

ADMINISTRATIVE PANEL DECISION

Bread Financial Payments, Inc. v. Haimin Xu
Case No. D2025-3011

1. The Parties

The Complainant is Bread Financial Payments, Inc., United States of America, represented by Burr & Forman LLP, United States of America ("United States").

The Respondent is Haimin Xu, China.

2. The Domain Name and Registrar

The disputed domain name <breadfiancial.com> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 29, 2025. On July 29, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 29, 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 (John Doe / Registration Private, Domains by Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 30, 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 August 5, 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 August 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 27, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 28, 2025.

The Center appointed Ganna Prokhorova as the sole panelist in this matter on September 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 is a wholly owned subsidiary of Bread Financial Holdings, Inc., a publicly traded financial company founded in 1996. Formerly operating as ADS Alliance Data Systems, Inc. (“ADS”), the Complainant adopted its current name in March 2022 as part of a corporate rebrand.

The Complainant holds the domain name <breadfinancial.com>, which hosts its main website.

The Complainant owns several trademark registrations, including:

- United States Trademark Registration no. 4814856 for BREAD, filed on December 15, 2014, registered on September 15, 2015, for the services in class 36;
- United States Trademark Registration no. 7237587 for BREAD SAVINGS, filed on March 9, 2022, registered on December 5, 2023, for the services in class 36;
- United States Trademark Registration no. 7300264 for BREAD FINANCIAL, filed on December 13, 2021, registered on February 6, 2024, for the services in class 36;
- United States Trademark Registration no. 7305646 for BREAD FINANCIAL, filed on December 14, 2021, registered on February 13, 2024, for the services in class 42.

Because the Respondent did not file a Response, not much is known about the Respondent.

The disputed domain name was created on March 23, 2022, the same day that Complainant announced its corporate rebrand and stock symbol change. Since registration, the disputed domain has been associated with “domain monetization” services, initially through Bodis, LLC, and later through Above.com Pty. Ltd. Historical and current screenshots of the website, to which the disputed domain name resolves, demonstrate the use of pay-per-click (“PPC”) advertising links related to financial services such as “credit report”, “banking account”, and “business credit report”.

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:

- (1) It has longstanding rights in the BREAD FINANCIAL and other BREAD-formative marks, supported by numerous United States federal trademark registrations. These marks are widely recognized in connection with banking, credit card, lending, and financial services, and have accrued substantial goodwill. The disputed domain name is confusingly similar to the Complainant’s BREAD FINANCIAL mark, differing only by the omission of a letter “n” in the word “financial”. This constitutes typosquatting intended to mislead consumers.
- (2) The Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not affiliated with the Complainant, has not been licensed or authorized to use the mark, and has not made any bona fide use of the domain in connection with legitimate goods or services.

(3) The Respondent registered the disputed domain name in bad faith on the very day the Complainant publicly announced its rebrand to BREAD FINANCIAL. The Respondent has used the disputed domain name exclusively for PPC advertising relating to financial services identical or similar to the Complainant's services, thereby seeking to profit from consumer confusion and the Complainant's goodwill.

Based on the above grounds, the Complainant requests that the disputed domain name be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

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

The onus is on the Complainant to make out its case and it is apparent, both from the terms of the Policy and the decisions of past UDRP panels, that the Complainant must show that all three elements set out in paragraph 4(a) of the Policy have been established before any order can be made to transfer the Disputed Domain Name. In UDRP cases, the standard of proof is the balance of probabilities.

To succeed in a UDRP complaint, the Complainant has to demonstrate that all the elements listed in paragraph 4(a) of the Policy have been satisfied, namely:

- (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 Respondent had 20 days to submit a response in accordance with paragraph 5(a) of the Rules. Even if the Respondent has not replied to the Complainant's contentions, the Complainant still bears the burden of proving that all these requirements are fulfilled. Concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the provided reasonable factual allegations in the Complaint as true. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 4.3.

It is further noted that the Panel has taken note of the [WIPO Overview 3.0](#) and, where appropriate, will decide consistent with the consensus views captured therein.

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 3.0](#), section 1.7.

The Complainant has shown rights in respect of BREAD FINANCIAL and BREAD marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. For purposes of paragraph 4(a)(i) of the Policy, it is sufficient that the Complainant now holds trademark rights; the chronology of those rights vis-à-vis the disputed domain's name creation date is not dispositive at this stage.

The Panel finds that the Complainant's mark BREAD FINANCIAL is clearly recognizable within the disputed domain name, and that the omission of a letter "n" (in "financial") in the disputed domain name is an intentional misspelling of the Complainant's mark and does not prevent a finding of confusing similarity under the Policy. [WIPO Overview 3.0](#), section 1.9.

