

ADMINISTRATIVE PANEL DECISION

Swift Passport & Visa Services LLC v. Domain Privacy, Domain Name Privacy Inc.

Case No. D2025-0204

1. The Parties

The Complainant is Swift Passport & Visa Services LLC, United States of America, represented by McDonald Hopkins LLC, United States of America.

The Respondent is Domain Privacy, Domain Name Privacy Inc., Cyprus.

2. The Domain Name and Registrar

The disputed domain name <swiftpassportvisa.com> is registered with DropCatch.com LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 17, 2025. On January 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 21, 2025, 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 (*NameBrightPrivacy.com*) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 23, 2025, 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 January 23, 2025.

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 January 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 18, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 19, 2025.

The Center appointed Dr. Clive N.A. Trotman as the sole panelist in this matter on February 21, 2025. 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 has for 15 years provided a service for obtaining passports and visas to clients in the United States of America ("United States"). The Complainant holds the registered trademark:

SWIFT, with device, United States Patent and Trademark Office ("USPTO"), registered on June 9, 2015, registration number 4751835, in class 39.

The Complainant has applied for the following trademark:

SWIFT PASSPORT & VISA SERVICES, word mark, USPTO, serial number 98724620, in class 39.

The Complainant holds the domain name <swiftpassportservices.com> which it has used for business since 2007.

Nothing is known about the Respondent except for the contact details provided for the purpose of registration of the disputed domain name on January 4, 2025. The disputed domain name has resolved to a website (the "Respondent's website") offering passport and visa renewal services and pay-per-click ("PPC") links to other websites.

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 its name, "Swift Passport & Visa Services", has been well known as the provider of its services in the United States for about 15 years. The Complainant has a website at "www.swiftpassportservices.com" and is also represented in blog posts, newsletters, and social media.

The Complainant contends that the disputed domain name is virtually identical and confusingly similar to the Complainant's trademark. The Complainant also says the disputed domain name is similar to the Complainant's own domain name <swiftpassportservices.com>, except that the word "services" in the Complainant's domain name is replaced with "visa" in the disputed domain name.

With reference to the Complainant's application for the trademark SWIFT PASSPORT & VISA SERVICES, the Complainant says the disputed domain name is similar except for the omission from the disputed domain name of the terms "&" and "services".

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The website of the disputed domain name competes with the Complainant by offering links to other websites that offer visa and passport services identical to the Complainant's services. The Complainant has had no connection with the Respondent and has not granted any consent for the use of the Complainant's trademark by the Respondent. The use of the disputed domain name by the Respondent is not for a legitimate offering of goods or services but is an attempt to trade on the Complainant's goodwill.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. The Respondent has intended to divert Internet users, looking for the Complainant's website, to the Respondent. The disputed domain name is used in order to compete with the Complainant in the same field of business and it is implausible that it was registered innocently. The Complainant asserts that the Respondent had constructive knowledge of the Complainant's trademark at the time of registration of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

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 in this case has made several references to its application for the trademark SWIFT PASSPORT & VISA SERVICES, and to the Complainant's name "Swift Passport & Visa Services", as being closely related to the disputed domain name. The Policy considers only similarity between a disputed domain name and a trademark, whether registered, or under common law if that can be established. A trademark application is not sufficient ([WIPO Overview 3.0](#), section 1.1.4). The Panel will proceed on the basis of the trademark SWIFT.

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 SWIFT 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 (here, "passport" and "visa") 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.

The website to which the disputed domain name has resolved, under a heading that reads "SWIFTPASSPORTVISA.COM", offers links to other websites evidently specializing in services for passport application and renewal. Since this potential business activity is in competition with the Complainant under a headline that incorporates the Complainant's trademark, it cannot be considered either a bona fide offering of goods or services, or a noncommercial or fair use of the disputed domain name. There is no evidence, or claim from the Respondent, that the Respondent has been known by the disputed domain name or similar. [WIPO Overview 3.0](#), section 2.9.

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)(iv) of the Policy reads:

"by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location".

In the present case, the Panel notes that, according to screen captures produced in evidence, the Respondent's website has resolved in one instance to a website headed "SWIFTPASSPORTVISA.COM" followed by "Related searches" and then what appear to be the link categories "Renew Us Passport", "Apply for Unemployment", and "renew Passports Nearby". In another screen capture the Respondent's website, under the heading "SWIFTPASSPORTVISA.COM", began by promoting links relating to fast passport service providers, and to a website under the heading "Renew your U.S Passport Online - Us passport renewal", with further relate links. A third screen capture showed the Respondent's website to be promoting different links to handlers of visa and passport applications. It may reasonably be concluded that the Respondent expects some remuneration or commission in return for diverting Internet visitors to external links.

The businesses promoted through the Respondent's website were mostly in the field of passport and visa application and renewal services, being in competition with the main business of the Complainant. On the evidence and on the balance of probabilities the Panel finds that the disputed domain name has been registered and used intentionally in order to attract Internet users looking for the Complainant, by confusion with the Complainant's trademark, for the Respondent's commercial gain. The Panel finds the disputed domain name to have been registered and used in bad faith in the terms of paragraph 4(b)(iv) of the Policy.

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 <swiftpassportvisa.com> be transferred to the Complainant.

/Dr. Clive N.A. Trotman /

Dr. Clive N.A. Trotman

Sole Panelist

Date: February 28, 2025