

ADMINISTRATIVE PANEL DECISION

Ziklo Bank AB v. TUTORIAL Tecno WORLD TV

Case No. D2025-2086

1. The Parties

The Complainant is Ziklo Bank AB, Sweden, represented by Abion AB, Sweden.

The Respondent is TUTORIAL Tecno WORLD TV, Brazil.

2. The Domain Name and Registrar

The disputed domain name <carpay.tech> is registered with Hostinger Operations, UAB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 27, 2025. On May 27, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 28, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 4, 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 June 9, 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 June 19, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 9, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 23, 2025.

The Center appointed Adam Taylor as the sole panelist in this matter on July 29, 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 supplies banking and financial services in Sweden.

The Complainant owns a number of registered trade marks for CARPAY including Swedish Registration No. 527329, registered on October 13, 2015, in classes 9, 35, 36, and 42, and European Union Trade Mark Registration No. 018510517, registered on November 16, 2021, in classes 9, 16, 35, 36, 39, and 42.

The disputed domain name was registered on April 7, 2025.

There is no evidence or indication that the Respondent has used the disputed domain name for an active website.

The Respondent did not reply to the Complainant's cease and desist letter sent on April 30, 2025.

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:

- usage of the disputed domain name strongly suggests that it was registered with the Complainant's marks in mind and to commercially profit from misleading consumers searching for information about the Complainant's business;
- the website at the disputed domain name appears to be designed to falsely deceive visitors into believing that it is associated with the Complainant;
- the Complainant's marks were registered, and the Complainant has been using them, since long before the Respondent registered the disputed domain name, and it is therefore obvious that the Respondent was aware of the Complainant's marks and business when registering the disputed domain name;
- the Respondent is trying to take advantage of the trade marks to draw traffic to the website;
- the Respondent registered the disputed domain name to commercially profit from the likelihood of confusion between the trade mark and the disputed domain name;
- the lack of active use of the disputed domain name indicates that the Respondent likely had no genuine intention to use the disputed domain name for a bona fide offering; rather, the fact that it is identical to a registered and established trade mark may point to an attempt to take unfair advantage of the Complainant's rights; and
- the Respondent did not respond to the Complainant's cease and desist letter, leaving the Complainant with no option other than to initiate this proceeding.

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 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 Complainant has shown rights in respect of a trade mark 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 identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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 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.

As to paragraph 4(c)(i) of the Policy, there is no evidence that the disputed domain name is being, or ever has been, used for an active website.

Nor is there any evidence that paragraphs 4(c)(ii) or (iii) of the Policy are relevant in the circumstances of this case.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

While a panel may draw appropriate inferences from a respondent's default (e.g., where a particular conclusion is prima facie obvious, where an explanation by the respondent is called for but is not forthcoming, or where no other plausible conclusion is apparent), a respondent default is not necessarily an admission that the complainant's claims are true. In cases involving wholly unsupported and conclusory allegations advanced by a complainant, panels may find that – despite a respondent's default – a complainant has failed to prove its case. [WIPO Overview 3.0](#), section 4.3.

In this case, while the Respondent's apparent non-use of the disputed domain name would not prevent a finding of bad faith under the doctrine of passive holding, the Panel does not consider that the Complainant has established that the totality of the circumstances are indicative of bad faith. [WIPO Overview 3.0](#), section 3.3.

Far from establishing a reputation, the Complainant has provided no details or evidence regarding the period, nature, or extent of its use of the CARPAY mark. While the Panel has found a website purportedly operated by the Complainant at "www.carpay.se" offering car finance services, this was apparently aimed at Swedish customers as the website is in Swedish. In these circumstances, the Panel does not consider that the Complainant has established that it was "obvious" that the Respondent, located in Brazil, was aware of the Complainant's mark, let alone that the Respondent specifically set out to take unfair advantage of the Complainant's rights. Furthermore, the Panel notes that there are other users of the term "carpay", for example a United States of America-based operator of a car finance mobile app.

Nor are there any other indicia of cybersquatting intent such as evidence of a pattern of cybersquatting conduct.

For the above reasons, in the Panel's view, the evidence in the case file as presented does not indicate that the Respondent's aim in registering the disputed domain name was to profit from or exploit the Complainant's trade mark.

The Panel finds the third element of the Policy has not been established.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Adam Taylor/

Adam Taylor

Sole Panelist

Date: August 13, 2025