

ADMINISTRATIVE PANEL DECISION

CC Serve Corporation v. Domain Admin, TotalDomain Privacy Ltd
Case No. D2025-2963

1. The Parties

Complainant is CC Serve Corporation, United States of America ("United States"), represented by Troutman Pepper Locke LLP, United States.

Respondent is Domain Admin, TotalDomain Privacy Ltd, Panama.

2. The Domain Name and Registrar

The disputed domain name is <fortivacresitcard.com> which is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 24, 2025. On July 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 26, 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 those in the Complaint (Domain Admin, Privacy Protect LLC). The Center sent an email communication to Complainant on July 28, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on July 28, 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 Respondent of the Complaint, and the proceedings commenced on July 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 18, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on August 21, 2025.

The Center appointed Gerardo Saavedra as the sole panelist in this matter on August 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

Complainant specializes in financial services and technology solutions. Through the FORTIVA mark, Complainant and its affiliated group of licensees offer comprehensive credit solutions for consumers with less-than-perfect credit, offering credit cards, personal loans, and retail financing options.

Complainant has rights over the FORTIVA mark for which it holds (i) United States registration No. 4176279, registered on July 17, 2012, in class 36, and (ii) United States registration No. 5189925, registered on April 25, 2017, in class 36.

The disputed domain name was registered on June 19, 2017. By the time the Complaint was filed, the website associated with the disputed domain name showed, among others, "Related searches", followed by apparent pay-per-click ("PPC") hyperlinks such as "Credit Card Instant Approval", "Accept My Credit Card", "The domain fortivacresitcard.com maybe for sale. Click here for more information".

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy and requests that the disputed domain name be transferred to Complainant. Complainant's assertions may be summarized as follows.

Complainant began using FORTIVA in United States commerce at least as early as October 13, 2010. Complainant also owns the domain name <myfortiva.com>, which Complainant has actively used to route customers to its flagship website since as early as 2018.

The disputed domain name incorporates the FORTIVA mark in its entirety and merely adds "cresitcard". The latter has no meaning, is a typosquatting variant of "credit card". Because "credit card" is connected to Complainant's services, the inclusion only exacerbates the potential for confusion. The disputed domain name is, thus, identical to Complainant's mark.

Respondent is not a licensee of Complainant nor is Respondent otherwise authorized to use the mark FORTIVA for any purpose. Respondent owns no trademark applications or registrations for FORTIVA, or any variants of the disputed domain name, and Respondent is not commonly known as "fortiva". Thus, Respondent has not established rights or legitimate interests in the disputed domain name.

The disputed domain name resolves to a parked page with PPC advertising of credit cards and other financial services. Such use demonstrates that Respondent has used the disputed domain name to derive a commercial benefit.

The disputed domain name was registered and is being used in bad faith.

It is well settled that the practice of typosquatting constitutes obvious evidence of the bad faith registration of a domain name. The disputed domain name was intentionally registered as a common typographical error or to appear confusingly similar to the FORTIVA mark.

At the time of registering the disputed domain name, Respondent had constructive and actual knowledge of Complainant's rights in FORTIVA. Complainant obtained a second mark registration for FORTIVA in connection with additional financial services, including various credit card services, on April 25, 2017.¹ Respondent registered the disputed domain name less than two months after said second mark registration was granted. This timing can be nothing but opportunistic in nature, and demonstrates both bad faith and Respondent's knowledge of Complainant, its mark, and its credit card services.

Respondent knowingly registered the disputed domain name containing an exact reproduction of the FORTIVA mark to capitalize on consumer recognition of the mark. Respondent's use of the disputed domain name for PPC advertising of credit cards and other financial services is evidence of bad faith.

The FORTIVA mark is unique and is inherently distinctive in its industry such that it is impossible that Respondent divined the word "fortiva" for a domain name relating to credit cards. Thus, it is clear that Respondent registered the disputed domain name in order to trade off the reputation of Complainant's mark.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs the Panel to "decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable".

