

ADMINISTRATIVE PANEL DECISION

Greenlight Financial Technology, Inc. v. Wenzhen Wang
Case No. D2024-4982

1. The Parties

Complainant is Greenlight Financial Technology, Inc., United States of America ("USA"), represented by Nelson Mullins Riley & Scarborough LLP, USA.

Respondent is Wenzhen Wang, China.

2. The Domain Names and Registrar

The disputed domain names <greenlightdebit.com> and <mygreenlightcard.com> are registered with Hefei Juming Network Technology Co., Ltd (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on December 3, 2024. On December 3, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On December 4, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Redacted for privacy) and contact information in the Complaint. The Center sent an email communication to Complainant on December 4, 2024, 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 in English on December 5, 2024.

On December 4, 2024, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain names is Chinese. On December 5, 2024, Complainant confirmed its request that English to be the language of the proceeding. Respondent did not submit any comment on 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 Respondent in English and Chinese of the Complaint, and the proceedings commenced on December 5, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 25, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on December 26, 2024.

The Center appointed Yijun Tian 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

A. Complainant

Complainant is a company incorporated in the USA. Founded in 2014, Complainant is a financial technology company offering a smart debit card and mobile app to help parents teach their children financial responsibility. It has over six million accounts nationwide (see Annexes 8-9 of the Complaint).

According to the Complaint, Complainant has rights in the GREENLIGHT marks across various jurisdictions. It has registered trademark rights for the use of the mark GREENLIGHT, including the USA trademark registration No. 5106660 – registered on December 20, 2016; the USA trademark registration No. 5106237 registered on December 20, 2016; and the Canadian trademark registration No. TMA1084040 registered on October 8, 2020. Complainant is also the owner of domain names, which incorporate the GREENLIGHT trademark, such as <greenlightcard.com> that has been used since February 11, 2017 (Annex 10 to the Complaint).

B. Respondent

Respondent is Wenzhen Wang, China. The disputed domain names <greenlightdebit.com> and <mygreenlightcard.com> were both registered on August 19, 2023. According to the Complaint, the disputed domain names were previously resolved to websites featuring pornographic and gambling content (Annex 3 to the Complaint).

5. Parties' Contentions

A. Complainant

Complainant contends that the disputed domain names are identical or confusingly similar to its GREENLIGHT trademark. Both disputed domain names fully incorporate the GREENLIGHT mark. The disputed domain name <greenlightdebit.com> combines the GREENLIGHT mark with "debit", a term tied to Complainant's products (see Annexes 8 and 10 to the Complaint). Similarly, the disputed domain name <mygreenlightcard.com> adds "my" and "card", inherently linked to Complainant's offerings. These additions do not distinguish the disputed domain names from the GREENLIGHT mark but instead reinforce their association, increasing the likelihood of confusion.

Complainant contends that Respondent has no rights or legitimate interests in respect of the disputed domain names.

Complainant contends that Respondent has registered and is using the disputed domain names in bad faith.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

6.1. Language of the Proceeding

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

From the evidence presented on the record, no agreement appears to have been entered into between Complainant and Respondent to the effect that the language of the proceeding should be English. Complainant initially filed its Complaint in English, and has requested that English be the language of the proceeding for the following main reasons:

- (a) The disputed domain names consist of characters from the ISO basic Latin alphabet, derived from English, and Complainant's GREENLIGHT mark is in English.
- (b) Respondent's websites, associated with the disputed domain names, feature content accessible to English-speaking users (see Annex 3 to the Complaint), and the Cloud Innovation Support website tied to Respondent's IP addresses operates in English (see Annex 7 to the Complaint).
- (c) Requiring Complainant, an American-based corporation with no proficiency in Chinese, to translate the Complaint would cause undue delay, substantial costs, and unfairness.
- (d) Respondent's use of English-language hosting services and domain-related operations suggests familiarity with English, more so than Complainant has with Chinese.

Respondent did not make any submissions with respect to the language of the proceeding and did not object to the use of English as the language of the proceeding.

Paragraph 11(a) of the Rules allows the panel to determine the language of the proceeding having regard to all the circumstances. In particular, it is established practice to take paragraphs 10(b) and (c) of the Rules into consideration for the purpose of determining the language of the proceeding. In other words, it is important to ensure fairness to the parties and the maintenance of an inexpensive and expeditious avenue for resolving domain name disputes (*Whirlpool Corporation, Whirlpool Properties, Inc. v. Hui'erpu (HK) electrical appliance co. ltd.*, WIPO Case No. [D2008-0293](#); *Solvay S.A. v. Hyun-Jun Shin*, WIPO Case No. [D2006-0593](#)). The language finally decided by the UDRP panel for the proceeding should not be prejudicial to either one of the parties in its abilities to articulate the arguments for the case (*Groupe Auchan v. xmxzl*, WIPO Case No. [DCC2006-0004](#)). WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") further states:

"Noting the aim of conducting the proceedings with due expedition, paragraph 10 of the UDRP Rules vests a panel with authority to conduct the proceedings in a manner it considers appropriate while also ensuring both that the parties are treated with equality, and that each party is given a fair opportunity to present its case.

