

ADMINISTRATIVE PANEL DECISION

Plaid Inc. v. Ryan Jay
Case No. D2023-2109

1. The Parties

Complainant is Plaid Inc., United States of America (“U.S.”), represented by Coates IP, U.S.

Respondent is Ryan Jay, U.S.

2. The Domain Name and Registrar

The disputed domain name <contact-plaid.com> 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, 2023. On May 12, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 12, 2023 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 (Privacy service provided by Withheld for Privacy ehf). The Center sent an email communication to Complainant on May 15, 2023 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 May 23, 2023.

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 May 26, 2023. In accordance with the Rules, paragraph 5, the due date for Response was June 15, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on June 19, 2023.

The Center appointed Jeffrey D. Steinhardt as sole panelist in this matter on June 22, 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.

4. Factual Background

Complainant is an international company offering a data transfer network for fintech and digital finance products, enabling applications to connect with user bank accounts.

Complainant owns many trademark registrations worldwide for its PLAID marks, including for example U.S. Trademark Registration No. 5,044,352 registered in Class 42 on September 20, 2016.

The disputed domain name was registered April 1, 2023, and redirects to Complainant's website at <plaid.com>. The evidence shows that fraudulent emails were sent by Respondent in which an employee of Complainant was impersonated.

5. Parties' Contentions

A. Complainant

Complainant avers that the disputed domain name has been used in a phishing and fraudulent scheme impersonating Complainant's human resources department and posting non-existent job openings. Complainant avers that Respondent conducted online interviews and used the disputed domain name to send false offers of employment using Complainant's registered logos, purportedly emanating from Complainant's Chief Human Resources ("HR") Officer; and to request payment by new employees of up to USD 4,000 for materials needed to commence their employment.¹

Summarizing its legal contentions, Complainant alleges that (1) the disputed domain name is confusingly similar to Complainant's PLAID 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 foregoing basis, Complainant requests transfer.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

For Complainant to prevail under the Policy, it must be established that (1) the disputed domain name is identical or confusingly similar to Complainant's PLAID 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. Policy, paragraph 4(a).

The fact that Respondent has not provided any Response does not, by itself, mean that Complainant prevails. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.3. In the absence of a Response, however, the Panel may also accept as true reasonable factual allegations in the Complaint. See, e.g., *ThyssenKrupp USA, Inc. v. Richard Giardini*, WIPO Case No. [D2001-1425](#) (citing *Talk City, Inc. v. Michael Robertson*, WIPO Case No. [D2000-0009](#)).

A. Identical or Confusingly Similar

The Panel agrees with Complainant's allegation that the disputed domain name is confusingly similar to Complainant's PLAID mark.

¹ The Amended Complaint annexes copies of the correspondence. The correspondence appears to support Complainant's allegations that the disputed domain name was used in conducting online interviews and extending fake job offers by Complainant's senior executives, however there is no evidence to support the averment that payments were required from those who believed they were accepting employment with Complainant.

UDRP panels commonly disregard Top-Level Domains (“TLDs”) in determining whether a disputed domain name is identical or similar to a complainant’s marks. [WIPO Overview 3.0](#), section 1.11.1.

Omitting the “.com” TLD, the Panel notes that Complainant’s entire PLAID mark is included in the disputed domain name, adding only the word “contact” and a single hyphen. The Panel finds that these minor modifications to Complainant’s mark do not prevent a finding of confusing similarity. See, e.g., [WIPO Overview 3.0](#), section 1.7 (where a domain name incorporates the entirety of a trademark, the domain name will normally be considered by UDRP panels to be confusingly similar); [WIPO Overview 3.0](#), section 1.8 (“Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element.”).

The Panel therefore finds that the disputed domain name is confusingly similar to Complainant’s mark and concludes that the first element of paragraph 4(a) of the Policy is established.

B. Rights or Legitimate Interests

The Panel also concludes that Respondent has no rights or legitimate interests in the disputed domain name.

The Policy contains a non-exhaustive list of circumstances that may demonstrate when a respondent has rights or legitimate interests in a domain name. The list includes: (1) using the domain name in connection with a *bona fide* offering of goods and services; (2) being commonly known by the domain name; or (3) making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers. Policy, paragraphs 4(c)(i) – (iii).

