

## **ADMINISTRATIVE PANEL DECISION**

Berry Solutions Ltd. v. SYLLA AROUN

Case No. D2025-4530

### **1. The Parties**

The Complainant is Berry Solutions Ltd., Malta, represented by Office Freylinger S.A., Luxembourg.

The Respondent is SYLLA AROUN, Côte d'Ivoire.

### **2. The Domain Name and Registrar**

The disputed domain name <cashlib.org> is registered with Dynadot Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 3, 2025. On November 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 5, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 6, 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 November 7, 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 November 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 30, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 2, 2025.

The Center appointed Charles Gielen as the sole panelist in this matter on December 8, 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 Maltese company, internationally active in the field of electronic payments. The Complainant is well known in this sector and is widely exploiting the trade mark CASHLIB in online and mobile app payments solutions. The Complainant's product offered under the trade mark CASHLIB is a prepaid voucher payment system that allows users to make online purchases securely and privately without needing a credit or debit card. It functions by converting cash into a unique 16-digit PIN code, which can then be used to pay on participating websites. It is available both offline (with a distribution network of over 150,000 physical points of sale across Europe) and online.

The Complainant is the owner of European Union trade mark registration for CASHLIB (word mark), No. 018191315, filed on February 3, 2020 and registered on June 16, 2020 for goods and services in classes 9, 35, 36, 38 and 42. In order to promote and offer its services, the Complainant operates a website using the domain name <cashlib.com>.

The disputed domain name was registered on September 5, 2024, and resolves to a website that entirely replicates the Complainant's trade mark, visual identity and user interface. On this website no contact details are being provided. On this website, one can click on "Exchange CASHlib on marketplace" which then redirects users to an entirely unrelated cryptocurrency trading site, which has no affiliation with the Complainant.

#### 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 the disputed domain name is identical to the Complainant's trade mark. The disputed domain name incorporates the Complainant's registered trade mark CASHLIB in its entirety. Therefore, the disputed domain name is confusingly similar to the trade mark in which the Complainant has rights. As to the addition of the generic Top Level Domain "gTLD ".org", many decisions as well as section 1.11 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") found that the Top-Level Domain is merely instrumental to the use on Internet and shall be disregarded for the determination of confusing similarity.

Furthermore, the Complainant contends that the Respondent does not have any rights or legitimate interests in the disputed domain name. The Complainant gives several reasons for this. First, the Respondent is not affiliated with the Complainant in any way, nor has he been authorized by the Complainant to use and register its trade mark or to seek registration of any domain name incorporating said trade mark. Second, the disputed domain name is identical to the Complainant's trade mark. Therefore, the Respondent cannot reasonably pretend it was intending to develop legitimate activity through the disputed domain name. Third, none of the following circumstances is fulfilled: (i) the Respondent does not use the domain name in connection with a bona fide offering of goods or services; (ii) the Respondent is not commonly known by the disputed domain name; or (iii) Respondent is not making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trade mark or service mark at issue.

Finally, the Complainant argues that the Respondent registered and is using the disputed domain name in bad faith. With respect to the bad faith registration, the Complainant argues that it is implausible that the Respondent was unaware of the Complainant's trade mark rights when the Respondent registered the disputed domain name. According to the Complainant, its trade mark can easily be found by the performance of a simple Google search that demonstrates that all the first results relate to the Complainant's goods and services. With respect to the bad faith use of the disputed domain name, the Complainant argues

the following. The website under the disputed domain name <cashlib.org> is unmistakably designed to impersonate the Complainant's website "www.cashlib.com". Every aspect of the website under the disputed domain name <cashlib.org> mirrors the legitimate website of the Complainant, from the exact page layouts and graphic elements to the font styles and navigation menus, leaving no doubt as to its intent. Moreover, the links on the website of the Respondent to "Terms and Conditions," "Contact," or "FAQ" at the bottom of the page fail to provide any substantive content and simply redirect the user back to the homepage, further evidencing that the Respondent has no genuine commercial or informational purpose and is acting in bad faith to confuse consumers. In addition, clicking on the link "Exchange CASHlib on marketplace" on the website of the Respondent redirects users to an entirely unrelated cryptocurrency trading site, which has no affiliation with the Complainant. Arriving there brings up a registration page with a pre-filled invite code which clearly indicates that the Respondent intends to profit from each new sign-up. Also, the "Check Balance" feature on the Respondent's website requests visitors to enter a PIN code and voucher serial number. Unsuspecting consumers will most likely disclose sensitive data. All these misleading redirects and links constitute a clear attempt at phishing and a use of the domain name in bad faith.

In view of the above, the Complainant contends that the Respondent registered and used the disputed domain name in bad faith and its conduct falls within the meaning of paragraph 4(a)(iii) of the Policy.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **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 trade mark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of the trade mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the trade mark CASHLIB is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the trade mark CASHLIB of the Complainant for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Therefore, the requirement under paragraph 4(a)(i) of the Policy is met.

### **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 that 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.

First, the Respondent did not show that it owns any rights to the name "cashlib" nor that it has any license from the Complainant to use its CASHLIB trade mark. Second, the Respondent did not argue that it is commonly known, or that it has ever been known under the name "cashlib". Furthermore, the Panel did not find any evidence that the Respondent has used, or prepared to use, the disputed domain name in connection with a bona fide offering of goods or services. On the contrary, the disputed domain name resolves to a website that entirely replicates the Complainant's trade mark, visual identity and user interface. This shows a clear bad faith intent and can therefore never be considered as a bona fide offering of goods and services and can never establish any right or legitimate interest in the disputed domain name.

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.

Having reviewed the available record, the Panel notes first of all the distinctiveness and reputation of the Complainant's trade mark and the fact that the trade mark is a coined word. The Panel agrees with the Complainant that it is inconceivable that the Respondent was not well aware of the Complainant's trade mark rights at the time of the registration of the disputed domain name. The different links on the website of the Respondent fail to provide any substantive content and simply redirect the user back to the homepage, evidencing that the Respondent has no genuine commercial or informational purpose, which is confusing consumers. Furthermore, from the available record it appears that the website of the Respondent redirects users to an entirely unrelated cryptocurrency trading site, which has no affiliation with the Complainant. Arriving there brings up a registration page with a pre-filled invite code which clearly indicates that the Respondent intends to profit from each new sign-up. Also, the "Check Balance" feature on the Respondent's website requests visitors to enter a PIN code and voucher serial number. Unsuspecting consumers will most likely disclose sensitive data when filling in the registration page. The Panel agrees with the Complainant that all these misleading redirects and links constitute a clear attempt at phishing and use of the domain name in bad faith.

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 <cashlib.org> be transferred to the Complainant.

*/Charles Gielen/*

**Charles Gielen**

Sole Panelist

Date: December 16, 2025