

## **ADMINISTRATIVE PANEL DECISION**

Equifax Inc. v. Nhan Nguyen  
Case No. D2025-0764

### **1. The Parties**

The Complainant is Equifax Inc., United States of America (“United States”), represented by The GigaLaw Firm, Douglas M. Isenberg, Attorney at Law, LLC, United States.

The Respondent is Nhan Nguyen, United States.

### **2. The Domain Name and Registrar**

The disputed domain name <equifaxclaim.com> 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 25, 2025. On February 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 25, 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 (Registration Private / Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 26, 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 amendment to the Complaint on February 26, 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 27, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 19, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 21, 2025.

The Center appointed Martin Schwimmer as the sole panelist in this matter on April 1, 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 is a provider of information solutions and human resources business process outsourcing services for businesses, governments, and consumers, originally incorporated under the laws of the State of Georgia, United States, in 1913, dating its predecessor back to 1899.

Among its services, the Complainant offers a credit reporting service that provides consumers with a summary of their credit history, and certain other information, reported to credit bureaus by lenders and creditors.

The Complainant has rights to the following non exhaustive list of trademarks containing the word “Equifax” (“EQUIFAX Trademarks”):

United States Trademark Registration No. 1,027,544 for the service mark EQUIFAX, in class 36, filed on March 10, 1975, and registered on December 16, 1975, subsequently renewed;

United States Trademark Registration No. 1,045,574 for the service mark EQUIFAX, in class 35, filed on July 9, 1975, and registered on August 3, 1976, subsequently renewed; and

United States Trademark Registration No. 1,644,585 for the service mark EQUIFAX, in classes 35, 36, and 42, filed on February 9, 1990, and registered on May 14, 1991, subsequently renewed.

Additionally, the Complainant is the registrant of the domain name <equifax.com>. The Complainant uses the domain name in connection with its primary website.

The disputed domain name was registered on September 8, 2017, and leads to an inactive website. However, at least four security vendors have reported that the disputed domain name is associated with malicious, phishing or suspicious activities, according to a report from VirusTotal, a service that analyzes files and URLs for viruses, worms, trojans and other kinds of malicious content.

#### **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 previous panels under the Policy have found that the “Complainant’s trademark EQUIFAX is well-known.” Accordingly, the Respondent’s mere passive holding of the disputed domain name constitutes bad faith.

Additionally, at least four security vendors have reported that the disputed domain name is associated with malicious, phishing or suspicious activities, according to a report from VirusTotal, a service that analyzes files and URLs for viruses, worms, trojans and other kinds of malicious content.

Finally, the Complainant notes that the Registrar disclosed registrant, Nhan Nguyen, has lost at least one previous proceeding under the Policy: *Meta Platforms, Inc. v. Nhan Nguyen*, WIPO Case No. [D2022-4409](#) (<wwwloginfacebook.com>).

## **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 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, "claims," may bear on assessment of the second and third elements, the Panel finds the addition of such 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 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.

The Complainant is a firm providing financial information services, and additional term "claims" in the disputed domain name describes a component of certain financial services. The Panel considers that the composition of the disputed domain name carries a risk of implied affiliation with the Complainant. 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.

Panels have held that the use of a domain name for illegitimate activity and/or illegal activity, here, claimed phishing or distributing malware, 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 the EQUIFAX trademark is well-known. Considering the Complainant's reputation and the composition of the disputed domain name, the Panel finds that the Respondent knew or should have known the Complainant, and registered the disputed domain name targeting the Complainant. Additionally, the Respondent, Nhan Nguyen, has lost at least one previous proceeding under the Policy: *Meta Platforms, Inc. v. Nhan Nguyen*, WIPO Case No. [D2022-4409](#) (transfer of <wwwloginfacebook.com>). Finally, the Complainant has proffered unrebutted evidence that at least four security vendors have reported that the disputed domain name is associated with malicious, phishing or suspicious activities, according to a report from VirusTotal, a service that analyzes files and URLs for viruses, worms, trojans and other kinds of malicious content.

Panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Panels have held that the use of a domain name for illegitimate activity and/or illegal activity, here, claimed as applicable to this case: phishing, or distributing malware, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under 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 <equifaxclaim.com> be transferred to the Complainant.

*/Martin Schwimmer/*  
**Martin Schwimmer**  
Sole Panelist  
Date: April 17, 2025