

ADMINISTRATIVE PANEL DECISION

Equifax Inc, Equifax Workforce Solutions LLC v. Burton Fuller
Case No. D2025-0629

1. The Parties

The Complainants are Equifax Inc, United States of America ("United States"), and Equifax Workforce Solutions LLC, United States, represented by The GigaLaw Firm, Douglas M. Isenberg, Attorney at Law, LLC, United States.

The Respondent is Burton Fuller, United States.

2. The Domain Name and Registrar

The disputed domain name <theworknumberinc.com> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 18, 2025. On February 18, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 / Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainants on February 19, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amendment to the Complaint on February 21, 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 the Respondent of the Complaint, and the proceedings commenced on February 24, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 16, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 17, 2025.

The Center appointed Joseph Simone as the sole panelist in this matter on March 21, 2025. The Panel finds that it was properly constituted. The Panel 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 Complainants, Equifax Inc. and Equifax Workforce Solutions LLC, are (together) a leading global provider of information solutions and human resources business process outsourcing services for businesses, governments, and consumers. Incorporated in 1913, the Complainants currently employ approximately 11,000 people worldwide. Equifax Inc. is a member of Standard & Poor's ("S&P") 500 Index, and its common stock is traded on the New York Stock Exchange ("NYSE") under the symbol EFX.

The Complainants have an extensive global portfolio of trade mark registrations incorporating "the work number" under the name of Equifax Workforce Solutions LLC, including the following:

- United States Trade Mark Registration No. 2077613 in Class 35, registered on July 8, 1997; and
- European Union Trade Mark Registration No. 000322578 in Class 35, registered on December 9, 1998.

The Complainants operate their website at "www.theworknumber.com".

The disputed domain name was registered on June 3, 2022, and currently directs to an error page. At the time of issuance of this Decision, the disputed domain name continues to resolve to an error page.

5. Parties' Contentions

A. Complainant

The Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainants contend that the disputed domain name registered by the Respondent is identical or confusingly similar to the Complainants' THE WORK NUMBER trade mark, and that the addition of the generic Top-Level Domain ("gTLD") ".com" does not affect the analysis as to whether the disputed domain name is identical or confusingly similar to the Complainants' trade mark.

Furthermore, the Complainants argue that the term "inc", a common abbreviation for "incorporated", does not prevent a finding of confusing similarity between the disputed domain name and the Complainants' THE WORK NUMBER trade mark.

The Complainants assert that they have not authorized the Respondent to use the THE WORK NUMBER trade mark, and there is no evidence to suggest that the Respondent has used, or has undertaken any demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services.

The Complainants also claim there is no evidence indicating that the Respondent has any connection to the THE WORK NUMBER trade mark in any way, and that there is no plausible good faith reason for the Respondent to have registered the disputed domain name. The Complainants therefore argue that the registration and any use of the disputed domain name must be in bad faith.

B. Respondent

The Respondent did not reply to the Complainants' 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 Complainants' trade mark 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 Panel acknowledges that the Complainants have established rights in the THE WORK NUMBER trade mark in many jurisdictions around the world. [WIPO Overview 3.0](#), section 1.2.1.

Disregarding the gTLD ".com", the disputed domain name incorporates the Complainants' trade mark THE WORK NUMBER in its entirety. Thus, the disputed domain name should be regarded as confusingly similar to the Complainants' THE WORK NUMBER trade mark. The inclusion of the additional term "inc" does not prevent a finding of confusing similarity. [WIPO Overview 3.0](#), sections 1.7, and 1.8.

The Panel therefore finds that the Complainants satisfy the requirements of paragraph 4(a)(i) of the Policy in establishing its rights in the THE WORK NUMBER trade mark and in showing that the disputed domain name is confusingly similar to its mark.

B. Rights or Legitimate Interests

The second element that a complainant must prove is that the respondent has no rights or legitimate interests in the disputed domain name. 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.

The Complainants assert that they have not authorized the Respondent to use their trade mark and there is no evidence to suggest that the Respondent has used, or undertaken any demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services. Having reviewed the available record, the Panel finds that the Complainants have established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name.

