

## **ADMINISTRATIVE PANEL DECISION**

Clover Network, LLC v. Fitoor Shah  
Case No. D2025-1470

### **1. The Parties**

The Complainant is Clover Network, LLC, United States of America (“United States”), represented by Michael Best & Friedrich, LLP, United States.

The Respondent is Fitoor Shah, Bangladesh.

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

The disputed domain name <cloverdashboard.net> (the “Disputed Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 10, 2025. On April 11, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On April 11, 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, c/o Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 9, 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 May 22, 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 May 23, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 12, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 22, 2025.

The Center appointed Gabriela Kennedy as the sole panelist in this matter on June 25, 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 payment services company which offers open-architecture point of sale solutions aimed for small and medium sized businesses. Customers who purchase the Complainant's CLOVER point of sale services are able to access and use its product, Clover Dashboard, which allows merchants to track sales and manage their business.

The Complainant owns various word and figurative trademarks for the CLOVER mark globally. The relevant trademark registrations include, inter alia, the United States Trademark Registration No. 4227414 for CLOVER in Class 36 registered on October 16, 2012, and the European Union Trademark Registration No. 011782554 for CLOVER in Class 42 registered on August 21, 2013 (the "Complainant's Trademark").

The Disputed Domain Name was registered on February 8, 2022, many years after the Complainant registered the Complainant's Trademark. At the time of filing of the Complaint and the rendering of this Decision, the Disputed Domain Name resolved to an active website (the "Respondent's Website") that prominently featured the Complainant's Trademark (including the Complainant's logo " clover"), advertised the Clover Dashboard platform, provided a user guide of the platform, and placed a "login portal" in the website and claiming it to be an "official login" site.

#### **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's contentions include:

- (a) The Disputed Domain Name is confusingly similar to the Complainant's Trademark. The Complainant sells a product called Clover Dashboard as part of its CLOVER branded goods and services. The Disputed Domain Name incorporates the Complainant's Trademark CLOVER in its entirety with the addition of the term "dashboard" and the generic Top-Level Domain ("gTLD") ".net".
- (b) The Respondent has no rights or legitimate interests in the Disputed Domain Name. There is no relationship whatsoever between the Complainant and the Respondent. The Complainant has never permitted the Respondent to use the Complainant's Trademark in a domain name. The Respondent uses the Disputed Domain Name and the Respondent's Website to impersonate the Complainant, as the Respondent's Website presents information about the Complainant and its products and invites consumers to provide their information to the Respondent, giving the impression that it is a customer support page for the Complainant's Clover Dashboard offering.
- (c) The Respondent has registered the Disputed Domain Name and is using it in bad faith. Given that the Respondent's Website prominently features the Complainant's Trademark and logo, the Complainant's copyrighted images, and advertises the Complainant's Clover Dashboard product, the Respondent aims to create a likelihood of confusion with the Complainant's Trademark for the Respondent's own commercial gain. Moreover, the description of the Complainant's product is provided on the Respondent's Website as if it is provided by the Complainant's help desk, which may cause customers to believe that the Respondent Website is associated or endorsed by the Complainant when it is not the case. The "disclaimer," which concedes that the Respondent is not the Complainant, is inconspicuously included in small print at the bottom of the Respondent's Website and is unlikely to be noticed by an average customer.

## **B. Respondent**

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

## **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements:

- (i) the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and
- (iii) the Disputed Domain Name has been registered and is being used by the Respondent in bad faith.

### **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 Complainant's Trademark is reproduced within the Disputed Domain Name. Furthermore, the gTLD in this case ".net" may be disregarded for the purposes of assessing confusing similarity under the first element.

Although the addition of other term (here, "dashboard") 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 Complainant's Trademark 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.

In the present case, the Respondent did not submit a Response. The fact that the Respondent did not submit a Response does not automatically result in a decision in favor of the Complainant. However, the Respondent's failure to respond to the Complainant's contentions may result in the Panel drawing

appropriate inferences. The Panel may also accept all reasonable and supported allegations and inferences flowing from the Complainant as true (see *Entertainment Shopping AG v. Nischal Soni, Sonik Technologies*, WIPO Case No. [D2009-1437](#); and *Charles Jourdan Holding AG v. AAIM*, WIPO Case No. [D2000-0403](#)).

