

ADMINISTRATIVE PANEL DECISION

Experian Corporation v. Whitney Anderson, Fraud.net

Case No. DAI2023-0028

1. The Parties

Complainant is Experian Corporation, United States of America ("United States"), represented by CSC Digital Brand Services Group AB, Sweden.

Respondent is Whitney Anderson, Fraud.net, United States.

2. The Domain Name and Registrar

The disputed domain name <experian.ai> is registered with Key-Systems GmbH (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 13, 2023. On September 13, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 15, 2023, the Registrar transmitted by email to the Center its verification response confirming that Respondent is listed as the registrant and providing the contact details. In response to a request for clarification by the Center, Complainant filed an amendment to the Complaint on September 18, 2023.

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 Respondent of the Complaint, and the proceedings commenced on September 19, 2023. In accordance with the Rules, paragraph 5, the due date for Response was October 9, 2023.

The Center received an email from Respondent on September 19, 2023, described in more detail below. However, Respondent did not submit any formal response. Accordingly, the Center notified the commencement of panel appointment process on October 12, 2023.

Respondent's September 19, 2023 email included the following: "Regarding the 'experian.ai' domain, it was purchased to keep it off the market for social engineers, as we do for our clients and for our potential partners. Our teams have been discussing a possible partnership but am happy to give you control independent of that." On September 20, 2023, the Center informed the parties that Complainant could request suspension of proceedings to permit time for settlement discussions. In response, on October 10, 2023, Complainant requested that the proceedings should continue.

The Center appointed Jeffrey D. Steinhardt as sole panelist in this matter on October 20, 2023. 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.

On October 24, 2023, Respondent sent to the Center and Complainant a signed Standard Settlement Form, requesting transfer of the disputed domain name to Complainant. On October 30, 2023, Complainant requested that the proceedings should continue.

4. Factual Background

Complainant is a well-known global information services company, which owns numerous trademark registrations for its EXPERIAN trademark, including for example United States Registration No. 2,240,086 in International Class 9, registered April 20, 1999.

The disputed domain name was registered July 27, 2018, and does not resolve to an active webpage.

5. Parties' Contentions

A. Complainant

Complainant avers that it is a global information services company which engages in the provision of data and analytical tools used to manage credit risk, prevent fraud, target marketing offers, and automate decision making.

Summarizing its legal contentions, Complainant alleges that (1) the disputed domain name is identical to Complainant's trademarks, (2) Respondent has no rights or legitimate interests in the disputed domain name, and (3) the disputed domain name was registered and is being used in bad faith, all in violation of the Policy.

On the above grounds, Complainant requests transfer of the disputed domain name..¹

B. Respondent

Respondent did not reply to Complainant's contentions, although Respondent did send the emails described above.

¹ In light of the final disposition of this proceeding, it is unnecessary to elaborate on Complainant's factual allegations.

6. Discussion and Findings

A. Substantive Rules of Decision

The Rules require the Panel to decide the Complaint 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. Rules, paragraph 15(a).

Paragraph 10(a) of the Rules gives panels the discretion to conduct proceedings in such manner as they deem appropriate under the Policy and the Rules. According to paragraph 10(c) of the Rules, the Panel must “ensure that the proceeding takes place with due expedition”.

B. Respondent’s Consent to Transfer

Respondent’s emailed written statement quoted above and Respondent’s forwarding of the executed Standard Settlement Form requesting transfer to Complainant both evidence Respondent’s intention to consent to transfer of the disputed domain name. The Panel finds therefore that Respondent consents to the transfer.

C. Ordering Transfer without Consideration of all Elements under paragraph 4(a) of the Policy

The Panel concludes that Respondent’s consent provides a basis for an immediate order for transfer, as explained below.

Where a complainant has sought transfer of a disputed domain name, and the respondent consents to transfer, then pursuant to paragraph 10 of the Rules, the panel can order transfer without determining whether complainant has established its entitlement to transfer under paragraph 4(a) of the Policy. See, e.g., *The Cartoon Network LP, LLLP v. Mike Morgan*, WIPO Case No. [D2005-1132](#) (where complainant sought transfer of the disputed domain name, and respondent consented to transfer, paragraph 10 of the Rules permits a panel to proceed immediately to make order for transfer without determination of elements of paragraph 4(a)), citing *Williams-Sonoma, Inc. v. EZ-Port*, WIPO Case No. [D2000-0207](#)).

The Panel notes that a respondent’s consent to transfer does not always result in an immediate transfer order without a detailed analysis applying the elements of the Policy, paragraph 4(a). Circumstances under which some panels have made a full determination of the complainant’s entitlement, in spite of a respondent’s clear consent to transfer, are summarized in the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 4.10. The Panel finds no such circumstances exist in this proceeding.

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 <experian.ai> be transferred to Complainant.

/Jeffrey D. Steinhardt/

Jeffrey D. Steinhardt

Sole Panelist

Date: November 3, 2023