ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

First Data Corporation, First Data Resources, LLC v. Samuel Chan
Case No. D2025-3857

1. The Parties

The Complainants are First Data Corporation, and First Data Resources, LLC, United States of America ("US"), internally represented.

The Respondent is Samuel Chan, Hong Kong, China.

2. The Domain Name and Registrar

The disputed domain name <firstdatahardwareservices.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 September 22, 2025. On September 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 24, 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 (Registration Private, c/o Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainants on September 24, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on September 24, 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 October 2, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 22, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 3, 2025.

The Center appointed Tobias Malte Müller as the sole panelist in this matter on November 6, 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 Complaint was filed by First Data Corporation and First Data Resources, LLC. It results from the Complainants' undisputed allegations that they are active in the financial services technology solutions sector. Since its operations began in 1971, the Complainants, and Fiserv, Inc. companies, have built the largest open-architecture point of sale solutions, which are aimed at small and medium sized business owners. Fiserv, Inc. is a NASDAQ company which is a global provider of financial services technology to the financial world, including banks, credit unions, securities processing organizations, insurance companies and retailers.

The Complainant First Data Corporation is the registered owner of several trademarks worldwide consisting and/or containing FIRST DATA, e.g. US trademark registration no. 1974381, FIRST DATA, registered on May 14, 1996 for goods in class 9.

The Complainant First Data Resources, LLC. is the registered owner of the trademark containing FIRST DATA, i.e. US trademark registration no. 1456775, FIRST DATA RESOURCES, registered on September 8, 1987 for services in class 35.

In addition, the Complainants operate the domain name <firstdata.com> which redirects to "www.fiserv.com", the official website.

The disputed domain name <firstdatahardwareservices.com> was registered on October 18, 2024. The disputed domain name is renewed until October 18, 2026. Furthermore, the undisputed evidence provided by the Complainants proves that the disputed domain name resolved to a website offering financial software and technology solutions under the name FIRST DATA in competition with the Complainants. In addition, the website to which the disputed domain name resolved identifies the address as the prior location of the Complainants' offices.

Finally, the Complainants sent a cease and desist letter to the Respondent on July 15, 2025 to the email address indicated on the website to which the disputed domain resolved. The Respondent did not reply to it.

5. Parties' Contentions

A. Complainants

The Complainants contend that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainants contend that the disputed domain name is confusingly similar to the Complainants' registered trademarks since it uses the FIRST DATA mark as a whole and simply combines it with the term "hardware services" and the ".com" generic Top-Level Domain. Consumers understand "hardware services" to be a generic or descriptive term and are likely to focus on FIRST DATA.

The Complainants further contend that the Respondent has no rights or legitimate interests in the disputed domain name. According to the Complainants, they have no relationship whatsoever with the Respondent and have never authorized the Respondent to use the Complainants' FIRST DATA trademark in the disputed domain name. The Respondent is squatting on the domain name. The Respondent decided to utilize as part of an apparent attempt to intentionally deceive consumers into believing it was associated with the Complainants. The Respondent appears to offer FIRST DATA branded technology hardware solutions and lists its address as the Complainants' previous address and includes numerous false statements about its alleged business.

Finally, the Complainants contend that the disputed domain name was registered and is being used in bad faith. According to the Complainants, they discovered that the website at the disputed domain name was being used to offer financial technology solutions under the name FIRST DATA. The FIRST DATA offerings on the disputed domain name are likely to confuse consumers into believing that the Complainants are the source of FIRST DATA, or that the Complainants' sponsor, are affiliated with, or endorse FIRST DATA. Consumers are likely to believe that financial technology solutions offered under a FIRST DATA domain name are likely to be associated with the Complainants. It appears that the website to which the disputed domain name resolved is part of a scheme to mislead consumers. The Respondent has no fair or good faith reason as to why it is using the Complainant's FIRST DATA mark in a domain name for a website offering technology hardware solutions. The Respondent is further claiming to be located at the Complainants' prior physical address, intentionally falsely associating itself with Complainants. Accordingly, the Respondent is intentionally seeking to cause a likelihood of confusion among consumers, in which consumers are confused, mistaken, or deceived into believing the Respondent's technology hardware products and services are affiliated with or endorsed by the Complainants.

