

ADMINISTRATIVE PANEL DECISION

Equifax Inc. v. Michael Michael
Case No. D2025-2620

1. The Parties

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

The Respondent is Michael Michael, Canada.

2. The Domain Name and Registrar

The disputed domain name <eqaifax.com> is registered with Porkbun LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 3, 2025. On July 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 7, 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 (Whois Privacy / Private by Design, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 8, 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 July 8, 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 July 9, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 29, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 30, 2025.

The Center appointed Zeynep Yasaman as the sole panelist in this matter on August 4, 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, incorporated under the laws of the State of Georgia (USA) in 1913, is a global data, analytics, and technology company, and provides information solutions for businesses, governments and consumers, and human resources business process automation and outsourcing services for employers. The Complainant is a member of Standard & Poor's (S&P) 500 Index, and its common stock is traded on the New York Stock Exchange (NYSE) under the symbol EFX.

The Complainant is the owner of numerous registered EQUIFAX trademarks in various jurisdictions. Some of the Complainant's trademark registrations include, among others, United States Trademark EQUIFAX, Registration no.1045574, registered on August 3, 1976, in class 35, and United States Trademark EQUIFAX, Registration no. 1644585, registered on May 14, 1991, in classes 35, 36, and 42.

The Complainant operates under the primary domain name <equifax.com>, which was registered on February 21, 1995.

The disputed domain name was registered on January 14, 2025, and resolves to a single-page website displaying the message: "No Sponsors. eqaifax.com currently does not have any sponsors for you."

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 the Complainant has rights in and to the EQUIFAX trademark and the disputed domain name is confusingly similar to the Complainant's EQUIFAX trademark as the disputed domain name contains the EQUIFAX trademark in its entirety, simply replacing the letter "u" with the letter "a". According to the Complainant, the EQUIFAX trademark is recognizable within the disputed domain name and replacing the letter "u" with the letter "a" is a common, obvious, or intentional misspelling of a trademark.

The Complainant argues that the Respondent has no rights or legitimate interests in the disputed domain name and the Complainant has never assigned, granted, licensed, sold, transferred or in any way authorized the Respondent to register or use the EQUIFAX trademark in any manner. Moreover, the Complainant asserts that the fact that the disputed domain name consists of an obvious typographical variation of the EQUIFAX trademark, this intentional misspelling is a clear indication that the Respondent lacks rights or legitimate interests in the disputed domain name. The Complainant adds that the Respondent has not used the disputed domain name with an active website; therefore, there is no use in connection with a bona fide offering of goods or services and the Respondent is not making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. 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. Therefore, the Respondent cannot establish rights or legitimate interests.

The Complainant argues that the disputed domain name should be considered as having been registered and used in bad faith by the Respondent. The Complainant indicates that the EQUIFAX trademark is 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. Given the global reach and popularity of the Complainant's services under the EQUIFAX trademark as well as the disputed domain name's similarity to the Complainant's domain name <equifax.com>, it is inconceivable that the Respondent chose the contested domain name without knowledge of the Complainant's activities and the name and trademark under which the Complainant is

doing business. According to the Complainant, since the disputed domain name is so obviously connected with the Complainant, the Respondent's actions suggest opportunistic bad faith in violation of the Policy. The Complainant adds that the fact that the disputed domain name consists of an obvious typographical variation of the EQUIFAX trademark is a clear indication of bad faith. Furthermore, the Complainant asserts that bad faith also exists under the well-established doctrine of "passive holding".

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires the complainant to show that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights.

Where the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.2.1. In the present case, the Panel notes that the Complainant owns several registered EQUIFAX trademarks. Accordingly, the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy.

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 3.0](#), section 1.7.

A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. This stems from the fact that the domain name contains sufficiently recognizable aspects of the relevant mark. [WIPO Overview 3.0](#), section 1.9. Similarly, the applicable generic Top-Level Domain ("gTLD") in a domain name (e.g., ".com") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1. In the present case, the Panel finds the Complainant's trademark EQUIFAX is recognizable within the disputed domain name <eqaifax.com> as the sole difference between them is the letters "u" and "a". Accordingly, the Panel concludes that the disputed domain name is confusingly similar to the Complainant's trademark 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. These are as follows:

(i) before any notice of the dispute, the respondent's use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or

(ii) the respondent (as an individual, business, or other organization) has been commonly known by the domain name, even if the respondent has acquired no trademark or service mark rights; or

(iii) the respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

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.

The Panel notes that the disputed domain name is not being used in connection with a bona fide offering of goods or services.

Moreover, the Respondent’s identity, as revealed by the Registrar, is “Michael Michael” and there is no evidence to suggest that the Respondent is commonly known by the disputed domain name within the meaning of the Policy.

Furthermore, the Complainant has clearly established that the Respondent is neither affiliated with the Complainant nor authorized or licensed to use a sign identical with or confusingly similar to the EQUIFAX trademark or register the disputed domain name. The Panel finds that the Respondent’s registration and use of a domain name containing a misspelling of the Complainant’s EQUIFAX trademark is likely intended to attract and mislead Internet users searching for the Complainant’s website.

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:

- (i) circumstances indicating that Respondent has registered or has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the domain name; or
- (ii) that the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or
- (iii) that the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) that by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to the respondent’s website or other online location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of respondent’s website or location or of a product or service on respondent’s website or location.

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 notes that the Complainant's trademarks predate the registration of the disputed domain name and have been recognized as well known and enjoying significant international reputation by previous UDRP panels. In view of the high degree of distinctiveness and the established reputation of the Complainant's mark, and given that the disputed domain name appears to be a deliberate misspelling of the EQUIFAX mark, the Panel finds that the Respondent registered the disputed domain name in bad faith with knowledge of the Complainant's trademark.

Although the disputed domain name does not resolve to an active website, panels applying the UDRP 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. Factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put. [WIPO Overview 3.0](#), section 3.3. In the present case, considering the reputation of the Complainant's trademark, the composition of the disputed domain name, the Respondent's failure to submit a response, and the concealment of its identity by a proxy service, the Panel considers that the passive holding of the disputed domain name does not preclude a finding of bad faith under the Policy.

The Panel finds that the disputed domain name was registered and is being used in bad faith, and 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 <eqaifax.com> be transferred to the Complainant.

/Zeynep Yasaman/

Zeynep Yasaman

Sole Panelist

Date: August 15, 2025