Independently, when compared with the Complainant's earlier BREAD mark, the disputed domain name incorporates the mark in its entirety and appends the descriptive term "financial" (albeit misspelled). The addition of a descriptive industry-related term to the Complainant's mark does not prevent a finding of confusing similarity.

The addition of the generic Top-Level Domain ("gTLD") ".com" in the disputed domain name is a standard registration requirement and as such may be disregarded under the confusing similarity test. See [WIPO Overview 3.0](#), section 1.11.1.

Accordingly, the Panel finds the disputed domain name to be confusingly similar to trademarks in which the Complainant has rights, satisfying paragraph 4(a)(i) of the Policy.

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.

The Complainant has made a prima facie showing that the Respondent lacks rights or legitimate interests in the disputed domain name. There is no evidence that the Respondent is commonly known by the disputed domain name, nor has the Respondent been authorized, licensed, or otherwise permitted by the Complainant to use the BREAD FINANCIAL mark in any form.

The Respondent has used the disputed domain name solely to display parked pages with pay-per-click ("PPC") links targeting financial services identical or closely related to those offered by the Complainant. This constitutes a clear attempt to generate a commercial gain, particularly by misleading Internet users with the disputed domain name and subsequently redirecting these Internet users to third-party websites. Previous panels have stated that these circumstances amount to "unduly taking advantage of the well-known nature of Complainant's mark to attract more Internet users and generate revenue" (see *Canva Pty Ltd. v. Nanci Nette*, WIPO Case No. [D2023-3651](#)).

Since the Complainant's prima facie case has not been rebutted by the Respondent, who failed to respond, the Panel has no evidence before it to support any rights or legitimate interests on the part of the Respondent. As noted in [WIPO Overview 3.0](#), section 2.1, once a complainant makes a prima facie case, the burden of production shifts to the respondent. Here, the Respondent's silence leaves the Complainant's allegations undisputed.

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.

While the Complainant's BREAD FINANCIAL marks were registered in 2024, the relevant inquiry is whether the Respondent targeted the Complainant's marks and nascent rights when registering the disputed domain name in March 2022. The record shows that by late 2021 and early 2022, ADS (the Complainant's predecessor) had reserved the Bread Financial names, filed an intent-to-use trademark application for BREAD FINANCIAL (December 2021), filed additional BREAD-formative trademark applications (in 2021), and publicly announced its rebrand on March 23, 2022, the very day the Respondent registered the disputed domain name. Panels have recognized that registration in such circumstances, after filing of trademark applications and concurrent with a widely publicized rebrand, can constitute bad faith where the respondent sought to capitalize on the complainant's nascent rights. See [WIPO Overview 3.0](#), section 3.8.2.

Furthermore, the disputed domain name differs from the Complainant's coined term BREAD FINANCIAL only by omission of a single letter. Such typosquatting evidences knowledge of the mark and intent to divert users through foreseeable typing errors.

Moreover, the Complainant's earlier BREAD registrations (dating to 2015) also predate the disputed domain name, meaning the Respondent's choice to append "financial" (even misspelled) to the mark further underscores targeting of both the Complaint's prior-registered and nascent trademarks.

In the view of the Panel, noting that the Complainant's BREAD trademark predates the registration of the disputed domain name and considering that the Complainant's trademark is widely known and that the disputed domain name constitutes a misspelling of the Complainant's BREAD FINANCIAL trademark, and also bearing in mind the fact that the disputed domain name was registered on the very day the Complainant publicly announced its rebranding to Bread Financial, it is hardly conceivable that the Respondent could have registered the disputed domain name without knowledge of the Complainant's trademarks. In the circumstances of this case, this is evidence of registration in bad faith.

The Respondent has used the disputed domain name to display PPC links for financial services, thereby creating a likelihood of confusion with the Complainant's mark to attract Internet users for commercial gain. Such conduct falls squarely within the example of bad faith use described in paragraph 4(b)(iv) of the Policy.

Finally, the record shows that the Respondent has engaged in a broader pattern of cybersquatting, as reflected in previous UDRP decisions where the Respondent was found to have registered and used domain names in bad faith. This pattern further confirms the Respondent's bad faith in the present case.

Taken together, the timing of registration, the omission of the "n" in the Complainant's mark, the PPC use for competing services, and the Respondent's broader conduct demonstrate that the disputed domain name was registered and is being used in bad faith within the meaning of paragraph 4(a)(iii).

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 <breadfiencial.com> be transferred to the Complainant.

/Ganna Prokhorova/

Ganna Prokhorova

Sole Panelist

Date: September 10, 2025