The lack of response from Respondent does not automatically result in a favorable decision for Complainant (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.3). The burden for Complainant, under paragraph 4(a) of the Policy, is to show: (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; (ii) that 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

The Panel finds 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 entirety of the FORTIVA mark is reproduced within the disputed domain name, albeit followed by the characters "cresitcard". The Panel finds the mark is recognizable within the disputed domain name and that the addition of said characters does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy ([WIPO Overview 3.0](#), sections 1.7, 1.8 and 1.11.1).

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

B. Rights or Legitimate Interests

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

¹United States registration No. 5189925, referred to in section 4 above.

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).

Paragraph 4(c) of the Policy provides a list of circumstances in which Respondent may demonstrate rights or legitimate interests in the disputed domain name. There is no evidence in the case file of any of those, or of any other circumstances giving rise to a possible right to or legitimate interest in the disputed domain name by Respondent, but rather the opposite may be validly inferred.

The nature of the disputed domain name carries a risk of implied affiliation with Complainant's FORTIVA mark ([WIPO Overview 3.0](#), section 2.5.1). The disputed domain name identically reflects said mark, albeit followed by "cresitcard" which seems to the Panel to be suggestive of the business for which FORTIVA is used. The aforesaid term "cresit" may well reflect a possible deliberate typographical variation (typosquatting) of "credit" which as such would reveal the lack of legitimacy of Respondent. Further, the evidence in the file reflects that the website linked to the disputed domain name showed apparent PPC links to other websites relating to that same business field for which FORTIVA is used by the Complainant.² These circumstances demonstrate neither a bona fide offering of goods or services nor a legitimate noncommercial or fair use of the disputed domain name.

The Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name.³ Respondent has not rebutted 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.

Based on the available record, the Panel finds the second element of the Policy has been established.

C. Registered and Used 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).

Having reviewed the case file, the Panel finds that Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The overall evidence indicates that Respondent deliberately targeted Complainant's mark at the time it obtained the disputed domain name, which is indicative of bad faith. As noted above, the disputed domain name reflects Complainant's prior registered FORTIVA mark in its entirety; the fact that such mark is followed in the disputed domain name by "cresitcard", thus suggestively making reference to the business for which said mark is used, simply reinforces such bad faith inference. Moreover, the use of the disputed domain name for a website with hyperlinks featuring that same business for which said mark is used and that may generate PPC revenue, suggests Respondent's intent to unduly capitalize on the reputation and goodwill of Complainant's FORTIVA mark, which denotes bad faith.⁴

²See *Merck Sharp & Dohme Corp. v. Domain Administrator, PrivacyGuardian.org / George Ring, DN Capital Inc.*, WIPO Case No. [D2017-0302](#): "using a domain name incorporating the Complainant's mark to host sponsored links associated with the Complainant's area of business cannot be a bona fide offering of goods or services".

³See *Casio Keisanki Kabushiki Kaisha (Casio Computer Co., Ltd.) v. Jongchan Kim*, WIPO Case No. [D2003-0400](#): "There is no evidence that the Complainant authorized the Respondent to register the disputed domain name or to use the CASIO trademark, with or without immaterial additions or variants. These circumstances are sufficient to constitute a prima facie showing by the Complainant of absence of rights or legitimate interest in the disputed domain name on the part of the Respondent".

⁴See *G4S Limited v. Milen Radumilo*, WIPO Case No. [D2022-3910](#): "the use of a domain name that is deceptively similar to a trademark to obtain click-through-revenue is found to be bad faith use". See also [WIPO Overview 3.0](#), section 3.1.4.

In the Panel's view, the lack of response is also indicative that Respondent lacks arguments and evidence to support its holding of the disputed domain name.

Based on the available record, the Panel finds that 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 <fortivacresitcard.com> be transferred to Complainant.

/Gerardo Saavedra/

Gerardo Saavedra

Sole Panelist

Date: September 12, 2025