The composition of the disputed domain name, incorporating the Complainants' distinctive trade mark with the term "inc" and being confusingly similar to the Complainants' domain name <theworknumber.com>, carries a risk of implied affiliation with the Complainants. [WIPO Overview 3.0](#), section 2.5.1. The Respondent did not file a response and has therefore failed to assert factors or put forth evidence to establish that it enjoys rights or legitimate interests in the disputed domain name. Meanwhile, no evidence has been provided to demonstrate that the Respondent, prior to the notice of the dispute, had used or demonstrated its preparation to use the disputed domain name in connection with a bona fide offering of goods or services.

There is also no evidence adduced to show that the Respondent has been commonly known by the disputed domain name or that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name.

As such, the Panel concludes that the Respondent has failed to rebut the Complainants' prima facie showing of the Respondent's lack of rights or legitimate interests in the disputed domain name, and that none of the circumstances of paragraph 4(c) of the Policy is applicable in this case.

Accordingly, and based on the Panel's findings below, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name pursuant to paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The third and final element that a complainant must prove is that the respondent has registered and is using the disputed domain name in bad faith.

Paragraph 4(b) of the Policy states that any of the following circumstances, in particular but without limitation, shall be considered as evidence of the registration and use of a domain name in bad faith:

- (i) circumstances indicating that the respondent registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant (the owner of the trade mark or service mark) or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or
- (ii) circumstances indicating that the respondent registered the domain name in order to prevent the owner of the trade mark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or
- (iii) circumstances indicating that the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) circumstances indicating that the respondent is using the domain name to intentionally attempt to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on its website or location.

The examples of bad faith registration and use set forth in paragraph 4(b) of the Policy are not meant to be exhaustive of all circumstances in which bad faith may be found. Other circumstances may also 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).

For reasons discussed under this and the preceding heading, the Panel believes that the Respondent's conduct in this case constitutes bad faith registration and use of the disputed domain name.

When the Respondent registered the disputed domain name, the THE WORK NUMBER trade mark was already widely known and directly associated with the Complainants' activities. UDRP panels have consistently found that the mere registration of a domain name that is confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trade mark by an unaffiliated entity can by itself create a presumption of bad faith. See [WIPO Overview 3.0](#), section 3.1.4.

Given the extensive prior use and fame of the Complainants' mark, in the Panel's view, the Respondent should have been aware of the Complainants' mark when registering the disputed domain name.

The Complainants' registered trade mark rights in THE WORK NUMBER for its products and services predate the registration date of the disputed domain name. A simple online search for the term "the work number" would have revealed that it is an established brand. [WIPO Overview 3.0](#), section 3.2.2.

The Respondent has not presented any evidence or explanation to justify its choice of the term "the work number" and the term "inc" in the disputed domain name. Furthermore, the Complainants have submitted evidence showing that a LinkedIn profile in the name of "The Work Number Inc" provides a link to the disputed domain name, and describes its services with the following language: "The Work Number database provides comprehensive verification services". The profile also lists its industry as "staffing and recruiting", which is the same industry as the Complainants'.

Considering these circumstances, the Panel is therefore of the view that the Respondent registered the disputed domain name with knowledge of the Complainants' trade mark rights.

Further, there is no evidence that the Respondent is commonly known by the disputed domain name. Rather, in the circumstances of this case, it appears the composition of the disputed domain name was intended to falsely suggest an affiliation with the Complainants or otherwise mislead Internet users attempting to determine the authenticity of the disputed domain name.

The disputed domain name does not resolve to any active website. Panels have consistently found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Considering the reputation of the Complainants' trade mark, the composition of the disputed domain name, and the Respondent's failure to file a response, the Panel finds that the non-use of the disputed domain name does not prevent a finding of bad faith. In light of the foregoing, the Panel concludes that there are no plausible good faith reasons for the Respondent to have registered and used the disputed domain name.

Accordingly, the Panel finds that the disputed domain name was registered and is being used in bad faith.

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 <theworknumberinc.com> be transferred to the Complainants.

/Joseph Simone/

Joseph Simone

Sole Panelist

Date: April 4, 2025