

ADMINISTRATIVE PANEL DECISION

**Fox Media LLC v. Domain Admin, Privacy Protect, LLC (PrivacyProtect.org)/
AIDA GONZALEZPEREZ GONZALEZPEREZ
Case No. D2022-0120**

1. The Parties

Complainant is Fox Media LLC, United States of America (“United States”), represented by Winterfeldt IP Group PLLC, United States of America.

Respondent is Domain Admin, Privacy Protect, LLC (PrivacyProtect.org) / AIDA GONZALEZPEREZ GONZALEZPEREZ, United States.

2. The Domain Name and Registrar

The disputed domain name <crediblellc.com> is registered with Launchpad.com Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 13, 2022. On January 14, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 14, 2022, 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 and contact information in the Complaint. The Center sent an email communication to Complainant on January 17, 2022 providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on January 19, 2022.

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 Respondent of the Complaint, and the proceedings commenced on February 9, 2022. In accordance with the Rules, paragraph 5, the due date for Response was March 1, 2022. Respondent did not submit any response. Accordingly, the Center notified the Parties of Respondent’s default on March 2, 2022.

The Center appointed Ingrida Karina-Berzina as the sole panelist in this matter on March 8, 2022. 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

Complainant is a major American and international media company that in 2019 acquired a subsidiary, Credible Labs Inc. ("Credible") which operates an online consumer lending marketplace based in the United States. Complainant is the proprietor of registrations for its CREDIBLE mark, namely

- United States Trademark No. 4822697 for CREDIBLE (word mark), registered on September 29, 2015 for services in class 35;
- United States Trademark No. 4822698 for CREDIBLE (word mark), registered on September 29, 2015 for services in class 35;
- United States Trademark No. 4863654 for CREDIBLE (word mark), registered on December 1, 2015 for services in class 42.

The date of first use in commerce of these marks is indicated as February 28, 2014.

Complainant owns the domain name <credible.com>, which resolves to the primary business website of Complainant's subsidiary Credible Labs Inc.

The disputed domain name was registered on October 5, 2021. It currently resolves to a website featuring pay-per-click (PPC) links. The record contains evidence that it previously resolved to a website that was similar to Complainant's website at <credible.com>.

5. Parties' Contentions

A. Complainant

Complainant's contentions may be summarized as follows:

Under the first element, Complainant states that its subsidiary Credible Labs Inc., formed in November 2012, operates an online marketplace that allows consumers to compare a variety of borrowing options, including mortgages, student loans, personal loans, and credit cards. The disputed domain name fully incorporated and is confusingly similar to Complainant's CREDIBLE mark. The term "llc" only enhances confusing similarity.

Under the second element, Complainant states that Respondent has never been authorized by Complainant to use the CREDIBLE mark in any manner. The disputed domain name was registered well after Complainant's subsidiary Credible had registered the CREDIBLE mark and had established extensive goodwill in the mark through use in commerce. The disputed domain name resolved to a website nearly identical to the website operated by Credible. Respondent was thereby engaging in counterfeiting, impersonation, and passing off. Respondent invited Internet users to enter contact details under false pretenses of providing them to Credible, which is likely related to phishing or other misconduct.

Under the third element, Complainant states that numerous circumstances demonstrate Respondent's bad faith. The disputed domain name resolved to a website that purported to provide services identical to Complainant's. Respondent sought monetary gain from Internet traffic that would otherwise have been directed to Complainant, thereby undermining the market for Complainant's legitimate content and misleading consumers. The CREDIBLE mark is highly recognized and there is no colorable argument that

Respondent was unaware of this mark, particularly since the look and feel of Respondent's website was identical to that of Complainant's website. Further, Mail eXchange-record ("MX") records are established in respect of the disputed domain name, indicating that Respondent is able to send emails using this disputed domain name, which would create consumer confusion.

Complainant requests transfer of the disputed domain name.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Paragraph 4(a) of the UDRP requires Complainant to make out all three of the following:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) Respondent has registered and is using the disputed domain name in bad faith.

