

## **ADMINISTRATIVE PANEL DECISION**

Equifax Inc. v. Domain Administrator, Fundacion Privacy Services LTD  
Case No. D2025-2393

### **1. The Parties**

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

The Respondent is Domain Administrator, Fundacion Privacy Services LTD, Panama.

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

The disputed domain name <equifax.com> is registered with Media Elite Holdings Limited (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 18, 2025. On June 18, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 19, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 23, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 13, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 14, 2025.

The Center appointed Mehmet Polat Kalafatoğlu as the sole panelist in this matter on July 17, 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, Equifax Inc., was originally incorporated under the laws of the State of Georgia (US) in 1913, and its predecessor company dates back to 1899. The Complainant is a global data, analytics, and technology company. It provides, inter alia, information solutions for businesses, governments, and consumers, and offers human resources business process automation and outsourcing services for employers. The Complainant is a leading provider of information and solutions used in payroll-related and human resource management business services in the US, as well as e-commerce fraud and charge back protection services in North America. The Complainant operates in four global regions, namely, North America, Asia Pacific, Europe, and Latin America. It employs over 14,700 employees in 22 different countries.

The record shows that the Complainant owns a large portfolio of registered trademarks around the world consisting of or containing the word “Equifax”, including:

- the US trademark No. 1027544 for EQUIFAX, registered on December 16, 1975, in the international class 36;
- the US trademark No. 1045574 for EQUIFAX, registered on August 3, 1976, in the international class 35; and
- the BENELUX trademark No. 482522 for EQUIFAX, registered on April 1, 1991, in the international classes 35, 36, 38, and 42.

The Complainant owns and uses for its primary website the domain name <equifax.com>, registered on February 21, 1995.

The disputed domain name was registered on February 1, 2010. The record shows that at the time of filing the Complaint, the disputed domain name was redirected to a website of a direct competitor of the Complainant. In addition, the record includes two security vendors’ reports evidencing the disputed domain name’s use in connection with phishing or suspicious activities. At the time of this Decision, the website at the disputed domain name is inaccessible.

#### **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 indicates that the disputed domain name was created 35 years after the Complainant first used and registered its EQUIFAX trademark and 15 years after the Complainant registered the domain name <equifax.com>. The Complainant notes that previous panels under the Policy recognized the Complainant’s rights in and to the EQUIFAX trademark, and referred to the said trademark as well-known, having a wide reputation, well known in its industry, or notorious. The Complainant further indicates that the Respondent is using the disputed domain name to redirect visitors to a website of a direct competitor. The Complainant also notes that at least two security vendors have reported that the disputed domain name is being used in connection with phishing or suspicious activities. The Complainant’s contentions regarding the three elements under the Policy can be summarized as follows.

First, the Complainant asserts that the disputed domain name, which contains the EQUIFAX trademark in its entirety with the addition of the letter “u” in the middle, is confusingly similar to its EQUIFAX trademark. The Complainant adds that the inclusion of the additional letter “u” is a common, obvious, or intentional misspelling of the EQUIFAX trademark.

Second, the Complainant submits that the Respondent has no rights or legitimate interest in respect of the disputed domain name. In this regard, the Complainant, inter alia, asserts that it has never assigned, granted, licensed, sold, transferred or in any way authorized the Respondent to register or use the EQUIFAX trademark in any manner; the intentional misspelling in the composition of the disputed domain name is a clear indication that the Respondent lacks rights or legitimate interests; because of the security reports mentioned above, the Respondent clearly has not used the disputed domain name in connection with a bona fide offering of goods or services, and therefore, it cannot establish rights or legitimate interests under the Policy; by using the disputed domain name to redirect the visitors to a competitor's website, the Respondent has failed to create a bona fide offering of goods and services; to the Complainant's knowledge, the Respondent has never been commonly known by the disputed domain name and has never acquired any trademark or service mark rights in the disputed domain name. Lastly, the Complainant contends that by using the disputed domain name to redirect visitors to a competitor's website, the Respondent's actions are clearly not legitimate and misleading, and the Respondent cannot establish rights or legitimate interests under the Policy.

Third, the Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant submits that the EQUIFAX trademark is clearly famous and/or widely known, and the mere registration of a domain name that is identical or confusingly similar to a famous or widely known trademark by an unaffiliated entity can, by itself, create a presumption of bad faith. The Complainant claims that given the global reach and popularity of the Complainant's services and the similarity between the disputed domain name and the Complainant's domain name, it is inconceivable that the Respondent chose the disputed domain name without knowledge of the Complainant's activities, name, and trademark. The Complainant adds that the Respondent's actions suggest opportunistic bad faith. The intentional misspelling in the disputed domain name is a clear indication of bad faith. By redirecting the disputed domain name to a competitor's website, the Respondent is clearly creating a likelihood of confusion with the EQUIFAX trademark. The Complaint further asserts that the use of the disputed domain name for phishing or suspicious activities constitutes bad faith. Lastly, the Complainant notes that the oldest existing registrations for the EQUIFAX trademark were first used and registered 35 years before the registration of the disputed domain name. Therefore, the Respondent knew or should have known that this registration would be identical or confusingly similar to the Complainant's trademark.

## **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 Panel finds the mark is recognizable 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. Considering the circumstances of the case, the Panel finds that the disputed domain name represents an example of intentional misspelling of the Complainant's trademark as it incorporates the EQUIFAX trademark in its entirety with the additional letter "u" in the middle. [WIPO Overview 3.0](#), section 1.9.

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. In particular, the Panel notes that the disputed domain name, which consists of a misspelling of the Complainant’s trademark, was resolving to a website of a direct competitor of the Complainant. As stated in section 2.5.3 of the [WIPO Overview 3.0](#), a respondent’s use of a complainant’s mark to redirect users (e.g., to a competing site) would not support a claim to rights or legitimate interests under the Policy. In addition, the Complainant provided un rebutted evidence that the disputed domain name is associated with phishing or suspicious activities. Panels have held that the use of a domain name for illegitimate activity can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

Accordingly, 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.

In the present case, the Panel considers the distinctive nature of the EQUIFAX trademark; the widespread trademark registrations and business operations of the Complainant in different jurisdictions; the registration dates of the EQUIFAX trademark and the disputed domain name; and the typosquatting nature, together with the previous use of the disputed domain name explained above. Consequently, the Panel finds that the Respondent must have been aware of the Complainant’s prior trademark rights at the time of registering the disputed domain name, and it registered the disputed domain name to target the Complainant’s trademark. [WIPO Overview 3.0](#), section 3.2.2.

In addition, the disputed domain name was previously directed to a website of a direct competitor of the Complainant. Therefore, the Panel finds that the disputed domain name has been used in bad faith as the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the EQUIFAX trademark. [WIPO Overview](#), section 3.1.4.

Lastly, Panels have held that the use of a domain name for illegitimate activity constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. In this regard, the Panel finds that the Complainant's un rebutted evidence sufficiently establishes that the disputed domain name was associated with phishing or suspicious activities.

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 Respondent's failure to submit a response further supports this determination.

Accordingly, 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 <equiufax.com> be transferred to the Complainant.

*/Mehmet Polat Kalafatoglu /*

**Mehmet Polat Kalafatoglu**

Sole Panelist

Date: July 31, 2025