

ADMINISTRATIVE PANEL DECISION

Neqst 2017 AB v. neqst trade
Case No. D2023-1513

1. The Parties

The Complainant is Neqst 2017 AB, Sweden, represented by Vamo Varumärkesombudet AB, Sweden.

The Respondent is neqst trade, Nigeria.

2. The Domain Name and Registrar

The disputed domain name <neqsttrade.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 April 6, 2023. On April 6, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On April 6, 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 (Redacted for Privacy, Privacy Service Provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 11, 2023, 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 amendment to the Complaint on April 13, 2023.

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 the Respondent of the Complaint, and the proceedings commenced on April 26, 2023. In accordance with the Rules, paragraph 5, the due date for Response was May 16, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 22, 2023.

The Center appointed Ian Lowe as the sole panelist in this matter on May 30, 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 Swedish investment firm founded in 2008, specialising in profitable growth companies within the software and IT-services sectors, with emphasis on the Nordic region. It promotes its products and services through a website using its domain name <neqst.se> that it registered in March 2008. The Complainant is the proprietor of registered trademarks in respect of NEQST including European Union Trademark number 18657978 NEQST registered on July 5, 2022, and Norway trademark number 320697 registered on February 18, 2022.

The Domain Name was registered on June 9, 2022. It resolves to a website soliciting investors and inviting users to log in to their accounts. It is titled “Neqst Trade”, makes numerous uses of the NEQST trademark, and includes a number of segments of text that are substantially identical to such text on the Complainant’s website. The address falsely given on the Respondent’s website for the operator of the site is that of the Complainant.

5. Parties’ Contentions

A. Complainant

The Complainant contends that the Domain Name is confusingly similar to its NEQST mark (the “Mark”), that the Respondent has no rights or legitimate interests in respect of the Domain Name and that the Respondent registered and is using the Domain Name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

B. Respondent

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

6. Discussion and Findings

For this Complaint to succeed in relation to the Domain Name the Complainant must prove that:

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

A. Identical or Confusingly Similar

The Complainant has uncontested rights in the Mark, both by virtue of its trademark registrations and as a result of the goodwill and reputation acquired through its use of the Mark over a number of years. Ignoring the generic Top-Level Domain (“gTLD”) “.com”, the Domain Name comprises the entirety of the Mark together with the term “trade”. The Panel does not consider that this addition prevents a finding of confusing similarity between the Domain Name and the Mark.

Accordingly, the Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

The Complainant has made out a *prima facie* case that the Respondent could have no rights or legitimate interests in respect of the Domain Name. The Respondent has used the Domain Name not in connection with a *bona fide* offering of goods or services, but for a website impersonating the Complainant's official website and inviting users to log in to their accounts.

As many UDRP panelists have found, the use of a domain name for a website impersonating that of a complainant cannot possibly give rise to rights or legitimate interests in respect of the domain name. The Panel cannot conceive of a legitimate use to which the Domain Name could be put in the hands of the Respondent. The Respondent has chosen not to respond to the Complaint or to take any steps to counter the *prima facie* case established by the Complainant.

In the circumstances, the Panel finds that the Respondent does not have any rights or legitimate interests in respect of the Domain Name.

C. Registered and Used in Bad Faith

In light of the nature of the Domain Name, comprising the entirety of the Mark with the addition of "trade", and the use of the Domain Name by the Respondent for a website impersonating that of the Complainant, the Panel is in no doubt that the Respondent had the Complainant and its rights in the Mark in mind when it registered the Domain Name. In the absence of any response by the Respondent, the Panel has no reason to doubt that the Respondent has used its website to mislead Internet users into believing that the website at the Domain Name is operated by or authorized by the Complainant and to deceive customers of the Complainant into disclosing personal information. In the Panel's view, the use of a domain name for such activity, clearly with a view to commercial gain, amounts to paradigm bad faith registration and use for the purposes of the Policy.

Accordingly, the Panel finds that the Domain Name 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 Domain Name, <neqstrade.com>, be transferred to the Complainant.

/Ian Lowe/

Ian Lowe

Sole Panelist

Date: June 13, 2023