



**CANADIAN INTERNATIONAL INTERNET DISPUTE RESOLUTION CENTRE**  
**DOMAIN NAME DISPUTE**  
**ADMINISTRATIVE PANEL**  
**DECISION**

CIIDRC case number:	<b>22301-CDRP</b>	Decision date: December 19, 2023
Domain Name:	<b>Consumerequifax.ca</b>	
Panel:	<b>Melvyn J. Simburg</b>	
Complainant:	<b>Equifax Inc. and Equifax Canada Co.</b>	
Complainant's Representative	<b>Doug Isenberg of GIGA Law</b>	
Registrant:	<b>Mike Morgan</b>	

## 1. PROCEDURAL HISTORY

The procedural history of this case was set out in a letter from the Canadian International Internet Dispute Resolution Centre to the Panel:

1.1. On November 14, 2023, Doug Isenberg, counsel for Equifax Inc. and Equifax Canada Co. (collectively "Equifax" or "Complainant"), filed a Complaint pursuant to the CDRP and the Resolution Rules.

1.2. On November 4, 2023, CIRA was notified of this proceeding. On the same date, CIRA transmitted by email to CIIDRC its verification response informing who is the Registrant of the disputed domain name. CIRA also confirmed that the <consumerequifax.ca> domain name was placed on a Registrar LOCK.

1.3. On November 15, 2023, CIIDRC, confirmed compliance of the Complaint and commencement of the dispute resolution process.

1.4. Pursuant to Resolution Rule 4.4, CIIDRC notified the Registrant of this administrative proceeding and forwarded a copy of the complaint and its commencement letter to the Registrant via email.

1.5. The Registrant failed to file its response by the due date of December 5, 2023.

1.6. The Complainant in this administrative proceeding has elected for a Panel consisting of a single member.

1.7. CIIDRC appointed Melvyn J. Simburg as the single-member Panel on December 7, 2023.

1.8. On December 7, 2023, Melvyn J. Simburg accepted the appointment. As required by paragraph 7 of the UDRP Rules, the Panelist has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as there are no circumstances known to him that would prevent him from so acting. The Panel finds that it is properly constituted.

1.9. The Domain Name was registered on March 8, 2020.

This matter is conducted pursuant to the Canadian Dispute Resolution Policy (“CDRP” or “Policy”) and the Canadian Dispute Resolution Rules (the “Rules”) of the Canadian Internet Registry Authority.

## **2. FACTS ALLEGED BY THE PARTIES**

### **Complainant Alleges:**

2.1. Equifax Canada Co. is a Canadian entity located at 5700 Yonge Street, Suite 1501, Toronto, ONTARIO M2M4K2.

2.2. Equifax has registered nine active registrations in Canada that include the word “EQUIFAX,” including Reg. No. TMA213693 (application #0383174) for EQUIFAX, registered May 7, 1976.

2.3. Complainant is the owner of at least 221 trademark registrations in at least 56 jurisdictions around the world for the EQUIFAX trademark, which was first used in commerce and registered in 1975. The EQUIFAX trademark is well known.

2.4. Equifax is a leading global provider of information solutions and human resources business process outsourcing services for businesses, governments, and consumers. Complainant Equifax, Inc. was originally incorporated in the State of Georgia (USA) in 1913, and its predecessor company dates to 1899.

2.5. Complainant Equifax Canada Co. is a subsidiary of Equifax, Inc. and owner of the EQUIFAX Trademark in Canada.

2.6. Complainant operates or has investments in 24 countries in North America, Central and South America, Europe, and the Asia Pacific region.

2.7. Equifax, Inc. is a member of Standard & Poor's (S&P) 500 Index, and its common stock is traded on the New York Stock Exchange (NYSE) under the symbol EFX.

2.8. Complainant and their related companies employ approximately 11,000 people worldwide.

2.9. Among its many services, Complainant 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.

2.10. Complainant Equifax, Inc. owns the domain name <equifax.com>, which was created on February 21, 1995. Complainant uses the domain name <equifax.com> in connection with its primary website.

2.11. Complainant Equifax Canada Co. owns the domain name <equifax.ca>, which was created on September 19, 2000. Complainant uses the domain name <equifax.ca> in connection with its primary website in Canada.

