ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
PlanMember Financial Corporation v. Tracy May
Case No. D2026-3215

1. The Parties

The Complainant is PlanMember Financial Corporation, United States of America ("United States"), internally represented.

The Respondent is Tracy May, United States.

2. The Domain Name and Registrar

The disputed domain name <e-planmemberonline.com> is registered with Nicenic International Group Co., Limited (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 22, 2026. On July 22, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 23, 2026, 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 (unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 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 amendment to the Complaint on July 28, 2026.

The Center verified that the Complaint together with the amendment to the 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 12, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 1, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 9, 2026.

The Center appointed Evan D. Brown as the sole panelist in this matter on September 14, 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 provides retirement plan services and investment and annuity solutions. It owns a number of United States trademark registrations that include or incorporate the PLANMEMBER mark.

By way of example, the Complainant owns United States Trademark Registration No. 6,318,746 for the mark PLANMEMBER, registered on April 13, 2021, and United States Trademark Registration No. 6,474,127 for the mark PLANMEMBER ONLINE, registered on September 7, 2021.

The disputed domain name was registered on March 7, 2026. The record shows that it does not resolve to an active website.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is identical or confusingly similar to the Complainant's trademarks; that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and that the disputed domain name was registered and is being used in bad faith.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (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 finds that all three of these elements have been met in this case.

A. Identical or Confusingly Similar

This first element functions primarily as a standing requirement. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 1.7. 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. This element requires the Panel to consider two issues: first, whether the Complainant has rights in a relevant mark; and second, whether the disputed domain name is identical or confusingly similar to that mark.

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. See *Advance Magazine Publishers Inc., Les Publications Conde Nast S.A. v. Voguechen*, WIPO Case No. D2014-0657. The Complainant has demonstrated its rights in the PLANMEMBER and PLANMEMBER ONLINE marks by providing evidence of its trademark registrations. See WIPO Overview 3.1, section 1.2.1.

The disputed domain name incorporates the PLANMEMBER ONLINE mark in its entirety, with the addition of the prefix "e-", which does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's PLANMEMBER ONLINE mark. See WIPO Overview 3.1, section 1.8. The PLANMEMBER ONLINE mark remains recognizable for a showing of confusing similarity under the Policy.

The Panel finds that the Complainant has established this first element under the Policy.

B. Rights or Legitimate Interests

The Panel evaluates this element of the Policy by first looking to see whether the Complainant has made a prima facie showing that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. If the Complainant makes that showing, the burden of production of demonstrating rights or legitimate interests shifts to the Respondent (with the burden of proof always remaining with the Complainant). See WIPO Overview 3.1, section 2.1; *AXA SA v. Huade Wang*, WIPO Case No. D2022-1289.

On this point, the Complainant asserts that the Respondent does not own any trademark registration incorporating the disputed domain name and has not used the disputed domain name in connection with an active website.

Although the Complainant's assertion on this point is sparse, the Panel finds that the Complainant has made the required prima facie showing. The Respondent has not presented evidence to overcome this prima facie showing. And nothing in the record otherwise tilts the balance in the Respondent's favor.

Accordingly, the Panel finds that the Complainant has established this second element under the Policy.

C. Registered and Used in Bad Faith

The Policy requires a complainant to establish that the disputed domain name was registered and is being used in bad faith.

The Panel finds that the Respondent registered the disputed domain name in bad faith. The Complainant's registrations for the PLANMEMBER and PLANMEMBER ONLINE marks predate the registration of the disputed domain name by several years. More importantly, the disputed domain name incorporates the PLANMEMBER ONLINE mark in its entirety, preceded only by the prefix "e-". Given the particular composition of the disputed domain name, the Panel finds it more likely than not that the Respondent had the Complainant and its trademark rights in mind when registering the disputed domain name.

The fact that the disputed domain name does not resolve to an active website does not prevent a finding of bad faith use. Panels have found that the non-use of a domain name may constitute bad faith under the doctrine of passive holding. See *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. D2000-0003; WIPO Overview 3.1, section 3.3. In the circumstances of this case, the Panel notes the composition of the disputed domain name, the Respondent's failure to submit a response, the Respondent being apparently located in the United States, and the absence of any evidence of actual or contemplated good-faith use of the disputed domain name. These circumstances support a finding of bad faith use.

Accordingly, the Panel finds that the Complainant has established this third element under 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 <e-planmemberonline.com> be transferred to the Complainant.

/Evan D. Brown/
Evan D. Brown
Sole Panelist
Date: September 28, 2026