not *bona fide* use or legitimate noncommercial fair use.

The Respondent has not answered this Complaint or rebutted the *prima facie* case evidenced by the Complainant as set out herein.

As such the Panelist finds that the Complainant has satisfied the second limb of the Policy.

C. Registered and Used in Bad Faith

Redirecting a domain name containing the Complainant's trade mark to the Complainant's own web site in these circumstances is bad faith registration and use and shows actual knowledge on the Respondent's part of the Complainant and its business, rights and goods.

It is evident that the Respondent has registered the Domain Name primarily for the purpose of disrupting the business of the Complainant and seeking to confuse Internet users that the Domain Name (and the control of the material to which it is attached) is affiliated with the Complainant when it is not.

As such, the Panel holds that the Complainant has made out its case under the third limb of the Policy.

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, <allicabank.net> be transferred to the Complainant.

/Dawn Osborne/

Dawn Osborne

Sole Panelist

Date: April 10, 2023