

ADMINISTRATIVE PANEL DECISION

AllSouth Federal Credit Union v. Ralph Fenstermacher, Cheap Host SW Ltd
Case No. D2025-1752

1. The Parties

Complainant is AllSouth Federal Credit Union, United States of America (“United States”), represented by Nelson Mullins Riley & Scarborough LLP, United States.

Respondent is Ralph Fenstermacher, Cheap Host SW Ltd, Switzerland.

2. The Domain Names and Registrar

The disputed domain names <myallsouth.org>, <secure-allsouth.org> and <verifyallsouth.org> (“Domain Names”) are registered with OwnRegistrar, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 30, 2025. On May 1, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On May 1, 2025, the Registrar transmitted by email to the Center its verification response confirming that Respondent is listed as the registrant and providing the contact details. The Center sent an email communication to Complainant on May 9, 2025, providing the registrant and contact information disclosed by the Registrar. Complainant filed the first amended Complaint on May 9, 2025, and filed the second amended Complaint on May 12, 2025.

The Center verified that the Complaint together with the amended Complaints 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 May 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 2, 2025. Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 4, 2025.

The Center appointed Marina Perraki as the sole panelist in this matter on June 16, 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 United States federally chartered credit union, which has been in business since 1960, trading under the ALLSOUTH and ALLSOUTH FEDERAL CREDIT UNION marks since March 2004. Complainant has 23 locations in the Midlands of South Carolina and has served over 100,000 customers worldwide. Complainant offers financial and credit union or banking services, including checking and savings accounts, credit card services, online and mobile banking, teller and ATM services, and loan products.

Complainant is the owner of trademark registrations for ALLSOUTH including the United States trademark registration No. 6118269, ALLSOUTH (word), filed on January 20, 2020, and registered on August 4, 2020, for services in international class 36.

Complainant maintains its main website under its domain name <allsouth.org>, through which it offers its banking and financial services. It utilizes <secure.allsouth.org> at the third level of its domain name to operate its secure online portal for customers to enroll for online and mobile banking, password recovery, account recovery and logging into a customer's account.

Respondent registered the <secure-allsouth.org> Domain Name on April 18, 2025, the <myallsouth.org> Domain Name on April 19, 2025, and the <verifyallsouth.org> Domain Name on April 21, 2025. The Domain Names previously resolved to websites eminently reproducing Complainant's trademarks and logos and impersonating/mimicking Complainant's website ("the Websites"). At the time of filing of the Complaint and currently they lead to blocked or inactive websites.

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 Names.

B. Respondent

Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

Paragraph 4(a) of the Policy lists the three elements which Complainant must satisfy with respect to the Domain Names:

- (i) the Domain Names are identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Names; and
- (iii) the Domain Names have been registered and is being used 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 Domain Names. 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 Domain Names. Accordingly, the Domain Names are 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, “secure”, “my” and “verify” may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the Domain Names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The generic Top-Level Domain (“gTLD”) “.org” is disregarded, as gTLDs typically do not form part of the comparison on the grounds that they are required for technical reasons (*Rexel Developpements SAS v. Zhan Yequn*, WIPO Case No. [D2017-0275](#); *Hay & Robertson International Licensing AG v. C. J. Lovik*, WIPO Case No. [D2002-0122](#)).

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 Names. 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 Domain Names such as those enumerated in the Policy or otherwise.

Prior to the notice of the dispute, Respondent did not demonstrate any use of the Domain Names or a trademark corresponding to the Domain Names in connection with a bona fide offering of goods or services.

On the contrary, as Complainant has demonstrated, the Domain Names resolved to the Websites, which featured Complainant’s marks and suggested falsely that they were those of Complainant. Furthermore, per Complainant, in at least one of the Websites, a keystroke recorder was embedded to obtain user login information.

Panels have held that the use of a domain name for illegal activity, here, claimed impersonation/passing off, phishing, 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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may 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.

The Panel concludes that Respondent has registered and used the Domain Names in bad faith. Because the ALLSOUTH mark had been used and registered at the time of the Domain Names registration by Respondent, the Panel finds it more likely than not that Respondent had Complainant's mark in mind when registering the Domain Names (*Tudor Games, Inc. v. Domain Hostmaster, Customer ID No. 09382953107339 dba Whois Privacy Services Pty Ltd / Domain Administrator, Vertical Axis Inc.*, WIPO Case No. [D2014-1754](#); *Parfums Christian Dior v. Javier Garcia Quintas and Christiandior.net*, WIPO Case No. [D2000-0226](#)). This also takes into account the content of the Websites which mimicked that of Complainant, as well as the composition of the Domain Names which included words that are commonly used for online banking, namely "secure" and "verify", while Complainant actually used <secure.allsouth.org> at the third level of its domain name to operate its secure online portal for customers to enroll for online and mobile banking, password recovery, account recovery and logging into a customer's account.

As regards bad faith use of the Domain Names, Complainant has demonstrated that the Domain Names were used to resolve to the Websites, which mimicked that of Complainant, prominently displaying Complainant's registered trademarks, thereby giving the false impression that they were operated by Complainant. The Domain Names were therefore used to intentionally create a likelihood of confusion with Complainant's trademark and business as to the source, sponsorship, affiliation, or endorsement of the websites they resolved to. This can be used in support of bad faith registration and use (*Booking.com BV v. Chen Guo Long*, WIPO Case No. [D2017-0311](#); *Ebel International Limited v. Alan Brashear*, WIPO Case No. [D2017-0001](#); *Walgreen Co. v. Muhammad Azeem / Wang Zheng, Nicenic International Group Co., Limited*, WIPO Case No. [D2016-1607](#); *Oculus VR, LLC v. Sean Lin*, WIPO Case No. [DCO2016-0034](#); and [WIPO Overview 3.0](#), section 3.1.4). Furthermore, per Complainant, in at least one of the Websites, a keystroke recorder was embedded to obtain user login information.

Panels have held that the use of a domain name for illegal activity, here, claimed impersonation/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 Domain Names constitutes bad faith under the Policy.

Furthermore, the fact that the Domain Names currently lead to inactive or blocked websites does not prevent a finding of bad faith.

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 Domain Names <myallsouth.org>, <secure-allsouth.org> and <verifyallsouth.org> be transferred to the Complainant.

/Marina Perraki/

Marina Perraki

Sole Panelist

Date: June 30, 2025