ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

Mercury Financial LLC v. Domain Administrator, Fundacion Privacy Services LTD

Case No. D2026-4243

1. The Parties

The Complainant is Mercury Financial LLC, United States of America ("United States"), represented by Troutman Pepper Locke LLP, United States.

The Respondent is Domain Administrator, Fundacion Privacy Services LTD, Panama.

2. The Domain Name and Registrar

The disputed domain name <mecurycards.com> is registered with Media Elite Holdings Limited (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 21, 2026. On September 22, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 23, 2026, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 September 30, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 20, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 21, 2026.

The Center appointed Steven A. Maier as the sole panelist in this matter on October 23, 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 a provider of consumer credit services, including the issuance of credit cards and credit card processing services.

The Complainant is the owner of trademark registrations including the following:

- United States trademark registration number 6263572 for the word mark MERCURY, registered on February 9, 2021, for services including the issuance of credit cards in International Class 36, with a filing date of April 14, 2017, and a first use in commerce date of May 18, 2018; and

- United States trademark registration number 6873587 for a word plus design mark MERCURY, registered on October 11, 2022, for credit card-related services in International Classes 35 and 36.

The disputed domain name was originally registered on July 6, 2018. The Complainant provides evidence that the registrant of the disputed domain name was changed from Domains by Proxy, LLC to the Respondent on a date between April 19, 2021 and July 8, 2021.

The Complainant provides evidence that, as of September 20, 2026, the disputed domain name resolved to a website at “ww547.mecurycards.com”. The website was headed “mercury cards”, and offered what appeared to be pay-per-click (“PPC”) links to “Mercury account login”, “mercury card login”, “personal loan rates”, “best credit card offers”, and “apply for credit card”.

The Complainant also provides evidence that, on September 19, 2026, the disputed domain name was listed for sale at a price of USD 1,799.

5. Parties’ Contentions

A. Complainant

The Complainant submits that the MERCURY credit card is used by more than 1.3 million customers and has supported more than USD 6 billion in credit issued since 2017, that the card is issued by First Bank & Trust, and that payment activity is reported to all major credit bureaus.

The Complainant relies on the trademark registrations referred to above, and states (although without further particulars or evidence) that it has used the MERCURY mark continuously in connection with credit card services since at least May 18, 2018.

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

The Complainant submits that the disputed domain name is confusingly similar to its MERCURY trademark. It states that the disputed domain name reproduces that mark with a single letter omitted, and adds the term “cards”, which describes its credit card services. The Complainant contends that the misspelling within the disputed domain name represents a textbook case of “typosquatting”, and that the additional word “cards” would not in any event prevent the trademark from being recognizable within the disputed domain name.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It states that it has not authorized the Respondent to use its MERCURY trademark, that it has no affiliation with the Respondent, and that nothing in the record suggests that the Respondent has been commonly known by the disputed domain name or "Mecury Cards", or has acquired any corresponding trademark rights.

The Complainant further submits that the Respondent is making neither bona fide commercial use nor legitimate noncommercial or fair use of the disputed domain name.

The Complainant states that the Respondent's website content at "ww547.mecurycards.com" notably contains links to "Mercury account login", i.e. directly referencing the Complainant's services, although those links do not in fact resolve to the Complainant's login pages. The Complainant contends that this evidences a clear intention to target the Complainant's trademark rights.

The Complainant further submits that the listing of the disputed domain name for sale at a price of USD 1,799 is consistent neither with bona fide commercial use nor legitimate noncommercial or fair use of the disputed domain name.

The Complainant submits that the disputed domain name was registered and is being used in bad faith. It states that the disputed domain name was originally registered on July 6, 2018, after the Complainant had filed its trademark application on April 14, 2017, and shortly after it had begun using the mark on May 18, 2018. It contends that this timing, together with the composition of the disputed domain name, indicates that the Respondent targeted its nascent rights in the mark: see e.g. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 3.8.2.

The Complainant further contends that a change in identity of the registrant of the disputed domain name between April 2021 and July 2021 amounted to an acquisition of the disputed domain name by the Respondent, which should be treated as a new registration of the disputed domain name and not a renewal. It submits in these circumstances that the date for assessing the question of bad faith is between April and July 2021, i.e. after its earliest MERCURY trademark had been registered.

