

ADMINISTRATIVE PANEL DECISION

Shanghai Finmail Network Technology Co., Ltd. v. Altus Graham
Case No. D2025-2678

1. The Parties

The Complainant is Shanghai Finmail Network Technology Co., Ltd., China, internally represented.

The Respondent is Altus Graham, Romania.

2. The Domain Name and Registrar

The disputed domain name <phinmail.com> is registered with Hosting Concepts B.V. d/b/a Registrar.eu. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 8, 2025. On July 8, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 8, 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 (Hosting Concepts B.V. d/b/a Registrar.eu) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 15, 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 17, 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").

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on July 18, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 7, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 13, 2025.

The Center appointed Steven A. Maier as the sole panelist in this matter on August 22, 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 a limited company incorporated in China. It operates (via a licensee) a website at “www.finmail.com”, offering branded email services under the name and mark FINMAIL.

The Complainant is the owner of various trademarks for the mark FINMAIL, including for example:

- International trademark registration number 1531066 for the word mark FINMAIL, registered on December 24, 2019, in various International Classes;
- European Union trademark registration number 018005186 for the word mark FINMAIL, registered on January 14, 2021, in International Class 35; and
- Canada trademark registration number TMA1193222 for the word mark FINMAIL, registered on August 9, 2023, in various International Classes.

The disputed domain name was registered on March 29, 2025.

The disputed domain name has resolved to a website which promotes the services of an entity named “Phinace Incorporation”, described as “finance management experts”, offering worldwide investment solutions. The website includes a contact address in British Columbia, Canada.

5. Parties’ Contentions

A. Complainant

The Complainant states that it operates in the IT and blockchain sector. However, it provides no information or evidence concerning its business profile, history or operations under the mark FINMAIL, other than by reference to the website referred to above, which appears to relate only to branded email services.

The Complainant submits that the disputed domain name is confusingly similar to its FINMAIL trademark. It contends, in particular, that the pronunciation of the term “phinmail” and the trademark FINMAIL is identical, and that the letters “ph” and “f” are visually and phonetically interchangeable in the English language.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It states that it has never licensed or authorized the Respondent to use its FINMAIL trademark, and that the Respondent has no independent trademark rights corresponding to the disputed domain name. The Complainant denies that the Respondent’s website reflects any bona fide commercial use of the disputed domain name and asserts, instead, that the Respondent selected the disputed domain name for the purpose of attracting Internet users to its website, for commercial gain, by creating a false impression of an affiliation with the Complainant’s FINMAIL trademark.

The Complainant submits that the disputed domain name was registered and is being used in bad faith. It states (although without any supporting evidence) that its FINMAIL trademark holds a distinguished status in Romania, Canada, and globally, and that it is evident that the Respondent registered the disputed domain name in view of the prominent recognition of that trademark.

The Complainant contends that the disputed domain name points to the website at “www.phinace.com”, thereby infringing upon the Complainant’s brand and services. It adds that the Respondent’s registered address comprises a combination of addresses in Abidjan, Ivory Coast and Brăila, Romania, while the

underlying “Phinace” company appears to be located in Canada. It states that the Respondent has therefore taken steps to obscure its true identity.

The Complainant provides evidence of a cease-and-desist email sent to the Respondent on June 15, 2025. It states that the Respondent failed to respond to this email or to subsequent reminders.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are that:

- (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.

A. Identical or Confusingly Similar

As observed in section 1.7 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), the test for confusing similarity typically involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name. However, a more holistic approach may be taken in appropriate cases, including an aural or phonetic comparison between the disputed domain name and trademark in question. The Panel accepts in this case that the disputed domain name is phonetically identical to the Complainant’s FINMAIL trademark, and finds therefore that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

In the view of the Panel, the Complainant’s submissions set out above give rise to a prima facie case that the Respondent has no rights or legitimate interests in respect of the disputed domain name. However, the Respondent has failed to file a Response in this proceeding and has not submitted any explanation for its registration and use of the disputed domain name, or evidence of rights or legitimate interests on its part in the disputed domain name, whether in the circumstances contemplated by paragraph 4(c) of the Policy or otherwise.

While the disputed domain name is used to resolve to a website promoting the “Phinace Incorporation” business, the Panel can find no reference to the term “phinmail” on that website. Further, a Google search against the term “phinmail” does not produce any results relating to that name, although it does return numerous results relating to the Complainant’s FINMAIL services.¹ The Canadian address listed on the

¹ As discussed in section 4.8 of [WIPO Overview 3.0](#), a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision.

Respondent's website seems to be fake as it does not show up in a Google Maps search, and the map on the Respondent's page shows a pin to New York University in the United States. There is no evidence, therefore, of the Respondent having used, or having made any demonstrable preparations to use, the disputed domain name in connection with any bona fide offering of goods or services, and the Panel finds in the circumstances that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

C. Registered and Used in Bad Faith

In order to succeed under the third element of the Policy, the Complainant must establish that the Respondent registered the disputed domain name with the Complainant's trademark in mind, and with the intention of taking unfair commercial advantage of the Complainant's rights in that trademark.

In this proceeding, the Complainant does not assist its cause by failing to provide any evidence of its history, trading profile or operations under the mark FINMAIL, relying purely on its trademark registrations and its (licensed) website at "www.finmail.com". So far as the trademark registrations are concerned, it is well established in prior decisions under the UDRP that (save in certain cases unrelated to this proceeding) the doctrine of "constructive notice" of a trademark has no application, and the mere registration of a trademark is insufficient to demonstrate that a respondent knew, or ought to have known, of the trademark in question.

In effect, therefore, the Panel is asked to infer, from the Respondent's use of the disputed domain name in connection with the "Phinace" website, that it knew of the Complainant's FINMAIL trademark and has sought to take unfair advantage of the Complainant's rights in that mark. Having considered all the available evidence in the round, the Panel takes the following matters into account in reaching its conclusions in that regard:

- (1) The disputed domain name has been used to resolve to a website which replicates the "Phinace Incorporation" website also to be found at "www.phinace.com". However, that website makes no reference whatsoever to the term "phinmail", nor offers any suggestion as to how that term might legitimately be employed by the Respondent.
- (2) The Respondent's "Phinace Incorporation" website does not convey the impression of a genuine and active commercial venture. The Panel finds its content to be vague and generic in nature, and that a number of the links that it offers, e.g. to "Experienced Team – Learn More" do not appear to be operational.
- (3) The Respondent's registration details in connection with the disputed domain name comprise an unexplained combination of addresses in Abidjan, Ivory Coast and Brăila, Romania. Linked to the fact that the "Phinace Incorporation" business is supposedly located in Canada (although the location map on its "Contact" page depicts New York City), these matters add to an impression of obfuscation on the Respondent's part.
- (4) The Respondent has failed to participate in this proceeding (or seemingly to reply to the Complainant's cease-and-desist communication). While the Complainant must affirmatively prove its case even in the absence of any Response, the Panel takes account of the fact that the Respondent has neither made any denial of the allegation that it targeted the Complainant's FINMAIL trademark, nor has offered any explanation for its registration and use of the disputed domain name.

In the circumstances, the Panel is prepared on balance to draw the inference that the Respondent has sought to target the Complainant's FINMAIL trademark by using the disputed domain name to divert Internet traffic intended for the Complainant to the "Phinace" website. The Panel therefore finds that, by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation, or endorsement of its website or of a product or service on its website (paragraph 4(b)(iv) of the Policy).

The Panel therefore finds that the disputed domain name has been 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 <phinmail.com> be transferred to the Complainant.

/Steven A. Maier/

Steven A. Maier

Sole Panelist

Date: September 7, 2025