

ADMINISTRATIVE PANEL DECISION

Saltaire Finance PLC v. Global Techwise, Phillip Bjorn
Case No. D2023-4706

1. The Parties

The Complainant is Saltaire Finance PLC, United Kingdom (“UK”), represented by Taylor Wessing LLP, UK.

The Respondent is Global Techwise, Phillip Bjorn, Norway.

2. The Domain Name and Registrar

The disputed domain name <saltairefinanceplc.com> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 13, 2023. On November 14, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 15, 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 (PrivacyGuardian.org llc) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 17, 2023, 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 amendment to the Complaint on November 21, 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 the Respondent of the Complaint, and the proceedings commenced on November 24, 2023. In accordance with the Rules, paragraph 5, the due date for Response was December 14, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 20, 2023.

The Center appointed John Swinson as the sole panelist in this matter on January 4, 2024. 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 special purpose finance entity with no business operations other than: a) the issuance of bonds pursuant to its GBP 3 billion publicly listed Euro Medium Term Note bond programme; and b) the entry into loan agreements with registered providers of social housing in England as part of the UK government's Affordable Housing Affordable Homes Guarantee Scheme 2020 (AHGS20).

The Complainant's bonds have been continuously listed on the London Stock Exchange since November 24, 2021, and carry a sovereign guarantee issued by the UK's Secretary of State for Housing, Communities and Local Government. The Complainant does not have any involvement with and does not market to retail investors.

The Complainant's brand "SALTAIRE FINANCE PLC" is distinctive, and according to the Complainant, is well-known in the UK.

The Respondent did not file a Response, so little information is known about the Respondent. According to the Registrar's records, the Respondent has an address in Norway.

The disputed domain name was registered on May 9, 2023, which was 18 months after the Complainant's bonds were listed on the London Stock Exchange.

The website at the disputed domain name refers to "Saltaire Finance PLC" and states that "Saltaire Finance PLC" provides financial services to high net-worth individuals and institutional customers. The website lists a range of financial services. These financial services are not provided by the Complainant.

The footer of each page of the website at the disputed domain name identifies "Saltaire Finance PLC" (i.e., the Complainant) as the entity responsible for the website, using the Complainant's registered address and Company Number.

The Complainant provided evidence of emails sent using the disputed domain name purporting to be from the Complainant, which appear to be for fraudulent purposes. For example, a person in New Zealand was sent such an email in an attempt to defraud such person of funds. The New Zealand Financial Markets Authority has issued a warning about the website at the disputed domain name.

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 disputed domain name.

Notably, the Complainant contends that the Respondent is falsely representing itself as the Complainant in emails using the disputed domain name to deceive innocent third parties into believing that they are corresponding with and engaging the services of the Complainant. The Respondent is using the disputed domain name in conjunction with the name and details of the Complainant opportunistically to defraud third parties by impersonating the Complainant to elicit the transfer of funds from third parties to the Respondent.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

- (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.

The onus of proving these elements is on the Complainant.

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 of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

Based on the available record, the Panel finds the Complainant has established unregistered trademark or service mark rights for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3.

The Panel finds the entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Based on the available record, 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 disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving 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 3.0](#), 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.

Panels have held that the use of a domain name for illegal activity (here, claimed impersonation, phishing and fraud) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Based on the available record, 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 3.0](#), section 3.2.1.

UDRP panels have held that the use of a domain name for illegal activity (e.g., phishing, impersonation, and fraud) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. *Archer-Daniels-Midland Company v. Registration Private, Domains By Proxy, LLC / Chantelle Columbus*, WIPO Case No. [D2022-1656](#). As stated above, evidence of phishing was provided in the Complaint.

The Panel is of the view that the Respondent was aware of the Complainant when the disputed domain name was registered. By registering the disputed domain name, which is identical to the Complainant's corporate name, and then using the disputed domain names to send fraudulent emails to consumers soliciting funds, demonstrates that the Respondent specifically knew of and targeted the Complainant.

The Panel also considers that the record of this case reflects that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product or service on the Respondent's website or location. Paragraph 4(b)(iv) of the Policy, and [WIPO Overview 3.0](#), section 3.1.4.

Based on the available record, the Panel finds the third element of the Policy has been established.

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 <saltairefinanceplc.com> be transferred to the Complainant.

/John Swinson/

John Swinson

Sole Panelist

Date: January 18, 2024