

ADMINISTRATIVE PANEL DECISION

Stripe, Inc. v. Johnny Web consultancy, John Hannock
Case No. D2023-3907

1. The Parties

Complainant is Stripe, Inc., United States of America, represented by Elster & McGrady LLC, United States of America (“United States”).

Respondent is Johnny Web consultancy, John Hannock, United States.

2. The Domain Name and Registrar

The disputed domain name <stripe-offshore.com> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 18, 2023. On September 19, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 19, 2023, 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 (PrivacyGuardian.org llc,) and contact information in the Complaint. The Center sent an email communication to Complainant on September 20, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on September 26, 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 Respondent of the Complaint, and the proceedings commenced on September 26, 2023. In accordance with the Rules, paragraph 5, the due date for Response was October 16, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on October 17, 2023.

The Center appointed Jeffrey D. Steinhardt as sole panelist in this matter on October 25, 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

Complainant is a global technology company offering online payment clearing and other financial services. Complainant owns various registrations in several countries for its STRIPE service mark, including for example United States Trademark Registration No. 4,451,679, registered on December 17, 2013, in International Class 36 with a first use in commerce date of January 6, 2011.

The disputed domain name was registered on July 11, 2023 and currently resolves to a parked page with pay-per-click ("PPC") links. When these proceedings were filed, however, the disputed domain name resolved to a website purporting to offer a variety of offshore and personal banking services.

5. Parties' Contentions

A. Complainant

Complainant avers that it is a technology company that builds economic infrastructure for the Internet which is used by millions of businesses in over 40 countries to accept payments and manage online businesses. Complainant provides evidence that the disputed domain name has an active MX configuration and contends that Respondent's real intention is to establish a phishing and fraud website to harvest personal information of confused consumers. Complainant also alleges that Respondent's website provided false contact information (indicating addresses in New York, New York and Sidney, Australia), which is additional evidence of Respondent's deceptive scheme.¹

Summarizing its legal contentions, Complainant alleges that (1) the disputed domain name is confusingly similar to Complainant's marks, (2) Respondent has no rights or legitimate interests in the disputed domain name, and (3) the disputed domain name was registered and is being used in bad faith, all in violation of the Policy. On this basis, Complainant seeks transfer of the disputed domain name.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

For Complainant to prevail under the Policy, it must be established that (1) the disputed domain name is identical or confusingly similar to Complainant's STRIPE marks, (2) Respondent has no rights or legitimate interests in the disputed domain name, and (3) the disputed domain name was registered and is being used in bad faith. Policy, paragraph 4(a).

¹Among other things, Complainant presents government database searches from New York and Australia showing the absence of business registrations for "Stripe Offshore" and evidence that the New York address listed in the "Contact Us" portion of Respondent's website does not exist.

The fact that Respondent has not provided any Response does not, by itself, mean that Complainant prevails. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.3. In the absence of a Response, however, the Panel may also accept as true reasonable factual allegations in the Complaint. See, e.g., *ThyssenKrupp USA, Inc. v. Richard Giardini*, WIPO Case No. [D2001-1425](#) (citing *Talk City, Inc. v. Michael Robertson*, WIPO Case No. [D2000-0009](#)).

A. Identical or Confusingly Similar

The Panel agrees with Complainant's allegation that the disputed domain name is confusingly similar to Complainant's STRIPE mark.

UDRP panels commonly disregard Top-Level Domain ("TLD") in determining whether a disputed domain name is identical or confusingly similar to a complainant's marks. [WIPO Overview 3.0](#), section 1.11.1.

Omitting the ".com" TLD, the Panel notes that Complainant's entire STRIPE mark is included in the disputed domain name, adding only a hyphen and the term "offshore". The Panel finds that these additions to Complainant's mark do not prevent a finding of confusing similarity. See, e.g., [WIPO Overview 3.0](#), section 1.7 (where a domain name incorporates the entirety of a trademark, the domain name will normally be considered by UDRP panels to be confusingly similar); [WIPO Overview 3.0](#), section 1.8 ("Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element.").

The Panel therefore finds that the disputed domain name is confusingly similar to Complainant's mark and concludes that the first element of paragraph 4(a) of the Policy is established.

B. Rights or Legitimate Interests

The Panel also concludes that Respondent has no rights or legitimate interests in the disputed domain name.

The Policy contains a non-exhaustive list of circumstances that may demonstrate when a respondent has rights or legitimate interests in a domain name. The list includes: (1) using the domain name in connection with a *bona fide* offering of goods and services; (2) being commonly known by the domain name; or (3) making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers. Policy, paragraphs 4(c)(i) – (iii).

