

ADMINISTRATIVE PANEL DECISION

Stripe, Inc. v. Kyoko Tran
Case No. D2024-0697

1. The Parties

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

The Respondent is Kyoko Tran, Luxembourg.

2. The Domain Name and Registrar

The disputed domain name <stripeipoaccess.com> is registered with Nicenic International Group Co., Limited (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 14, 2024. On February 15, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 16, 2024, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. The Center sent an email communication to the Complainant on February 16, 2024, providing the registrant and contact information disclosed by the Registrar. The Complainant filed an amended Complaint on February 21, 2024.

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 22, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 13, 2024. The Respondent sent informal email communications to the Center on February 16, 2024, February 21, 2024, and February 26, 2024. The Center notified the Commencement of Panel Appointment Process on March 19, 2024. Due to an apparent issue with the notification, on March 20, 2024, the Center granted the Respondent until March 25, 2024 to indicate if it would like to submit a Response. No communication was received from the Respondent.

On March 26, 2024, the Center informed the Parties that it would proceed with panel appointment.

The Center appointed Wilson Pinheiro Jabur as the sole panelist in this matter on April 3, 2024. 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 that provides software for payment management, founded in 2010 and currently present in over 40 countries.

In addition to the <stripe.com> domain name where the Complainant's official website is available, the Complainant is the owner of the following, amongst others, trademarks (Annex 7 to the Amended Complaint):

- European Union trademark registration No. 010112498, for STRIPE, registered on December 14, 2011, in class 36;
- United States trademark registration No. 4451679 for STRIPE, registered on December 17, 2013, claiming first use in commerce in January 2011, in class 36; and
- Hong Kong, China trademark registration No. 304025006, for STRIPE, with an actual date of registration of October 27, 2022, in classes 9, 35, 36, 41, 42 and 45.

The disputed domain name was registered on September 13, 2023, and presently resolves to an active webpage that offers the "IPO Access" platform that purportedly provides information on the Complainant as well as its "IPO details and, if a grey market is available, trade based on Stripe's predicted market cap before the listing".

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name is confusingly similar to its well-known STRIPE trademark which is entirely reproduced within the disputed domain name, with the addition of the generic terms "ipo" and "access", which is not sufficient to differentiate the disputed domain name from the Complainant's trademark.

According to the Complainant, the Respondent has no rights or legitimate interests in the disputed domain name given that:

- (i) the Respondent has never been commonly known by the disputed domain name, the STRIPE trademark, nor any variations thereof, and has never used any trademark or service mark similar to the disputed domain name by which it may have come to be known;
- (ii) the Complainant has not granted Respondent any license, permission, or authorization by which it could own or use any domain name registrations, which are confusingly similar to any of the STRIPE trademark;

(iii) the Respondent has never operated any bona fide or legitimate business under the disputed domain name and is not making a protected noncommercial or fair use of the disputed domain name, rather using it to direct Internet users to an “IPO Access” where it promotes its goods and services and collects the personal information of site visitors while using the Complainant’s STRIPE trademark without authorization on the website itself; and

(iv) the Respondent has associated mail exchange (“MX”) email records with the disputed domain name, suggesting that the Respondent’s real intention appears to be a phishing and fraud attempt through harvesting personal information of confused consumers.

The Complainant further contends that the disputed domain name was both registered and is being used in bad faith, if not as a vehicle for phishing in a representative clear-cut bad faith registration and use at least with the intent to ride on the goodwill of the STRIPE trademark intentionally attempting to attract, for commercial gain, Internet users to the Respondent’s website, by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the Respondent’s website or of a product or service on the Respondent’s website.

B. Respondent

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

In the first informal email communication to the Center of February 16, 2024, the Respondent stated that it “will surrender the domain for a fee of 500 gbp. This value is calculated according to the organic web traffic being received.”

In the informal email communications to the Center of February 21, 2024, the Respondent simply stated “[S]top spamming me” and in its last email communication dated February 26, 2024 asked to “[P]lease remove me from your mailing list. I do not authorize you to continue emailing when I have requested you to stop. Stop spamming me.”

6. Discussion and Findings

Paragraph 4(a) of the Policy sets forth the following three requirements which the Complainant must meet in order for the Panel to order the transfer of the disputed domain name:

- (i) the disputed 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 disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The Complainant must prove in this administrative proceeding that each of the aforesaid three elements is present in order to obtain the transfer of the disputed domain name.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant’s trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (“ipo” and “access”) may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

In that sense, and according to the evidence submitted, the Complainant has made a *prime facie* case against the Respondent that the Respondent has not been commonly known by the disputed domain name, and there is no connection or affiliation between the Complainant and the Respondent. Also, the Complainant indeed states it has not granted the Respondent any license, permission, or authorization by which it could own or use any domain name registrations using the Complainant’s trademark.

Also, the absence of any indication that the Respondent has rights in a term corresponding to the disputed domain name, or any possible legitimate connection between the Respondent and the disputed domain name that could be inferred from the details known of the Respondent or from a webpage relating to the disputed domain name, corroborate the Panel’s finding of the absence of rights or legitimate interests. In addition, the Panel finds that the composition of the disputed domain name carries a risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5.1.

Moreover, the use of the disputed domain name in connection with a webpage that clearly makes reference to the Complainant and the Respondent’s intention to surrender the disputed domain name “for a fee of 500 gbp” based on “the organic web traffic being received” indicates that the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name.

Under these circumstances and absent evidence to the contrary, the Panel finds that the Respondent does not have rights or legitimate interests with respect to the disputed domain name.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In this case, both the registration and use of the disputed domain name in bad faith can be found pursuant to Policy, paragraph 4(b)(iv), in view of the website that is available at the disputed domain name offering the "IPO Access" platform that purportedly provides information on the Complainant as well as its "IPO details and, if a grey market is available, trade based on Stripe's predicted market cap before the listing", which demonstrates the Respondent's intention to use the disputed domain name for possible commercial gain by creating a likelihood of confusion with the Complainant and its trademark. The Respondent's explicit offer to surrender the disputed domain name "for a fee of 500 gbp" based on the traffic generated due to Complainant's well-known trademark and goodwill also shows the Respondent's intention to sell the disputed domain name to the Complainant for commercial gain.

Moreover, in these circumstances, bad faith of the Respondent is also supported here by (i) the lack of reply by the Respondent invoking any rights or legitimate interests; and (ii) the indication of what appears to be false or incomplete contact details, considering that the Written Notice could not be delivered by courier service to the address indicated in the WhoIs.

The Panel finds that the Complainant has established the third element 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 <stripeipoaccess.com> be transferred to the Complainant.

/Wilson Pinheiro Jabur/

Wilson Pinheiro Jabur

Sole Panelist

Date: April 12, 2024