

ADMINISTRATIVE PANEL DECISION

Equifax Inc. v. Zhichao Yang
Case No. D2024-4866

1. The Parties

The Complainant is Equifax Inc., United States of America (“United States”), represented by The GigaLaw Firm, Douglas M. Isenberg, Attorney at Law, LLC, United States.

The Respondent is Zhichao Yang, China.

2. The Domain Name and Registrar

The disputed domain name <mmyequifax.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 25, 2024. On November 26, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 26, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 27, 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 amendment to the Complaint on November 27, 2024.

The Center verified that 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 November 28, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 18, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 19, 2024.

The Center appointed Erica Aoki as the sole panelist in this matter on December 30, 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 provider of information solutions and human resources business process outsourcing services for businesses, governments and consumers.

The Complainant was originally incorporated under the laws of the State of Georgia, United States, in 1913, and its predecessor company dates back to 1899.

The Complainant operates or has investments in 24 countries in North America, Central and South America, Europe, and the Asia Pacific region.

The Complainant employs approximately 11,000 people worldwide.

The Complainant owns at least 221 trademark registrations in at least 56 jurisdictions around the world for marks that consist of or contain the word EQUIFAX, which was first used in commerce and registered in 1975.

The Complainant also owns at least one registration for the trademark MYEQUIFAX, United States Reg. No. 6,764,342 (registered on June 21, 2022) for use in connection with, inter alia, “providing financial information, data, and reports in the field of consumer credit, credit scores, and credit reports by means of the Internet”.

The Complainant is the registrant of the domain name <equifax.com>, which was created on February 21, 1995, and operates a website known as “myequifax”, using the domain name <myequifax.com>, where users can access their accounts.

The disputed domain name was registered on August 29, 2019. The disputed domain name has been used to redirect Internet users to a variety of different websites – including a website for Honda car dealers and a website for a sports betting service.

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 the disputed domain name is confusingly similar to Complainant’s EQUIFAX trademark and simply adding the letters “mmy” (apparently, a typographical version of the word “my”).

The disputed domain name also contains the MYEQUIFAX Trademark in its entirety, simply adding an extra letter “m”.

The inclusion in the disputed domain name of the letters “mmy” in addition to the EQUIFAX trademark – and the repeated letter “m” in addition to the MYEQUIFAX trademark – does nothing to diminish confusing similarity and is a common, obvious, or intentional misspelling of a trademark and, therefore, is considered by panels to be confusingly similar to the relevant mark for purposes of the first element.

B. Respondent

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

6. Discussion and Findings

The Complainant is required to establish the requirements specified under paragraph 4(a) of the Policy:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in respect of which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

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 disputed domain name incorporates the Complainant's trademark in its entirety. The inclusion in the disputed domain name of the letters "mmy" in addition to the EQUIFAX trademark – and the repeated letter "m" in addition to the MYEQUIFAX trademark – does nothing to diminish confusing similarity.

Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7 and 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.

The Respondent does not own any registered rights in any trademarks which comprise part or all of the disputed domain name.

The Panel moreover notes that the composition of the disputed domain name undercuts any potential argument by the Respondent that the disputed domain name was registered because of any dictionary value, and points to invocation of a brand.

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

C. Registered and Used in Bad Faith

The Complainant's trademark is replicated in entirety on the disputed domain name. The use of the Complainant's trademark will deceive Internet users that they are dealing with the Complainant.

The disputed domain name has been used to redirect visitors to various websites. Using a domain name to redirect Internet visitors to a variety of different websites (as the Respondent has done here) may support a finding of bad faith. Here, the composition of the dispute domain name, being nearly identical to the Complainant's trademarks and domain name <myequifax.com> (where users access sensitive financial information) indicates in the Panel's view that the disputed domain name has been chosen because of its similarity with a domain name and trademarks in which the Complainant has rights. This was most likely done in the hope and expectation that Internet users searching for the Complainant's services and products would instead come across the Respondent's disputed domain name. Moreover, in these circumstances, there is a significant risk the disputed domain name may be used for phishing or other fraudulent purposes.

The use of the disputed domain name indicates that the Respondent intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's mark. [WIPO Overview 3.0](#), section 3.1.4.

The Panel finds 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 <mmyequifax.com> be transferred to the Complainant.

/Erica Aoki/

Erica Aoki

Sole Panelist

Date: January 10, 2025