The Panel notes that there is no evidence on the available record to show that the Respondent has trademark rights corresponding to the Disputed Domain Name, or that the Respondent has become commonly known by the Disputed Domain Name. The Panel further notes that the Complainant has provided no license or authorization of any kind to the Respondent to use the Complainant's Trademark or to apply for or use any domain name incorporating the Complainant's Trademark. The Respondent would likely not have adopted the Complainant's Trademark if not for the purpose of creating an impression that the Disputed Domain Name is associated with, or originates from the Complainant. The reproduction of the Complainant's Trademark and the use of the term "dashboard" in the Disputed Domain Name, as well as the use of the Complainant's Trademark and the Complainant's logo in the Respondent's Website also leads to a risk of implied affiliation as the Disputed Domain Name effectively impersonates or suggests sponsorship or endorsement by the Complainant. See section 2.5.1 of the [WIPO Overview 3.0](#).

There is also no evidence to suggest that the Respondent's use of the Disputed Domain Name is in connection with a bona fide offering of goods or services to be regarded as legitimate noncommercial or fair use. The Respondent's Website is used to impersonate or pass itself off as the Complainant by prominently featuring the Complainant's Trademark and the Complainant's logo, and advertising the Complainant's Clover Dashboard platform. The Respondent's Website attempts to divert business away from the Complainant while capitalizing on the goodwill associated with the Complainant's Trademark.

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

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 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 it is difficult to conceive of any plausible use of the Disputed Domain Name by the unaffiliated Respondent that would amount to good faith use, given that the Disputed Domain Name incorporates the Complainant's Trademark in its entirety, and the Respondent's Website displays the Complainant's Trademark (and the Complainant's logo) and advertises the Complainant's Clover Dashboard product without the Complainant's authorization. The Respondent's Website also suggests that it provides the "official login" portal at <cloverdashboard.com> but such domain name and the website to which it resolves is not owned by the Complainant and does not provide a way to log into Complainant's Clover Dashboard product. Instead, it resolves to a parked site comprising "pay-per-click" ("PPC") advertising links to other services (some of which are related to the Complainant's business). As such, the Respondent has registered and used the Disputed Domain Name to mislead and divert Internet users to the Respondent's Website for commercial gain by creating a likelihood of confusion with the Complainant's Trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's Website. Further, the Respondent failed to respond to the Complainant's contentions and has provided no evidence of any actual or contemplated good faith use of the Disputed Domain Name.

Panels have previously held that a finding of bad faith can be established where a complainant's trademark is shown to be well known or in wide use at the time of registration of the disputed domain name (see *LEGO Juris A/S v. store24hour*, WIPO Case No. [D2013-0091](#)). The Respondent must have been aware of the Complainant and the Complainant's Trademark when registering and using the Disputed Domain Name given the well-known nature of the Complainant's Trademark in its industry and the fact that it was put into use well before the Respondent registered the Disputed Domain Name. Moreover, the Respondent's Website features the Complainant's Trademark and logo, advertises the Complainant's Clover Dashboard service and provides user guide of the platform with an attempt to create an impression of being a website authorized or endorsed by the Complainant when it is not.

Although the Respondent's Website contains a disclaimer stating "This website is not associated with the Clover Dashboard", where the overall circumstances of a case points to the respondent's bad faith, as is the case here, the mere existence of a disclaimer cannot cure such bad faith and the Panel considers that such disclaimer could constitute an admission by the Respondent that Internet users may be confused. [WIPO Overview 3.0](#), section 3.7.

Panels have held that the use of a domain name for illegitimate activity, in this case claimed impersonation or passing off, 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 <cloverdashboard.net> be transferred to the Complainant.

*/Gabriela Kennedy/*

**Gabriela Kennedy**

Sole Panelist

Date: July 11, 2025