

ADMINISTRATIVE PANEL DECISION

Silverfleet Capital Partners LLP v. Yang Yang
Case No. D2024-4623

1. The Parties

The Complainant is Silverfleet Capital Partners LLP, United Kingdom, represented by Travers Smith LLP, United Kingdom.

The Respondent is Yang Yang, United States of America.

2. The Domain Name and Registrar

The disputed domain name <silverfleetcapital.pro> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 11, 2024. On November 11, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 11, 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 (PrivacyGuardian) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 12, 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 on November 15, 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 November 18, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 8, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 13, 2024.

The Center appointed Tobias Malte Müller as the sole panelist in this matter on December 23, 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

It results from the Complainant's undisputed allegations that Complainant is a limited liability partnership registered in the United Kingdom and a large asset manager specializing in private equity investments.

It further results from the evidence filed by the Complainant and which remained uncontested that it is the owner of the following registered trademarks for SILVERFLEET, respectively for services in class 36:

- (i) European Union Trademark No. 006664891, registered on January 22, 2009;
- (ii) United Kingdom Trademark No. UK00906664891 registered on January 22, 2009.

The registrar verification confirmed that the Respondent created the disputed domain name on September 30, 2024. The disputed domain name resolves to a website allegedly offering a trading platform and investment services as "Silverfleet Capital". This website further purports to have a "4.8/5.0" rating on the consumer review platform Trustpilot and lists examples of alleged positive consumer reviews. The link to the Trustpilot website does not work and, according to the Complainant's documented allegations, there is not a single review left for the Respondent on said Trustpilot website. Finally, the Complainant presented a consumer-email to the Respondent in which it is alleged that the Respondent directed the consumer to the Complainant's website when the consumer questioned the Respondent's legitimacy.

Finally, the evidence provided by the Complainant proves that on November 6 and November 12, 2024, it had made attempts to contact the Respondent, without, however, receiving any response to these messages.

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:

- (i) The disputed domain name incorporates the Complainant's trademark "Silverfleet" being the operative and distinct part of the disputed domain name. This will inevitably create an impression of a connection with, or endorsement by, the Complainant;
- (ii) The Respondent has no rights to (or legitimate interests) in respect of the disputed domain name. In particular, it has no registered trademarks for "Silverfleet Capital" and the Complainant has never authorised the Respondent to use its SILVERFLEET trademarks, whether in a domain name or otherwise; and
- (iii) There can be no doubt of the Respondent's bad faith in its registration and use of the disputed domain name. In addition, the Respondent concealed its identity not only by using privacy service, but also by assuming the identity of the Complainant by directing a consumer to the Complainant's website when said consumer questioned the Respondent's legitimacy. Finally, the Complainant's well-established status, coupled with the trademark registrations and the extremely recent registration of the disputed domain name suggests the Respondent knew full well of the Complainant's rights and interests and sought to improperly capitalise on them, and thus acted in bad faith.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs this Panel to “decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”. Paragraph 4(a) of the Policy requires a complainant to prove each of the following three elements in order to obtain an order that each disputed domain name be transferred or cancelled:

- (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 Panel will therefore proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied.

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 namely in the first place, reading from the left. It is then followed by the term “capital”. Although the addition of this other term may bear on assessment of the second and third elements, the Panel finds the addition of such term 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. Consequently, the Panel finds the mark is clearly 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.

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.

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. One of these circumstances is that the Respondent, by using the disputed domain names, has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location (paragraph 4(b)(iv) of the Policy).

In the present case, the Panel notes that it results from the Complainant's documented allegations that the disputed domain name resolves to a website allegedly offering a trading platform and investment services as "Silverfleet Capital". This website further purports to have a "4.8/5.0" rating on the consumer review platform Trustpilot and lists examples of alleged positive consumer reviews. The link to the Trustpilot website does not work and, according to the Complainant's documented allegations, there is not a single review left for the Respondent on said Trustpilot website. For the Panel, it is therefore evident that the Respondent positively knew the Complainant's trademark and business. In addition, the Complainant presented a consumer-email to the Respondent in which it is alleged that the Respondent directed the consumer to the Complainant's website when the consumer questioned the Respondent's legitimacy. This means that the Respondent even assumed the Complainant's identity trying to mislead consumers.

Consequently, and in the absence of any evidence to the contrary, the Panel is convinced that the Respondent also knew that the disputed domain name included the Complainant's trademark when it registered it.

In this regard, the further circumstances surrounding the disputed domain name's registration and use confirm the findings that the Respondent has registered and is using the disputed domain name in bad faith:

- (i) the nature of the disputed domain names incorporating the Complainant's trademark identically and with the addition of a descriptive term "capital" which is directly applicable to the Complainant's business and which is part of the Complainant's company name;
- (ii) the content of the website to which the disputed domain name directs, relating to the Complainant and its business and purportedly offering investments under the Complainant's trademark;
- (iii) a clear absence of rights or legitimate interests coupled with no response for the Respondent's choice of the disputed domain names;
- (iv) the failure of the Respondent to submit a response, to reply to the emails sent by the Complainant before starting the present UDRP proceedings or to provide any evidence of actual or contemplated good-faith use;
- (v) the respondent's concealing its identity behind a privacy shield; and

(vi) the fact that the details disclosed of the Respondent by the Registrar are incomplete or false, noting the courier's inability to deliver the Center's Written Notice.

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 <silverfleetcapital.pro> be transferred to the Complainant.

/Tobias Malte Müller/

Tobias Malte Müller

Sole Panelist

Date: January 6, 2025