2.12. Without license or other permission of Complainant, Registrant created the Disputed Domain Name on March 8, 2020.

2.13. The Disputed Domain Name redirects to <https://www.creditscoreddashboard.com/>; Registrant is using the Disputed Domain Name in connection with a pay-per-click ("PPC") or monetized parking page that includes links for services related to the EQUIFAX Trademark, including "My Equifax," "My Free Credit Report," and "Experian Report."

2.14. The Disputed Domain Name is not used in connection with any wares, services, or business for which it would be descriptive; nor is it a geographic name or reference.

2.15. The Registrant does not publicly disclose his name on the whois search results, but instead lists the Registrant as "redacted for privacy." The Disputed Domain Name does not comprise the legal name of the Registrant and is not a name, surname or other reference by which the Registrant is commonly identified.

**Registrant Alleges:** No submission by Registrant.

### 3. CONTENTIONS OF THE PARTIES

- **Complainant**

The Complainant submits the following contentions.

3.1. Complainant satisfies the Canadian presence requirements based both on the status of Equifax Canada Co. and by ownership of multiple trademark registrations in Canada.

3.2. This dispute is properly within the scope of the Policy and the Administrative Panel has jurisdiction to decide the dispute.

3.3. The Disputed Domain Name is Confusingly Similar to a trademark or service mark in which the Complainant has rights.

3.4. Registrant has no legitimate interest in the Disputed Domain Name.

3.5. The Disputed Domain Name was not registered in good faith.

3.6. The Domain Name has been registered in bad faith.

- **Registrant**

The Registrant has not responded to the Complaint.

- **Remedy Sought**

The Complainant requests the Domain Name be transferred to it.

## **4. DISCUSSION AND FINDINGS**

### **4.1 Eligibility**

The Complainant is an eligible complainant under paragraph 1.4 of the CDRP. The Complainant is a “corporation under the laws of Canada or any province or territory of Canada” in compliance with section 2.4 of the Canadian Presence requirements of CIRA version 1.3. In addition, because the Complaint relates to a trademark registered in the Canadian Intellectual Property Office and the Complainant is the owner of the trademark, no geographic presence is required, and therefore Complainant is also eligible under section 2.17.

### **4.2 Requirements**

In accordance with Paragraph 4.1 of the CDRP, the onus is on the Complainant to prove:

- (a) That the Domain Name is Confusingly Similar to a trademark or service mark in which the Complainant has rights:
- (b) That the Domain Name has been registered in bad faith.

and the Complainant must provide some evidence that:

- (c) That the Registrant has no legitimate interests in the Domain Name.

The Panel will consider each of these requirements in turn.

### 4.3 Analysis

#### 4.3.1 That the Domain Name is Confusingly Similar to a Mark in which the Complainant has Rights

4.3.1.1. Under paragraph 3.3 of the Policy, a domain name will be found to be confusingly similar to a complainant's mark if it so nearly resembles it in appearance, sound, or ideas suggested so as to be likely to be mistaken for the trademark. This test is one of first impression and imperfect recollection. Further, paragraph 1.2 of the Policy provides that a domain name for the purposes of this analysis excludes the "dot-ca" suffix.

4.3.1.2. The Disputed Domain Name <consumerequifax.ca> contains the EQUIFAX Trademark in its entirety, simply adding the word "consumer." "[I]n cases where a domain name incorporates the entirety of a trademark... the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing." WIPO Overview 3.0, section 1.7. See also, e.g., *Oki Data Americas, Inc. v. Asdinc.com*, WIPO Case No. D2001-0903 ("the fact that a domain name wholly incorporates a complainant's registered mark is sufficient to establish identity or confusing similarity for purposes of the Policy"); and *PepsiCo, Inc. v. PEPSI, SRL (a/k/a P.E.P.S.I.) and EMS Computer Industry (a/k/a EMS)*, WIPO Case No. D2003-0696 ("incorporating a trademark in its entirety can be sufficient to establish that a domain name is identical or confusingly similar to a registered trademark").