B. Respondent

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

6. Discussion and Findings

6.1 Procedural issues – Consolidation of the Complainants

The Complaint was filed by both First Data Corporation and First Data Resources, LLC., related corporate entities. In addition, each of the Complainants are individually the owner of registered trademarks consisting and/or containing for FIRST DATA in different jurisdictions.

As set forth in section 4.11.1 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"): "In assessing whether a complaint filed by multiple complainants may be brought against a single respondent, panels look at whether (i) the complainants have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants in a similar fashion, and (ii) it would be equitable and procedurally efficient to permit the consolidation".

In the light of the above, the Panel finds that the Complainants have a specific common grievance against the Respondent because they share a common legal interest in the trademark rights on which this Complaint is based since both the Complainants own registrations for FIRST DATA and allege a corporate connection. Against this background, the Panel does not see reasons why a consolidated Complaint brought by the Complainants against a single Respondent would not be fair and equitable. Moreover, the Respondent failed to come forward with any allegations or evidence to object the consolidation. For reasons of procedural efficiency, fairness, and equity the Panel therefore accepts the joint Complaint. Therefore, throughout the remainder of the current Decision, the Panel will refer to both the Complainants as "the Complainant".

6.2 Substantive issues

Paragraph 15(a) of the Rules instructs this 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". Paragraph 4(a) of the Policy requires a complainant to prove each of the following three elements in order to obtain an order that each disputed domain name be transferred or cancelled:

(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 will therefore proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied.

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 a trademark or service mark for the purposes of the Policy. WIPO Overview 3.0, section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.0, section 1.7.

Although the addition of other terms - here "hardware" and "services" - may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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, section 1.8.

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.

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.

Moreover, the Panel notes that the disputed domain name contains the Complainant's registered trademark FIRST DATA. Furthermore, the addition of "hardware" and "services", terms within the trademark owner's field of commerce or indicating services related to the brand, signals an intention on the part of the Respondent to confuse users seeking or expecting the Complainant. This is corroborated by the content of the website to which the disputed domain name currently resolves, allegedly offering services in the Complainant's area of activity.

In addition, the website to which the disputed domain resolved identifies the address as the prior location of the Complainant' office. Panels have held that the use of a domain name for illegal activity (here, claimed, impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent. WIPO Overview 3.0, section 2.13.1.

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.

In the present case, the Panel notes that the disputed domain name includes the Complainant's trademark in its entirety. Therefore, this Panel has no doubt that the Respondent positively knew the Complainant's trademark when registering the disputed domain name. This is corroborated by the content of the website to which the disputed domain name currently resolves, allegedly offering services in the Complainant's area of activity.

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.

On this regard, the further circumstances surrounding the disputed domain name's registration and use confirm the findings that the Respondent has registered and is using the disputed domain name in bad faith:

(i) the nature of the disputed domain name (i.e., the Complainant's trademark in its entirety – plus the addition of terms within the trademark owner's field of commerce or indicating services related to the brand);

(ii) the content of the website to which the disputed domain name directs (i.e., allegedly offering services in the Complainant's area of activity);

(iii) a clear absence of rights or legitimate interests coupled with no credible explanation for the respondent's choice of the domain name;

(iv) the Respondent's use of a privacy service to conceal its identity;

(v) the Respondent's failure to reply to the cease-and-desist letter and to submit a Response.

In addition, the website to which the disputed domain resolved identifies the address as the prior location of the Complainants' offices. Panels have held that the use of a domain name for illegal activity (here, claimed, impersonation/passing off, or other types of fraud) constitutes bad faith. WIPO Overview 3.0, section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <firstdatahardwareservices.com> be transferred to the Complainants.

/Tobias Malte Müller/
Tobias Malte Müller
Sole Panelist
Date: November 20, 2025