Against this background, panels have found that certain scenarios may warrant proceeding in a language other than that of the registration agreement. Such scenarios include (i) evidence showing that the respondent can understand the language of the complaint, (ii) the language/script of the domain name particularly where the same as that of the complainant's mark, (iii) any content on the webpage under the disputed domain name, (iv) prior cases involving the respondent in a particular language, (v) prior correspondence between the parties, (vi) potential unfairness or unwarranted delay in ordering the complainant to translate the complaint, (vii) evidence of other respondent-controlled domain names registered, used, or corresponding to a particular language, (viii) in cases involving multiple domain names, the use of a particular language agreement for some (but not all) of the disputed domain names, (ix) currencies accepted on the webpage under the disputed domain name, or (x) other indicia tending to show

that it would not be unfair to proceed in a language other than that of the registration agreement.” ([WIPO Overview 3.0](#), section 4.5.1; see also *L’Oreal S.A. v. MUNHYUNJA*, WIPO Case No. [D2003-0585](#)).

On the record, Respondent appears to be a Chinese resident and is thus presumably not a native English speaker. However, considering the following, the Panel has decided that English should be the language of the proceeding: (a) the disputed domain names include Latin characters, particularly some English terms (e.g., “debit”, “my”, and “card”), rather than Chinese script; (b) the generic Top-Level Domain (“gTLD”) of the disputed domain names is “.com”, so the disputed domain names seem to be prepared for users worldwide, particularly English speaking countries; (c) the Center has notified Respondent of the proceeding in both Chinese and English, and Respondent has indicated no objection to Complainant’s request that English be the language of the proceeding; and (d) the Center informed the Parties, in English and Chinese, that it would accept a Response in either English or Chinese. The Panel would have accepted a Response in either English or Chinese but none was filed.

Accordingly, the Panel finds the choice of English as the language of the present proceeding is fair to both Parties and is not prejudicial to either one of the Parties in its ability to articulate the arguments for this case.

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

6.2. Substantive Issues

Paragraph 4(a) of the Policy requires that Complainant must prove each of the following three elements to obtain an order that the disputed domain names should be transferred:

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

On the basis of the evidence introduced by Complainant and in particular with regard to the content of the relevant provisions of the Policy (paragraphs 4(a)-(c)), the Panel concludes as follows:

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 Complainant’s trademark and the disputed domain names. [WIPO Overview 3.0](#), section 1.7.

Based on the available record, the Panel finds 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 Panel finds the entirety of the GREENLIGHT mark is reproduced within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

While the addition of other terms “debit”, “my”, or “card” may bear on the 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 names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Based on the available record, 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 Respondent may demonstrate rights or legitimate interests in a disputed domain name.

While the overall burden of proof in UDRP proceedings is on the complainant, panels have recognised that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible 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. 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 record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain names. Respondent has not rebutted Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain names such as those enumerated in the Policy or otherwise.

More specifically,

(a) There has been no evidence adduced to show that Respondent is using the disputed domain names in connection with a bona fide offering of goods or services. Respondent has not provided evidence of legitimate use of the disputed domain names or reasons to justify the choice of the mark GREENLIGHT in the disputed domain names. There has been no evidence adduced to show that Complainant has licensed or otherwise permitted Respondent to use the GREENLIGHT marks or to apply for or use any domain names incorporating the GREENLIGHT marks.

(b) There has been no evidence adduced to show that Respondent has been commonly known by the disputed domain names. There has been no evidence adduced to show that Respondent has any registered trademark rights with respect to the disputed domain names. Respondent registered the disputed domain names in 2023, long after the GREENLIGHT marks (registered as a trademark since 2016) became widely known. The disputed domain names are confusingly similar to the GREENLIGHT marks.

(c) There has been no evidence adduced to show that Respondent is making a legitimate noncommercial or fair use of the disputed domain names. By contrast, each disputed domain name was previously resolved to a website containing pornographic and gambling content. It seems that Respondent has possibly made profits through the Internet traffic attracted to the websites under the disputed domain names. (See *BKS Bank AG v. Jianwei Guo*, WIPO Case No. [D2017-1041](#); *BASF SE v. Hong Fu Chen, Chen Hong Fu*, WIPO Case No. [D2017-2203](#).) Further, the disputed domain names are currently inactive.

Based on the available record, 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 Respondent has registered and used the disputed domain names in bad faith. Based on the information provided by Complainant, the Panel finds that Complainant has a widespread reputation in the GREENLIGHT marks with regard to its products and services. It is not conceivable that Respondent would not have had Complainant’s trademark in mind at the time of the registration of the disputed domain names (in 2023).

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.

According to the Complaint, the disputed domain names were previously resolved to websites featuring pornographic and gambling content (as introduced above). Pursuant to paragraph 4(b)(iv) of the Policy, such use falls plainly within the non-exhaustive list of examples of registration and use in bad faith, namely using the confusingly similar disputed domain names with the intention to attempt to attract, for commercial gain, Internet users to the Respondent's websites by creating a likelihood of confusion with the Complainant's mark. Having reviewed the records, the Panel finds Respondents' registration and use of the disputed domain names constitute bad faith under the Policy.

Based on the available record, the Panel finds the third element of the Policy has been established.

7. Decision

For all the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain names <greenlightdebit.com> and <mygreenlightcard.com> be transferred to Complainant.

/Yijun Tian/

Yijun Tian

Sole Panelist

Date: January 15, 2025