A complainant must show a *prima facie* case that a respondent lacks rights or legitimate interests in a disputed domain name, after which the burden of production passes to the respondent. See, e.g., *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#). The absence of rights or legitimate interests is established if a complainant makes out a *prima facie* case and the respondent enters no response. *Id.*, (citing *De Agostini S.p.A. v. Marco Cialone*, WIPO Case No. [DTV2002-0005](#)).

The Panel accepts Complainant's undisputed allegations that Respondent has no affiliation, no relevant trademark rights, and no authorization or license to use Complainant's marks in the disputed domain name. The Panel also accepts Complainant's averment that Respondent is not commonly known by the disputed domain name.

Since Respondent's website does not route Internet users to authorized products or services associated with Complainant's marks, the Panel concludes that there is no *bona fide* use.²

The Panel further notes that the unrebutted evidence provided by Complainant indicates that the website once redirected by the disputed domain name provided false contact information, which also supports a finding that there is no *bona fide* offering of goods or services by the Respondent in connection with the disputed domain name.

Furthermore, it is also well established that the current use of the disputed domain name to resolve to a parked page comprised by PPC links does not establish rights or legitimate interests. [WIPO Overview 3.0](#), section 2.9.

Respondent has refrained from opposing Complainant's contention that Respondent's use of the disputed domain name is highly likely to confuse Internet users into falsely thinking Respondent is somehow authorized by or affiliated with Complainant and to disrupt Complainant's business, and the Panel finds that the disputed domain name has been used for such activities.

In light of the evidence and allegations submitted by Complainant, the Panel holds that Respondent is not making a legitimate or fair use of the disputed domain name and that Complainant establishes a *prima facie* case. Respondent has not opposed or rebutted that *prima facie* case. The Panel rules, therefore, that Respondent lacks rights or legitimate interests in the disputed domain name.

The Panel accordingly concludes that the second element of Policy paragraph 4(a) is established.

C. Registered and Used in Bad Faith

The Panel also agrees that the Complaint establishes that Respondent has registered and uses the disputed domain name in bad faith, as required under paragraph 4(a)(iii) of the Policy.

Given the content of Respondent's website and use of the disputed domain name to promote financial services, the Panel finds that Respondent registered the disputed domain name with knowledge of Complainant's trademark rights and intended to target Complainant's business. The Panel finds that a presumption of bad faith is created by Respondent's mere registration of a domain name which is confusingly similar to Complainant's well-known STRIPE mark. [WIPO Overview 3.0](#), section 3.1.4. Respondent has submitted no evidence to contradict this presumption of bad faith.

The selection of the confusingly similar disputed domain name and Respondent's MX configuration to enable the disputed domain name to be used for emails also indicate the potential use of disputed domain name for illegal activity such as misleading transactions and collection of customer details, which also support a finding of bad faith registration and use under the Policy. Policy paragraph 4(b)(iv) ("by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site . . . by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site . . . or of a product or service on your web site . . .").

Under the circumstances, the Panel also finds that the use of the disputed domain name to resolve to a website offering similar services to the Complainant's activity under the STRIPE mark more likely than not evidences that Respondent's intention was to disrupt Complainant's business and/or to obtain undue commercial advantage from the likelihood of confusion of the disputed domain name with the Complainant's service marks. This constitutes bad faith registration and bad faith use under Policy, paragraph 4(b)(iii).

² Even if the offerings via the website to which the disputed domain names route were related to genuine services of Complainant, the website would not qualify for fair use since the website misleads Internet users by failing to disclose its lack of a relationship with Complainant, the trademark owner. *E.g., Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#); [WIPO Overview 3.0](#), sections 2.5 and 2.8.

Respondent's failure to submit a response to the Complaint and the failure to provide accurate contact details as required by Respondent's agreement with the Registrar are further evidence of use in bad faith. *E.g., Telstra Corp. Ltd. v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#).³

The use of the disputed domain name to a parked page compromised of PPC links further supports a finding of bad faith.

The Panel holds therefore that Respondent registered and used the disputed domain name in bad faith, thus fulfilling the requirements of the third element of paragraph 4(a) 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 <stripe-offshore.com> be transferred to Complainant.

/Jeffrey D. Steinhardt/

Jeffrey D. Steinhardt

Sole Panelist

Date: November 8, 2023

³ Written notification of the Complaint to Respondent by courier was not possible using the registrant address details provided by Respondent to the Registrar.