

## **ADMINISTRATIVE PANEL DECISION**

Equifax Inc. v. Kredit Koncepts, Kredit Koncepts  
Case No. D2024-0590

### **1. The Parties**

The Complainant is Equifax Inc., United States of America, represented by The GigaLaw Firm, Douglas M. Isenberg, Attorney at Law, LLC., United States of America.

The Respondent is Kredit Koncepts, Kredit Koncepts, United States of America.

### **2. The Domain Name and Registrar**

The disputed domain name <equifax365.com> is registered with GoDaddy.com, LLC., (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 8, 2024. On February 8, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 9, 2024, 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 (Registration Private / Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 12, 2024, 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 February 12, 2024.

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 February 16, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 7, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 8, 2024.

The Center appointed Gary Saposnik as the sole panelist in this matter on March 15, 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.

The Respondent submitted an informal response subsequent to Notification of Respondent Default indicating that it had cancelled and deleted the disputed domain name, and that it did not own it. No evidence in support of Respondent's allegation was submitted. It is also noted that a domain name is locked by the registrar during a UDRP proceeding. The disputed domain name's WHOIS record therefore reflects that the Respondent is still listed as the Registrant. In its discretion, while noting that the claim to have deleted the disputed domain name may in some respects amount to a "consent to transfer", for completeness, the Panel will nevertheless proceed with its analysis and render a decision on the basis of the Complaint.

#### **4. Factual Background**

The Complainant, Equifax Inc., is a global provider of information solutions and human resources business process outsourcing services for business, governments, and consumers. The Complainant was originally incorporated under the laws of the State of Georgia in 1913, and its predecessor company dates back to 1899.

The Complainant is headquartered in Atlanta, Georgia, and operates or has investments in 24 countries in North America, Central and South America, Europe, and the Asia Pacific region.

The Complainant is a member of the Standard & Poor's (S&P) 500 Index, and its common stock is traded on the New York Stock Exchange under the symbol EFX. The Complainant employs approximately 11,000 people worldwide.

Among the Complainant's many services, it offers a credit reporting service that provides consumers with a summary of their credit history, and certain other information, reported to credit bureaus by lenders and creditors.

The Complainant owns at least 221 trademark registrations in at least 56 jurisdictions around the world for marks that consist of or contain the word "Equifax", which was first used in commerce and registered in 1975. The Complainant is the owner of various trademark registrations for EQUIFAX in the United States of America, including but not limited to the following:

- EQUIFAX, U.S. Reg. No. 1027544 (first used in commerce March 4, 1975; registered December 16, 1975) for use in connection with "insurance risk information reporting services concerning potential policy holders."
- EQUIFAX, U.S. Reg. No. 1045574 (first used in commerce March 4, 1975; registered August 3, 1976) for use in connection with "conducting investigations and reporting on individuals and firms concerning credit, character and finances..."
- EQUIFAX, U.S. Reg. No. 1644585 (first used in commerce March 4, 1975; registered May 14, 1991) for use in connection with, inter alia, "providing on-line access to computer databases containing information relating to applicants for insurance, credit, mortgage loans, and employment."

The Complainant is the registrant of the domain name <equifax.com>, which was created on February 21, 1995. The Complainant uses the domain name <equifax.com> in connection with its primary website.

The Respondent registered the disputed domain name on January 30, 2024. The disputed domain name redirects Internet users to a parking page that includes alleged pay per click links for services related to Complainant and/or competitors of the Complainant.

The Respondent has configured MX records for the disputed domain name, in principle enabling the Respondent to send and receive email with addresses that use the disputed domain name. At least one security vendor has reported that the disputed domain name is being used in connection with malicious activities.

## **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 disputed domain name is confusingly similar to its EQUIFAX trademark in that it reproduces its EQUIFAX trademark in its entirety with the addition of the numbers "365".

Further, the Complainant states that the Respondent has no rights or legitimate interests in the disputed domain name, and the Complainant has never assigned, granted, licensed, sold, transferred or in any way authorized the Respondent to use its EQUIFAX trademark and that the Respondent has not been known by a name corresponding to the disputed domain name.

Additionally, the Complainant argues that the disputed domain name was registered and is being used in bad faith as it is implausible that the Respondent was unaware of the Complainant when it registered the disputed domain name given the fame of the trademark. Further, the Complainant contends that the Respondent is using the disputed domain name in bad faith in connection with a monetized parking page, along with using it in connection with malicious activity.

### **B. Respondent**

The Respondent did not reply to the Complainant's contentions. Subsequent to the Notification of Respondent Default, the Respondent sent an email alleging "We have already cancelled and deleted this domain for we do not own this."

## **6. Discussion and Findings**

### **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.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced, and is therefore recognizable, within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, "365", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. Previous panels have also found that disputed domain names containing, as here, a complainant's trademark plus "365" are confusingly similar to

the trademark. [WIPO Overview 3.0](#), section 1.8. See also, *FXCM Global Services, LLC v. Lin Lin Zhou*, WIPO Case No. [D2023-1925](#); *Sodexo v. Domain Privacy, Above.com Domain Privacy*, WIPO Case No. [D2020-2936](#).

Accordingly, 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.

The Respondent has used the disputed domain name – which reproduces the relevant mark in its entirety – in connection with a monetized parking page that includes links for services related to Complainant and/or the EQUIFAX trademark, as well as links related to competitors of the Complainant, which are commercial in nature, and do not in the circumstances represent a bona fide offering of goods or services under the Policy.

Additionally, the Complainant has provided evidence that the disputed domain name has been found as being used in connection with malicious activities. Panels have held that the use of a domain name for illegal activity here, claimed as applicable to this case: impersonation/passing off, or other types of fraud, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), 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.

In the present case, the Panel notes that the Respondent registered the disputed domain name many years after the Complainant first registered and used its famous EQUIFAX trademark. Other panels have noted the fame of the Complainant’s trademark, including remarking that the EQUIFAX trademark “enjoys a wide reputation”. See *Equifax Inc. v. Balticsea LLC, Balcsea LLC*, WIPO Case No. [D2022-2497](#). With the Complainant having registered the EQUIFAX mark in more than 200 trademark registrations, 56 jurisdictions, and in use for 49 years, this Panel concurs with prior panels assessments of fame of the Complainant’s trademark.

Given the Complainant's global reach under the EQUIFAX trademark, as well as the disputed domain name's similarity to the Complainant's own domain name, it is inconceivable that Respondent chose the disputed domain name without the knowledge of Complainant's activities and trademark. Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

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. The additional use of the disputed domain name resolving to pay per click links, and indication of potential malicious activity, are further evidence of the Respondent's bad faith registration and use under the Policy. [WIPO Overview 3.0](#), section 3.2.1, section 3.4.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds that the Complainant has established 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 disputed domain name <equifax365.com> be transferred to the Complainant.

*/Gary Saposnik/*

**Gary Saposnik**

Sole Panelist

Date: March 29, 2024