

ADMINISTRATIVE PANEL DECISION

CC Serve Corporation v. Femen Ogdun
Case No. D2025-0530

1. The Parties

Complainant is CC Serve Corporation, United States of America (“U.S.A.” or “United States”), represented by Troutman Pepper Locke, U.S.A.

Respondent is Femen Ogdun, U.S.A.

2. The Domain Name and Registrar

The disputed domain name <atlanticusgroups.com> is registered with Wix.com Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 10, 2025. On February 11, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 14, 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 (REDACTED FOR PRIVACY (DT) WIX.COM LTD.) and contact information in the Complaint. The Center sent an email communication to Complainant on February 18, 2025, 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 on February 18, 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 Respondent of the Complaint, and the proceedings commenced on February 19, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 11, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on March 12, 2025.

The Center appointed Jeffrey D. Steinhardt as sole panelist in this matter on March 17, 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

Complainant is a financial services company that provides technology solutions with a focus on tailored credit and lending products. Complainant maintains a website at “www.atlanticus.com” and Complainant owns registrations for its ATLANTICUS service mark, including for example United States Trademark Registration No. 85747148, registered on May 27, 2014 in International Classes 35 and 36.

The disputed domain name was registered on January 22, 2025 and does not currently resolve to an active webpage, however the evidence provided by Complainant shows that as recently as early February 2025, the disputed domain name resolved to webpages prominently displaying “Atlanticus Holdings Corporation”, and impersonating Complainant’s related business and displaying a favicon employing one of Complainant’s federally registered logos. According to Complainant, Atlanticus Holdings Corporation is an entity in Complainant’s family of companies.

5. Parties’ Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Complainant notes that the contact information on the website to which the disputed domain name resolves is Complainant’s actual address (and not the address of Respondent). Complainant alleges that Respondent is impersonating Atlanticus Holdings Corporation through use on Respondent’s website of Complainant’s trademark, logo, and business identity. Complainant also avers upon information and belief that Respondent is using the disputed domain name “primarily to pose as Complainant to collect customer information, which appears to be the only use made of the Fraudulent Website.”

B. Respondent

Respondent did not reply to 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.

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. 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, “groups”) may bear on assessment of the second and third elements, the Panel finds the addition of such a 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.

The Panel finds the first element of Policy paragraph 4(a) 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 that Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. 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 name such as those enumerated in the Policy or otherwise.

In this instance, Annexes to the Complaint demonstrate that Respondent has used the disputed domain name to resolve to a website imitating Complainant’s related business. The Panel accepts Complainant’s undisputed allegation that such use, and the use of Complainant’s logo and trademarks, was without Complainant’s authorization.

Panels have held that the use of a domain name for illegitimate activity, here, claimed impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel finds the second element of paragraph 4(a) 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 Complainant has established rights in the registered trademark many years before Respondent’s registration of the disputed domain name, and Respondent used the disputed domain name to resolve to a website using Complainant’s trademarks and impersonating Complainant’s related business. In the sense of Paragraph 4(b)(iv) of the Policy, the Panel finds that Respondent “intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the complainant’s mark,” demonstrating Respondent’s bad faith.

Panels have held that the use of a domain name for illegitimate activity, here, alleged use of Complainant's trademarks without proper authorization and impersonation of Complainant's related business, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds that Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.¹

The Panel finds that Complainant has established the third element of paragraph 4(a) 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 <atlanticusgroups.com> be transferred to Complainant.

/Jeffrey D. Steinhardt/

Jeffrey D. Steinhardt

Sole Panelist

Date: March 25, 2025

¹In light of sufficient other grounds to order transfer, the Panel refrains from addressing Complainant's allegations that Respondent's website did not function other than for the purpose of collecting customer information; in any case, the Complaint did not provide evidence to support those particular allegations.