A complainant must show a *prima facie* case that a respondent lacks rights or legitimate interests in a disputed domain name, after which the burden of production passes to the respondent. See, e.g., [WIPO Overview 3.0](#), section 2.1. The absence of rights or legitimate interests is established if a complainant makes out a *prima facie* case and the respondent enters no response. See *id.*

The Panel accepts the Complainant’s undisputed allegations that Respondent has no relevant trademark rights and has no authorization, affiliation, or license to use Complainant’s trademarks in the disputed domain name. The Panel also accepts the Complainant’s averment that Respondent is not commonly known by the disputed domain name.

UDRP panels have categorically held that the use of a domain name for illegal activity can never confer rights or legitimate interests in a respondent. [WIPO Overview 3.0](#), section 2.13.

The Complainant presents credible evidence that the disputed domain name has been used for phishing, fraud, and impersonation in a scheme that includes the making of false job offers by Complainant’s HR Officer. The Panel accepts Complainant’s uncontroverted allegations, and rules that the disputed domain name has been used for phishing and fraud.

In light of the evidence and allegations of the Complainant, the Panel holds that Respondent is not making a legitimate or fair use of the disputed domain name and that the Complaint establishes a *prima facie* case.² Respondent has not opposed or rebutted that *prima facie* case.

The Panel holds, therefore, that Respondent has no rights or legitimate interests in the disputed domain name and that the second element of Policy paragraph 4(a) is established.

² While the disputed domain name redirects Internet users to Complainant’s website, such redirection is not a *bona fide* or fair use in these circumstances, among other things, because Respondent fails to disclose Respondent’s lack of a relationship with Complainant, the trademark owner. See, e.g., *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#); [WIPO Overview 3.0](#), sections 2.5 and 2.8.

C. Registered and Used in Bad Faith

The Panel finds that the third element of paragraph 4(a) of the Policy, bad faith registration and bad faith use, is also established.

The record shows that Respondent registered the disputed domain name several years after Complainant registered its trademark rights. The terms comprising the disputed domain name and its use to redirect Internet users to Complainant's website make obvious that Respondent knew Complainant's trademarks when registering the disputed domain name. Accordingly, the Panel finds that Respondent registered the disputed domain name in bad faith.

As elaborated below, the Panel also rules that Respondent's use of the disputed domain name to intentionally attract Internet users, for commercial gain, by creating a likelihood of confusion, demonstrates Respondent's bad faith. See Policy, paragraph 4(b)(iv). The Complainant contains uncontroverted evidence that Respondent impersonated officials of Complainant and also copied Complainant's legally registered logos in correspondence without authorization. The Complainant also contains uncontroverted evidence that the disputed domain name was used to promote and communicate false job offers and to solicit and receive sensitive personal data from applicants who believed they were interacting with Complainant.³

By employing the disputed domain name for its fraudulent scheme, the Panel also finds that Respondent intended through deceit to disrupt Complainant's business for its own gain. Under Policy, paragraph 4(b)(iii) this is additional direct evidence of bad faith. *Graybar Services Inc. v. Graybar Elec, Grayberinc Lawrence*, WIPO Case No. [D2009-1017](#) (finding that use of disputed domain name to perpetrate fraud by sending emails purporting to be from the complainant's senior executives brought case within provisions of paragraph 4(b)(iii) of the Policy); *accord, Haas Food Equipment GmbH v. Usman ABD, Usmandel*, WIPO Case No. [D2015-0285](#); WIPO Overview, section 3.4.

Respondent's failure to submit a response to the Complaint and the failure to provide accurate contact details as required by Respondent's agreement with the Registrar, evidenced by the inability of the courier to deliver the Center's written communication to the address disclosed by the Registrar for Respondent are cumulative evidence of use in bad faith.⁴ [WIPO Overview 3.0](#), Section 3.3; *Telstra Corp. Ltd. v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#).

The Panel holds therefore that Respondent registered and used the disputed domain name in bad faith, thus, establishing 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 <contact-plaid.com> be transferred to Complainant.

/Jeffrey D. Steinhardt/
Jeffrey D. Steinhardt
Sole Panelist
Date: July 6, 2023

³ Respondent's redirection to Complainant's website further supports a finding of bad faith under Policy, Paragraph 4(b)(iv). [WIPO Overview 3.0](#), section 3.1.4.

⁴ As noted by Complainant, the registrant contact details contain a fictitious address and phone number.