

ADMINISTRATIVE PANEL DECISION

Intuit Inc. v. 石磊 (Lei Shi)

Case No. D2024-4524

1. The Parties

The Complainant is Intuit Inc., United States of America, represented by Fenwick & West, LLP, United States of America.

The Respondent is 石磊 (Lei Shi), China.

2. The Domain Name and Registrar

The disputed domain name <intuitforeducation.com> is registered with Cloud Yuqu LLC (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on November 5, 2024. On November 5, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 6, 2024, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 6, 2024, 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 in English on November 12, 2024.

On November 6, 2024, the Center informed the parties in Chinese and English, that the language of the registration agreement for the disputed domain name is Chinese. On November 9, 2024, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

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 15, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 5, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 6, 2024.

The Center appointed Douglas Clark as the sole panelist in this matter on December 16, 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 leading global financial technology company. It was founded in 1983. The Complainant provides financial, business accounting, tax, and marketing management software products and services to consumers and businesses. The Complainant also offers and promotes Intuit TurboTax, Intuit QuickBooks, Intuit Credit Karma, and Intuit Mailchimp products and services.

The Complainant has over 16,000 employees worldwide, revenue of USD 16.3 billion and serves approximately 97 million individual and business customers with financial, business, tax, and marketing management software products and services under its INTUIT Mark. The INTUIT mark has been registered in various classes worldwide for software and software related services, including in the United States of America (with the earliest registration no. 1840504 dating to 1994 in Class 16) and the China (with the earliest registration no. 1151928 in Class 36 dating to 1998).

On April 2, 2024, Intuit issued a press release launching its INTUIT FOR EDUCATION financial literacy program. The INTUIT FOR EDUCATION program is a free and flexible financial literacy program that uses real-world tools to allow students to learn about finances and build financial confidence.

The Respondent is an individual based in China. The Respondent registered the disputed domain name <intuitforeducation.com> on April 2, 2024, the same day that the Complainant announced the INTUIT FOR EDUCATION financial literacy program.

The website under the disputed domain name provides linked sponsored advertisements to third party websites that offer products and services competitive to the Complainant INTUIT-branded products and services, such as accounting software and services.

The Respondent has been the respondent in at least 46 prior UDRP proceedings from December 2019 to October 2024 according to a search result using the name “Lei Shi” provided by the Complainant.

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. The Complainant contends that:

(a) The disputed domain name is confusingly similar to its trade mark. The disputed domain name wholly incorporates the Complainant’s INTUIT trade mark. The addition of the words “for” and “education” and the generic Top-Level Domain (“gTLD”) “.com” in the disputed domain name does not eliminate the overall notion that the designations are connected to the trade mark and the likelihood of confusion that the disputed domain name and the trade mark are associated;

(b) The Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not affiliated with the Complainant in any way and the Complainant has never granted any authorisation or license to use the Complainant’s trade mark. The Respondent is not commonly known by the disputed domain name, and has not made a bona fide offering of goods or services or a legitimate noncommercial or fair use of the disputed domain name; and

(c) The disputed domain name was registered and is being used in bad faith. The Respondent has registered the disputed domain name the same day the Complainant announced its INTUIT FOR EDUCATION program. Based on the use of the disputed domain name that includes links to completing products, the Respondent registered and is using the disputed domain name to attract Internet users for commercial gain, creating a likelihood of confusion with the Complainant's trade mark. Further, the Respondent has engaged in a pattern of conduct of registering other parties' trade marks as domain names in bad faith.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The amended Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the following:

- (a) the disputed domain name is in English,
- (b) the Respondent is using the Complainant's English/Latin alphabet trade marks,
- (c) the website at the disputed domain is entirely in English,
- (d) the website page titles/headers/content is entirely in English.

The Complainant states the foregoing demonstrates the Respondent is versed in English and has a strong grasp of the language.

Further, the Complainant notes the Respondent has been the respondent to other UDRP cases where the language of proceedings was in English. (For example, *Accenture Global Services Limited v. 石磊 (Lei Shi)*, WIPO Case No. [D2020-1568](#); *Syngenta Participations AG v. 石磊 (Lei Shi)*, WIPO Case No. [D2023-0496](#)).

Finally, the Complainant states the Complainant is not conversant with Chinese and translating the documents required to prosecute this proceeding in Chinese would be a financial burden for the Complainant and unnecessarily delay this proceeding.

The Respondent did not comment on the Complainant's request for the language of the proceeding be English.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

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 trade mark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

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

The Panel finds the mark is recognizable 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 words here, "for" and "education" may bear on assessment of the second and third elements, the Panel finds the addition of these words 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.

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.

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.

In the present case, the Panel notes that the Respondent registered the disputed domain name on the same day the Complainant announced its INTUIT FOR EDUCATION program; the disputed domain name resolves to a website with links to competitor products; and, that the Respondent has been the respondent to multiple UDRP complaints. *Supra*. There can be no doubt the Respondent registered the domain name for the purpose attracting Internet users for commercial gain, creating a likelihood of confusion with the Complainant's trade mark. Further, the Respondent has engaged in a pattern of conduct of registering other parties' trade marks as domain names in bad faith.

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 <intuitforeducation.com> be transferred to the Complainant.

/Douglas Clark/

Douglas Clark

Sole Panelist

Date: January 2, 2025