The Complainant asserts that the disputed domain name amounts to "typosquatting", comprising a deliberate misspelling of its mark combined with the term that describes its core services. It states that the omitted letter is a minor and obvious variation designed to capture Internet users seeking the Complainant.

The Complainant contends that the Respondent is using the disputed domain name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy. It states that the use of the disputed domain name for a parked page containing PPC links is not neutral, because it refers to a Mercury account login and thereby suggests a connection with the Complainant's online account services.

The Complainant submits that the listing for sale on a domain marketplace at USD 1,799 represents a price well in excess of the Respondent's documented out-of-pocket costs directly related to the disputed domain name. It contends that the asking price is not attached to any plausible independent meaning or legitimate use of the disputed domain name, and that the listing reinforces the conclusion that the Respondent acquired the disputed domain name to profit from the Complainant's mark.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are that:

(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 3.1, section 1.7.

The Complainant has established that it is the owner of registered trademark rights in respect of the mark MERCURY. The disputed domain name wholly incorporates that mark, subject to the omission of the first letter "r" and the addition of the dictionary word "cards", neither of which elements prevents the Complainant's trademark from being recognizable within the disputed domain name.

The Panel therefore finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights, and that the first element under the Policy is 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.

The Panel finds, moreover, that the Respondent registered and has used the disputed domain name for the purpose of "typosquatting" upon the Complainant's MERCURY trademark, and seeking to divert Internet users looking for the Complainant's services to its own website. Deceptive conduct of this nature cannot give rise to rights or legitimate interests on the part of the Respondent.

The Panel therefore finds that the second element under the Policy is satisfied.

C. Registered and Used in Bad Faith

A preliminary question arises in this case as to the date of registration of the disputed domain name by the Respondent. It is well accepted in prior cases under the UDRP that the registrar-disclosed registrant shall be regarded as the registrant of a domain name unless it is established that some other party is the underlying beneficial holder. In this case, the identity of the registrant of the disputed domain name changed from Domains by Proxy, LLC to the Respondent on a date between April 19, 2021 and July 8, 2021. While both these entities appear to offer privacy or proxy services, there is no evidence before the Panel to identify any underlying beneficial holder of the disputed domain name, or to determine whether any such party may have remained the beneficial owner of the disputed domain name despite the change in registration details. The Complainant has credibly alleged that a relevant change in registration has occurred behind the masked registrant information, and the Respondent has not provided any evidence of an unbroken chain of registration. The Panel determines in these circumstances that the appropriate course is to treat the acquisition of the disputed domain name registration by the Respondent between April 2021 and July 2021 as a new registration of the disputed domain name.

While the Panel's finding above would place the registration of the disputed domain name on a date after the registration of the Complainant's MERCURY trademark, the Panel's overall findings in the case would not be affected even if the registration date of the disputed domain name had remained July 6, 2018. The Complainant had by that date filed its application for a United States trademark MERCURY for credit card services, and asserts that it began to use that mark in commerce in May 2018. Given that the Respondent registered a misspelled version of the Complainant's MERCURY mark together with the word "cards", and has used the disputed domain name for the purpose of a website referencing "mercury cards", there can be no substantial doubt that the Respondent was aware of the Complainant's nascent trademark rights in the mark MERCURY and registered the disputed domain name in order to take unfair advantage of those rights.

The disputed domain name comprises an obvious misspelling of the Complainant's MERCURY trademark, together with the term "cards", which references the Complainant's primary services. The Respondent has provided no explanation for its registration of the disputed domain name, and there is no evidence that the term "mecury" has any dictionary or other meaning that could support the legitimate use of the disputed domain name, either for the purpose of PPC links, or for the sale of the disputed domain name at any premium price. In the view of the Panel, the Respondent has used the disputed domain name deliberately to confuse Internet users seeking the Complainant's card services, and to divert them to a website offering links to potentially competing services. More specifically, 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 trademarks as to the source, sponsorship, affiliation, or endorsement of its website or of a product or service on its website (paragraph 4(b)(iv) of the Policy).

The Panel therefore finds that the third element under the Policy is satisfied.

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 <mecurycards.com> be transferred to the Complainant.

/Steven A. Maier/
Steven A. Maier
Sole Panelist
Date: October 30, 2026