

## **ADMINISTRATIVE PANEL DECISION**

AllSouth Federal Credit Union v. Domain Privacy, Domain Name Privacy Inc.  
Case No. D2025-4571

### **1. The Parties**

The Complainant is AllSouth Federal Credit Union, United States of America (“Unites States”), represented by Nelson Mullins Riley & Scarborough LLP, United States.

The Respondent is Domain Privacy, Domain Name Privacy Inc., Cyprus.

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

The disputed domain name <allsouthhb.org> is registered with Tucows Domains Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 5, 2025. On November 5, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 (Contact Privacy Inc. Customer 0175730033) 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 6, 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 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 27, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 28, 2025.

The Center appointed Masato Dogauchi as the sole panelist in this matter on December 3, 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, established in 1960, is a federally chartered credit union in the United States offering financial and credit union or banking services, including checking and savings accounts, credit card services, online and mobile banking, teller and ATM services, and loan products, including, for example, vehicle loans, personal loans, and home loans. It has been using the trademark ALLSOUTH and ALLSOUTH FEDERAL CREDIT UNION since 2004.

The Complainant has registered trademarks such as:

- United States Trademark Registration No. 2,977,711 for ALLSOUTH FEDERAL CREDIT UNION, registered on July 26, 2005;
- United States Trademark Registration No. 2,977,865 for ALLSOUTH FEDERAL CREDIT UNION (and Star Design), registered on July 26, 2005;
- United States Trademark Registration No. 6,118,269 for ALLSOUTH, registered on August 4, 2020.

The Complainant promotes its business through the website “www.allsouth.org”.

The disputed domain name was registered on July 25, 2025. It resolves to an active website featuring pay-per-click sponsored advertisements. It also features a link indicating that the disputed domain name may be for sale. The Respondent has also associated Mail eXchange (“MX”) servers to the disputed domain name.

#### **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.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

In accordance with the Rules, paragraph 15(a), a panel shall decide a case on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable. Since the Respondent has not made any substantive arguments in this case, the following decision is rendered on the basis of the Complainant’s contentions and other evidence submitted by the Complainant.

In accordance with the Policy, paragraph 4(a), in order to qualify for a remedy, the Complainant must prove each of the following:

- (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**

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 of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

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

The disputed domain name includes the Complainant's ALLSOUTH trademark as a whole. Such fact supports a finding that the disputed domain name is confusingly similar to the Complainant's ALLSOUTH trademark. The addition of the term "hb" does not prevent a finding of confusing similarity. [WIPO Overview 3.0](#), sections 1.7 and 1.8.

Accordingly, 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.

The Panel finds that the Complainant has made out a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name by showing that the Complainant has not authorized Respondent to use the ALLSOUTH marks, that the website at the disputed domain name features pay-per-click sponsored advertisements, and that the Respondent is not commonly known by the disputed domain name. The Respondent did not come forward with relevant evidence rebutting the prima facie case or demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

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.

In the present case, in consideration of the fact that the Complainant has been doing business in financial and credit sector since 1960 and the ALLSOUTH trademark of the Complainant has been used since 2004, it is highly unlikely that the Respondent was unaware of the Complainant's ALLSOUTH trademark at the time of registration of the disputed domain name on July 25, 2025. Therefore, the Panel finds that the Respondent registered the disputed domain name in bad faith.

On the other hand, with regard to the requirement that the disputed domain name is being used in bad faith, it is noted that the disputed domain name resolves to an active website featuring pay-per-click sponsored advertisements with a link indicating that the disputed domain name may be for sale. When an Internet user clicks this link, they are redirected to a GoDaddy page listing the disputed domain name for sale for USD 588. Further, the Respondent has also associated MX servers to the disputed domain name. Having reviewed these facts, the Panel 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 mark. The Respondent also has the intention to sell the disputed domain name for valuable consideration possibly in excess of its out-of-pocket costs directly related to the disputed domain name. Therefore, the Panel finds that the Respondent has registered the disputed domain name and is using the disputed domain name in bad faith. [WIPO Overview 3.0](#), sections 3.1.1, 3.1.4, and 3.5.

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 <allsouthhb.org> be transferred to the Complainant.

*/Masato Dogauchi/*

**Masato Dogauchi**

Sole Panelist

Date: December 8, 2025