A. Identical or Confusingly Similar

Complainant has provided evidence establishing that it has trademark rights in the CREDIBLE mark through registrations in the United States. Complainant thereby satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case. See [WIPO Overview 3.0](#), section 1.2.1.

In comparing Complainant's marks with the disputed domain name, the Panel finds that the disputed domain name is confusingly similar to Complainant's CREDIBLE mark. The disputed domain name comprises Complainant's mark, followed by the term "llc." It is the consensus view of UDRP panels that, where the relevant trademark is recognizable within the disputed domain names, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. See [WIPO Overview 3.0](#), sections 1.7 and 1.8.

It is the well-established view of UDRP panels that the generic Top-Level Domain ("gTLD") ".com" is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test (see [WIPO Overview 3.0](#), section 1.11.1, and cases cited thereunder).

Accordingly, the Panel finds that Complainant has established the first element under paragraph 4(a) of the Policy.

B. Rights or Legitimate Interests

The Panel finds that the evidence submitted by Complainant establishes a *prima facie* case that Respondent has no rights or legitimate interests in the disputed domain name. Respondent is not authorized by Complainant and has no rights in the CREDIBLE mark. The disputed domain name reflects Complainant's mark together with a term suggesting sponsorship or endorsement by the trademark owner. Such use cannot confer rights or legitimate interests. See, for example, WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 2.5.1.

Pursuant to [WIPO Overview 3.0](#), section 2.1, and cases thereunder, where Complainant makes out a *prima facie* case that Respondent lacks rights or legitimate interests, the burden of production on this element shifts to Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the disputed domain name.

Respondent has not provided any rebuttal of Complainant's *prima facie* case and has therefore not proved rights or legitimate interests in the disputed domain name. There is no evidence that Respondent is commonly known by the disputed domain name, or that there are any circumstances or activities that would establish Respondent's rights therein. Rather, as the record shows, the disputed domain name resolved to a website that mimicked Complainant's website, reflecting Complainant's CREDIBLE mark and purporting to offer identical services. The Panel finds that such use has been done with the intention of diverting Internet users seeking information about Complainant and its services and even possibly for fraud or phishing purposes. Such use can never confer rights or legitimate interests. See [WIPO Overview 3.0](#), section 2.13.1, and cases cited thereunder.

Accordingly, the Panel finds that Complainant has established the second element under paragraph 4(a) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds that Complainant has demonstrated Respondent's bad faith registration and use of the disputed domain name. Complainant's rights in its CREDIBLE mark predate the registration of the disputed domain name by several years. The disputed domain name reflects Complainant's CREDIBLE mark in its entirety, together with the term "llc," which implies affiliation with (or being) Complainant. The Panel finds that the evidence supports a finding that Respondent was aware of Complainant when registering the disputed domain name.

The Panel finds that Respondent has demonstrated bad faith use of the disputed domain name. The evidence on record supports a finding that Respondent has, by using the disputed domain name to point to its website offering consumer credit services, intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with Complainant's mark. Having drawn Internet users to its website by using Complainant's mark and mimicking its logo, Respondent has apparently fraudulently solicited data from website visitors. Such conduct is emblematic of bad faith use of the disputed domain name. See [WIPO Overview 3.0](#), section 3.1.4. See also *Wal-Mart Stores, Inc. v. Steve Powers*, WIPO Case No. [D2003-1051](#); *Xero Limited v. Privacy service provided by Withheld for Privacy ehf / John David*, WIPO Case No. [D2021-2630](#).

The Panel finds that Complainant's establishment of a website now featuring pay-per-click links and the fact that MX records have been created in respect of the disputed domain are further circumstances demonstrating bad faith registration and use of the disputed domain name.

The Panel therefore finds that Complainant has established the third element under paragraph 4(a) 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 <crediblellc.com> be transferred to Complainant.

/Ingrida Karina-Berzina/

Ingrida Karina-Berzina

Sole Panelist

Date: March 22, 2022