

ADMINISTRATIVE PANEL DECISION

Capital One Financial Corporation v. Sudhanshu Aggarwal, MH Consultants Case No. D2026-2708

1. The Parties

The Complainant is Capital One Financial Corporation, United States of America ("United States"), represented by Elster & McGrady LLC, United States.

The Respondent is Sudhanshu Aggarwal, MH Consultants, India.

2. The Domain Name and Registrar

The disputed domain name <discoverbank.live> 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 June 22, 2026. On June 23, 2026, 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 (Registration Private / Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 24, 2026, 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 June 29, 2026.

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 June 30, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 20, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 24, 2026.

The Center appointed Christos A. Theodoulou as the sole panelist in this matter on July 29, 2026. 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 Capital One Financial Corporation ("Capital One"). Capital One is a bank holding company that specializes in credit cards, auto loans, banking, and savings accounts. Following its acquisition of Discover Financial Services, Discover operates as a brand under the Capital One umbrella. Discover is a leading credit card issuer and electronic payment services company with a highly recognizable financial services brand. Discover offers the DISCOVER Credit Card in addition to offering personal loans, online savings products, certificates of deposits, and money market accounts. The Complainant has thousands of employees, and the products and services sold under the DISCOVER mark are advertised and promoted around the world.

The Complainant is the owner of the following trademarks:

- United States Registration No. 1479946 DISCOVER, registered on March 8, 1988, and;
- United States Registration No. 2501064 DISCOVER, registered on October 23, 2001.

The Complainant operates its website at the domain name <discover.com>, where customers can log into their confidential accounts and where Complainant provides consumer information about its goods and services, according to the uncontested allegations of the Complainant.

The disputed domain name <discoverbank.live> was created on July 11, 2025, and redirected to the Complainant's official website at the domain name <discover.com>.

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 or confusingly similar to its trademark DISCOVER in which the Complainant has rights, that the Respondent lacks any rights or legitimate interests in respect of the disputed domain name, and that the Respondent registered the disputed domain name after the Complainant registered its trademarks and used the disputed domain name in bad faith.

Moreover, the Complainant alleges that the Respondent has no rights or legitimate interests in the disputed domain name, that the Respondent has no relation to the Complainant in any way. The Complainant further alleges that the Respondent was neither licensed nor authorized to make any use of the Complainant's DISCOVER trademarks.

The Complainant asserts that the Respondent registered and is using the disputed domain name in bad faith. The Complainant's trademarks were registered and used by the Complainant long before the Respondent registered the disputed domain name.

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 trademarks and the disputed domain name. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

The Complainant has shown rights in respect of the DISCOVER trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the Complainant's DISCOVER trademark is recognizable within the disputed domain name <discoverbank.live>. The disputed domain name differs from the Complainant's trademark only by the addition of the term "bank" and the generic Top-Level Domain ("gTLD") ".live". The addition of the term "bank" does not prevent a finding of confusing similarity under the Policy. Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. The nature of such additional term(s) may however bear on assessment of the second and third elements. The gTLD is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. Accordingly, the disputed domain name is confusingly similar to the Complainant's DISCOVER trademark for the purposes of the Policy. See [WIPO Overview 3.1](#), sections 1.7, 1.8, and 1.11.

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 that 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 3.1](#), 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.

In particular and based on the available record, the Panel finds that the Respondent has not used the disputed domain name for a bona fide offering of goods or services; that the Respondent is not commonly known by the disputed domain name; and that the Respondent has not made a legitimate noncommercial or fair use of the disputed domain name.

Moreover, it is to be noted that the Respondent did not present evidence of any license or permission by the Complainant, with whom there seems to exist no relationship whatsoever.

In addition, the Panel notes that the composition of the disputed domain name, incorporating the Complainant's trademark in its entirety with the addition of the word "bank" carries a risk of implied affiliation. [WIPO Overview 3.1](#), section 2.5.1.

As a conclusion on this point, 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 Respondent's disputed domain name was created on July 11, 2025, whereas at that point in time the Complainant's trademark had already been registered for several years. From the evidence at hand, the Panel finds that the Respondent, when registering the disputed domain name, must have been aware of the Complainant's trademarks. Therefore, the Respondent's awareness of the Complainant's trademark rights at the time of registration suggests bad faith (See, *BellSouth Intellectual Property Corporation v. Serena, Axel*, WIPO Case No. [D2006-0007](#), and *Red Bull GmbH v. Credit du Léman SA, Jean-Denis Deletraz*, WIPO Case No. [D2011-2209](#)).

The additional term "bank" in the disputed domain name is closely associated with the Complainant's financial and banking services and may even increase the likelihood of confusion by suggesting an affiliation with the Complainant.

The disputed domain name used to redirect to the Complainant's website. The redirection to the Complainant's website, together with the incorporation of the Complainant's trademark in the disputed domain name, supports that the Respondent registered and used the disputed domain name with knowledge of the Complainant's rights and with the intention of misleading Internet users.

As a consequence of the above, 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 <discoverbank.live> be transferred to the Complainant.

/Christos A. Theodoulou/

Christos A. Theodoulou

Sole Panelist

Date: August 10, 2026