ADMINISTRATIVE PANEL DECISION

African Bank Limited v. ORJI STANLEY, Technolorji
Case No. DCO2026-0047

1. The Parties

The Complainant is African Bank Limited, South Africa, represented by Adams & Adams Attorneys, South Africa.

The Respondent is ORJI STANLEY, Technolorji, Nigeria.

2. The Domain Name and Registrar

The disputed domain name <africanbank.co> (the "Domain Name") is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 12, 2026. On May 13, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On May 14, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the 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 May 18, 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 May 20, 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 2, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 22, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 23, 2026.

The Center appointed Gregor Vos as the sole panelist in this matter on July 1, 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 South African based retail bank trading under the name African Bank. It offers financial services and products. The Complainant operates 389 physical branches spread across South Africa and also offers its services online.

The Complainant is the owner of, inter alia, the following trademark registrations (hereinafter referred to as: the "Trademarks"):

- Botswana trademark registration BW/M/2008/000550 for the mark AFRICAN BANK, registered on July 23, 2009;
- Zimbabwe trademark registration ZW/T/2008/999 for the mark AFRICAN BANK, registered on July 14, 2011;
- South Africa trademark registration 2012/28234 for the mark AFRICAN BANK, registered on May 18, 2015.

The Complainant operates its official website at the domain name <africanbank.co.za>, which it has registered on November 26, 1996. The Complainant registered multiple domain names, for example <african-bank.com>, <africanbank.com>, <african-bank.co.za> and <africanbankcreditcard.co.za>.

The Domain Name was registered on March 21, 2026. Prior to the filing of the Complaint, the Domain Name resolved to a website which was highly similar to the Complainant's official website. The Domain Name did not resolve to an active website at the time of the filing of the Complaint and remains inactive at the time of this decision.

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 Domain Name.

Notably, the Complainant contends that the Domain Name is confusingly similar to the Trademarks of the Complainant, the Respondent has no rights or legitimate interests in the Domain Name, and the Domain Name has been registered and is being used in bad faith.

Firstly, the Complainant contends that the Domain Name is confusingly similar to the Trademarks. The Domain Name incorporates the Trademarks in their entirety. The only differences between the Trademarks and the Domain Name are the absence of the space between the two words in the Domain Name and the addition of the Top-Level Domain ("TLD") ".co". However, this should be considered as a standard registration requirement and must be disregarded.

Secondly, the Complainant asserts that the Respondent has no rights or legitimate interests in the Domain Name. The Complainant has not granted the Respondent any authorization or license to use the Trademarks in the Domain Name. Furthermore, the Complainant is not commonly known by the Domain Name and has not acquired any rights in it. Moreover, the Complainant demonstrates that the website to which the Domain Name resolved is virtually identical to the Complainant's website and that the Complainant's website content was copied. This impersonation misleads consumers by creating the impression that the Domain Name is another official domain name of the Complainant. Such use cannot confer rights or legitimate interests under the Policy.

Finally, the Complainant submits that the Respondent has registered and is using the Domain Name in bad faith. The Complainant contends that the Respondent was aware of the Complainant and its Trademarks when registering the Domain Name given the well-known character of the Trademarks and the fact that the Domain Name previously resolved to a website that mimics the appearance of the Complainant's official website. According to the Complainant, the Respondent is using the Domain Name with the intention to attract, for commercial gain, Internet users to the website by creating a likelihood of confusion with the Complainant. In addition, the Complainant submits that it is evident that the Domain Name was registered for the purpose of engaging in fraudulent conduct like phishing activities, given that the Domain Name resolved to a login page. This constitutes bad faith registration and use.

B. Respondent

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

6. Discussion and Findings

For the Complainant to succeed, it must prove, within the meaning of paragraph 4(a) of the Policy and on the balance of probabilities that:

i. the Domain Name is identical or confusingly similar to a trademark or a service mark in which the Complainant has rights;

ii. the Respondent has no rights or legitimate interests in respect of the Domain Name; and

iii. the Domain Name has been registered and is being used in bad faith.

Only if all three elements have been fulfilled, the Panel is able to grant the remedies requested by the Complainant. The Panel will deal with each of the requirements in turn.

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 Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions ("WIPO Overview 3.1"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

It is well established that the TLD ".co" in the Domain Name is viewed as a standard registration requirement and as such is disregarded under the first element of confusing similarity. WIPO Overview 3.1, section 1.11.

The entirety of the mark is reproduced within the Domain Name. Considering that the TLD ".co" is disregarded under the first element, the Domain Name is identical to the Trademarks for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

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 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 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 Domain Name such as those enumerated in the Policy or otherwise.

The Panel notes that rights or legitimate interests are generally assessed at the time of the filing of the Complaint. However, panels may also consider evidence of past use, including its veracity and surrounding context. WIPO Overview 3.1, section 2.11.

In the present case, the Complainant demonstrated that before the filing of the Complaint, the Domain Name resolved to a website that copied content of the Complainant's official website. This creates the false impression that the Respondent is affiliated with, endorsed by, or authorized by the Complainant. The Panel finds that such use does not confer rights or legitimate interests under the Policy.

Moreover, panels have consistently held that the use of a domain name for illegal or illegitimate activity, in this case the impersonation of the Complainant through the unauthorized use of its Trademarks and website content, can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1.

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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. WIPO Overview 3.1, section 3.2.1.

In the present case, the Panel notes that the Trademarks predate the registration of the Domain Name. The Domain Name incorporates the Trademarks in their entirety. In addition, the Complainant has made extensive and longstanding use of the Trademarks, and the Respondent previously used the Domain Name for a website that impersonated the Complainant's official website. In these circumstances, the Panel finds that it is inconceivable that the Respondent registered the Domain Name without knowledge of the Complainant, its activities, and the Trademarks under which the Complainant is doing business.

Furthermore, the Panel has found that the Respondent lacks any rights or legitimate interests in the Domain Name. The Panel also notes that the Domain Name is identical to the Trademarks and that, prior to the filing of the Complaint, the Domain Name was used for a website that impersonated the Complainant's official website. In these circumstances, the Panel finds that the Respondent intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's Trademarks within the meaning of paragraph 4(b)(iv) of the Policy.

Moreover, panels have held that the use of a domain name for illegitimate activity, such as impersonation of the Complainant by copying its Trademarks and website content in the present case, constitutes bad faith. WIPO Overview 3.1, section 3.4.

For completeness, with regard to the current passive holding of the Domain Name, the Panel notes that non-use of a domain name would not by itself prevent a finding of bad faith under the doctrine of passive holding. In looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. WIPO Overview 3.1, section 3.3. Having reviewed the available record, the Panel finds that in the circumstances of this case the passive holding of the Domain Name does not prevent a finding of bad faith under the Policy.

Accordingly, the Panel finds that the Respondent's registration and use of the Domain Name constitutes bad faith under the Policy. The Complainant has therefore satisfied 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 Domain Name <africanbank.co> be transferred to the Complainant.

/Gregor Vos/
Gregor Vos
Sole Panelist
Date: July 14, 2026