

ADMINISTRATIVE PANEL DECISION

Watercress Financial Group LLC v. Samuel Chan Case No. D2025-2670

1. The Parties

The Complainant is Watercress Financial Group LLC, United States of America (“United States”), represented by Dorsey & Whitney LLP, United States.

The Respondent is Samuel Chan, Hong Kong, China.¹

2. The Domain Name and Registrar

The disputed domain name <watercress-financialgroup.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 7, 2025. On July 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 10, 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, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 10, 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 July 11, 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”).

¹The Panel notes that the Respondent’s address as confirmed by the Registrar includes “Room A, [...], Hong Kong, China” combined with a phone number with a country code of the United Kingdom. These details are clearly inconsistent, and it is impossible to determine which of them are real, if any. Further, according to the evidence on file, the website at the disputed domain name displays a postal address in the United States, which allows to infer that the Respondent is possibly actually located in the United States.

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on July 15, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 4, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 9, 2025.

The Center appointed Evan D. Brown as the sole panelist in this matter on August 19, 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 in the business of providing homeowners with consumer loan options to pay for home improvement projects. It asserts common law rights in the trademark WATERCRESS FINANCIAL based on substantial goodwill and name recognition built over years of continuous use. In support of this assertion, the Complainant points to the high volume of business it has done under this mark, significant media attention, and high rankings in Google search results.

According to the WhoIs records, the disputed domain name was registered on July 31, 2024. The Respondent has used the disputed domain name in connection with a website impersonating the Complainant.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is identical or confusingly similar to the Complainant's trademark; that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and that the disputed domain name was registered and is being used in bad faith.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights, (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 in bad faith. The Panel finds that all three of these elements have been met in this case.

A. Identical or Confusingly Similar

This first element functions primarily as a standing requirement. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7. 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. *Id.* This element requires the Panel to consider two issues: first, whether the Complainant has rights in a relevant mark; and second, whether the disputed domain name is identical or confusingly similar to that mark.

To establish unregistered or common law trademark rights for purposes of the UDRP, the complainant must show that its mark has become a distinctive identifier which consumers associate with the complainant's goods and/or services. Relevant evidence demonstrating such acquired distinctiveness (also referred to as secondary meaning) includes a range of factors such as (i) the duration and nature of use of the mark, (ii) the amount of sales under the mark, (iii) the nature and extent of advertising using the mark, (iv) the degree of actual public (e.g., consumer, industry, media) recognition, and (v) consumer surveys. See [WIPO Overview 3.0](#), section 1.3.

Further, while panels usually disregard the content of the website associated with the domain name when assessing confusing similarity under the first element, the content of the Respondent's website clearly indicates that the Respondent registered the disputed domain name because it believed it to be confusingly similar to the Complainant's mark. The website reproduces the Complainant's mark and company name and purports to offer home improvement financing options by "Watercress Financial Group". Therefore, in light of the use of the mark evidenced in these proceedings, the targeting of the Complainant by the Respondent, the Panel finds that the Complainant has established common law rights in the WATERCRESS FINANCIAL mark.

The disputed domain name incorporates the Complainant's mark in its entirety, with the addition of the term "group" and a generic Top-Level Domain (".com"), neither of which prevent a finding of confusing similarity. For purposes of the Policy, the domain name is confusingly similar to the Complainant's mark.

Accordingly, the Panel finds that the Complainant has satisfied this first element under the Policy.

B. Rights or Legitimate Interests

The Panel evaluates this element of the Policy by first looking to see whether the Complainant has made a prima facie showing that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. If the Complainant makes that showing, the burden of production of demonstrating rights or legitimate interests shifts to the Respondent (with the burden of proof always remaining with the Complainant). See [WIPO Overview 3.0](#), section 2.1; *AXA SA v. Huade Wang*, WIPO Case No. [D2022-1289](#).

On this point, the Complainant asserts that: (1) the Respondent is not a licensee of the Complainant, nor has the Complainant otherwise authorized the Respondent to register the disputed domain name or otherwise use the Complainant's WATERCRESS FINANCIAL mark; (2) the Respondent has not been commonly known by the disputed domain name; and (3) it is clear that the Respondent has not used the disputed domain name for any bona fide offering of goods and/or services. Instead, the Respondent uses the disputed domain name in connection with a website impersonating the Complainant.

The Panel finds that the Complainant has made the required prima facie showing. The Respondent has not presented evidence to overcome this prima facie showing. And nothing in the record otherwise tilts the balance in the Respondent's favor. Panels have categorically held that the use of a domain name for illegal activity (e.g., impersonation/passing off) can never confer rights or legitimate interests on a respondent. See [WIPO Overview 3.0](#), section 2.13.1.

Accordingly, the Panel finds that the Complainant has established this second element under the Policy.

C. Registered and Used in Bad Faith

The Policy requires a complainant to establish that the disputed domain name was registered and is being used in bad faith.

In this case, the Respondent registered a domain name that incorporates the Complainant's WATERCRESS FINANCIAL mark in its entirety and uses it in connection with a website that impersonates the Complainant. The Respondent has clearly targeted the Complainant and intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark as to the

source, sponsorship, affiliation, or endorsement of the Respondent's site. Such conduct falls squarely within paragraph 4(b)(iv) of the Policy.

The Panel therefore finds that the disputed domain name was registered and is being used in bad faith.

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 <watercress-financialgroup.com> be transferred to the Complainant.

/Evan D. Brown/

Evan D. Brown

Sole Panelist

Date: September 2, 2025