

ADMINISTRATIVE PANEL DECISION

Fiserv, Inc. v. Bernard Klein
Case No. D2025-0576

1. The Parties

Complainant is Fiserv, Inc., United States of America (“United States” or “U.S.A.”), represented by Michael Best & Friedrich, LLP, United States.

Respondent is Bernard Klein, United States.

2. The Domain Name and Registrar

The disputed domain name <fiserv.shop> (the “Domain Name”) 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 February 13, 2025. That same day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On February 13, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the 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 Complainant on February 14, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on February 14, 2025.

The Center verified that the Complaint together with the amendment to 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 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 Harrie R. Samaras as the sole panelist in this matter on March 18, 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 U.S. based multinational company providing financial technology and financial services under the FISERV Mark. Its customers include financial institutions, as well as merchants of all sizes. Complainant's products and services include those used by merchants to accept payments, such as through eCommerce platforms.

Complainant advertises its products and services through its website "www.fiserv.com" and its social media pages (e.g., LinkedIn page has over 750,000 followers). It does business under the FISERV Mark on every continent except Antarctica and in nearly 100 countries including the United States.

Complainant earns billions of dollars in revenue worldwide under its FISERV Mark (e.g., in 2022, Complainant's revenues exceeded USD 17 billion and in 2023, the revenues exceeded USD 19 billion).

Complainant's business, products, and services associated with the FISERV Mark are routinely honored in the financial services and financial technology industry, including the following honors (the "Honors"): Fortune®'s "World's Most Admired Companies" for ten of the past 11 years; First among IDC FinTech Top 100 Rankings; TIME "World's Best Companies"; CNBC's "World's Top FinTech Companies", "Digital Payments" category; Top Scorer on Disability Equality Index®; finalist for the Finovate Awards, "Best Back-Office/Core Services Solution" category; and Forbes' "America's Best Employers."

Complainant has used its FISERV Mark since at least as early as 1984. It owns various U.S. Trademark Registrations for FISERV (the "FISERV Mark" or the "Mark") including: U.S. Reg. Nos. 2,023,859 (registered December 17, 1996); 3,802,552 (registered June 15, 2010); and 7,150,875 (registered August 29, 2023).

The Domain Name was registered on October 27, 2023. The Domain Name currently resolves to Complainant's website. The Domain Name is also associated with a webpage at "pay.fiserv.shop" that purported to be an online payment portal. This portal, likely part of a phishing scheme, was set up so that a user could enter their personal information to make a payment, including boxes to enter (and collect) the user's credit card and billing information.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name. Notably, Complainant contends that the Domain Name is identical or at least highly confusingly similar to the FISERV Mark, simply combining it with the generic Top-Level Domain ".shop," which consumers understand is not part of the Mark.

Complainant has no relationship with Respondent and has never authorized Respondent to use the FISERV Mark including in the Domain Name. The Mark is highly distinctive of the goods and services identified in the aforementioned trademark registrations.

Complainant does business under its FISERV Mark worldwide. FISERV is a coined term with no meaning. It has only and always been used as Complainant's name and trademark. As a result of Complainant's substantial investment in and promotion of its FISERV branded products and services over forty years, the FISERV Mark is well known and associated with Complainant in conjunction with payment services.

Because Complainant's exclusive rights in its FISERV Mark significantly predates the date on which Respondent registered the Domain Name, Respondent could not legitimately acquire any association with any mark similar to the Mark at least with respect to those products and services that Complainant uses the Mark without interfering with the exclusive trademark rights of Complainant.

Respondent uses the Domain Name as part of an apparent phishing operation, that is, to host an apparent payment portal at the website "pay.fiserv.shop". The only reasonable conclusion that can be drawn with respect to Respondent's use of Complainant's Mark to offer identical services (namely, online payment services) is a clear attempt to piggyback on the reputation of the FISERV Mark.

When Respondent registered the Domain Name in October 2023, Complainant owned numerous trademark registrations for the Mark (including those identified above) and it had been using the Mark for its goods and services for nearly 30 years. Considering that the Mark has been extensively publicized worldwide by Complainant, duly registered in and added to a publicly accessible database of protected trademarks in a number of jurisdictions, it can only be assumed that, when Respondent registered the Domain Name, Respondent knew or should have known of the Mark. Considering Complainant's Mark is highly distinctive, it is difficult to presume that Respondent's registration of the Domain Name was merely coincidental.

Consumers are likely to believe that payment products and services offered under the Domain Name are likely to be associated with Complainant insofar as Complainant offers the same type of services (i.e., payment services, including online payment portals) under the Mark. Also, when a user enters the Domain Name they are directed to Complainant's website, giving the further impression that the Domain Name is associated with Complainant. Here, Respondent has no fair or good faith reason as to why it is using Complainant's Mark in a Domain Name for a payment portal. Accordingly, Respondent is intentionally seeking to cause a likelihood of confusion among consumers, in which consumers are confused, mistaken, or deceived into believing Respondent's payment services are affiliated with or endorsed by Complainant.

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 Domain Name. Accordingly, the Domain Name is identical to the Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. The Top-Level Domain is generally not determinative in establishing whether the Domain Name is confusingly similar to a complainant's mark (See, [WIPO Overview 3.0](#), section 1.11).

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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the 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 Domain Name such as those enumerated in the Policy or otherwise.

It is undisputed that Complainant has no relationship with Respondent and has never authorized Respondent to use the FISERV Mark including in the Domain Name. Furthermore, there is no evidence Respondent has been commonly known by the Domain Name. As discussed below, Respondent’s use of the Domain Name is not a bona fide offering of goods or services nor is there evidence that Respondent is making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain, to misleadingly divert consumers, or to tarnish the Mark.

Panels have held that the use of a domain name for illegitimate activity here, claimed as a phishing scheme using a payment portal (Complainant provides on-line payment products and services) that the public reaches by way of a Domain Name that is identical to Complainant’s Mark. Such a use 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 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 registered a Domain Name that is identical to the Mark and Complainant’s domain name many years after Complainant began using the Mark in commerce in the United States and internationally. Complainant advertises its products and services through its website, “www.fiserv.com” and its social media pages (e.g., LinkedIn page has over 750,000 followers). Complainant and its products and services have been repeatedly honored in the financial services and financial technology industry as demonstrated by the Honors listed above. Moreover, as described above, Respondent was using the Domain Name in conjunction with a payment portal (Complainant provides on-line payment products and services). On this evidence, the Panel finds it is highly likely that Respondent knew of Complainant and its rights in the Mark when registering the Domain Name.

Panels have found that a respondent redirecting a domain name to the complainant’s website can establish bad faith insofar as the respondent retains control over the redirection thus creating a real or implied ongoing threat to the complainant. [WIPO Overview 3.0](#), section 3.1.4. Having reviewed the available record, the Panel notes the distinctiveness and reputation of Complainant’s Mark worldwide, and the composition of the Domain Name, and finds that in the circumstances of this case connecting the Domain Name to Complainant’s website does not prevent a finding of bad faith under the Policy.

Panels have held that the use of a domain name for illegitimate activity here, claimed as a phishing scheme using a payment portal (Claimant provides on-line products and services to accept payments) that the public reaches by way of a Domain Name that is identical to Complainant’s Mark. [WIPO Overview 3.0](#), section 3.4.

Having reviewed the record, the Panel finds Respondent's registration and use of the Domain Name constitutes bad faith under the Policy.

The Panel finds that 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 Domain Name <fiserv.shop> be transferred to Complainant.

/Harrie R. Samaras/

Harrie R. Samaras

Sole Panelist

Date: March 31, 2025