4.3.1.3. Further, as set forth in section 1.8 of WIPO Overview 3.0: "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." At least one previous domain name dispute panel found that a disputed domain name containing the EQUIFAX Trademark plus the word "consumer" – as is the case here – was confusingly similar to the EQUIFAX Trademark. *Equifax Inc. v. Jewella Privacy - 9565f, Jewella Privacy LLC Privacy ID# 841230*, WIPO Case No. D2022-2466 (transfer of <equifaxconsumer.com>). See also, e.g., *Merck Sharp & Dohme Corp. v. Ignitee Digital Solutions Pvt. Ltd., Amit Debnath*, WIPO Case No. D2011-2047 (transfer of <merckconsumerhealthcare.com>); and *BellSouth Intellectual Property Corporation v. Herrington Hart, NIRT*, WIPO Case No. D2005-0672 (transfer of <consumer-bellsouth.com>).

4.3.1.4. For the above reasons, the Panel concludes that the Disputed Domain Name is confusingly similar to a mark in which Complainant has rights.

#### **4.3.2 That the Registrant has No Legitimate Interest in the Domain Name**

4.3.2.1. In cases where a domain name is an exact match for a brand owner's trademark, the initial assumption will be that a registrant does not have a legitimate interest in said domain absent an agreement to the contrary between the parties. Here, the Disputed Domain Name contains an exact match to Complainant's trademark plus the addition of the word "consumer." The additional word could suggest a website for consumer response to Complainant's business, but the evidence does not show any such use.

4.3.2.2. The Registrant fails to meet any of the enumerated legitimate interests set out in section 3.4 of the Policy. First, with respect to paragraph 3.4(a), there is no indication that the Domain Name has been legitimately used as a mark by the Registrant for the purpose of distinguishing the goods, services, or business of the Registrant from those of others. Nor does the Registrant otherwise have any rights arising through use of the Domain Name as a trademark. Registrant has no rights in the EQUIFAX Trademark. Registrant also has no rights in any mark similar thereto. The Registrant, lacking "Rights in the Mark," cannot show a legitimate interest under paragraph 3.4(a) of the CDRP.

4.3.2.3. To the extent of the evidence presented, the Disputed Domain Name was not registered in good faith in association with any wares, services or business that is "clearly descriptive" of (i) the character or quality of the wares, services or business; (ii) the conditions of, or the persons employed in, production of the wares, performance of the services or operation of the business; or (iii) the place of origin of the wares, services or business. The registered domain name is not clearly descriptive in the manner required by paragraph 3.4(b). The EQUIFAX Marks are distinctive of the Complainant. The Domain Name is not and would not be understood in Canada to be descriptive in any of the ways recognized by this paragraph of the Policy.

4.3.2.5. With respect to paragraph 3.4(c), the Domain Name is not understood in Canada to be generic of any goods, services, or business in any language.

4.3.2.6. With respect to paragraph 3.4(d), the Registrant has never used the Domain Name in association with any non-commercial activity. And currently, the Domain Name is not being used to host any legitimate non-commercial activity, such as criticism, review, or news reporting.

4.3.2.7. With respect to paragraph 3.4(e), the Disputed Domain Name is not a legal name, surname, or other reference by which the Registrant is commonly identified.

4.3.2.8. With respect to paragraph 3.4(f), the Domain Name is not the geographical name of the location of the Registrant's non-commercial activities or place of business.

4.3.2.9. The circumstances listed in Section 3.4 of the Policy are not exclusive. Nevertheless, the Registrant has not shown any other basis to conclude Registrant has a legitimate interest in the Disputed

Domain Name. Therefore, the Panel concludes that the Registrant has no rights or legitimate interest in the Disputed Domain Name.

### 4.3.3 That the Registrant has Registered the Domain Name in Bad Faith

4.3.3.1. The Registrant is using the Disputed Domain Name in connection with a monetized parking page that contains affiliate links for goods and services associated with Complainant's EQUIFAX Trademark, including links labeled "My Equifax," "My Free Credit Report," and "Experian Report." Such use of the Disputed Domain Name indicates that "the Registrant has intentionally attempted to attract, for commercial gain, Internet users to the Registrant's website or other on-line location, by creating a likelihood of confusion with the Complainant's Mark as to the source, sponsorship, affiliation, or endorsement of the Registrant's website or location or of a product or service on the Registrant's website or location," in violation of paragraph 3.5(d) of the Policy.

4.3.3.2. Where, as here, a disputed domain name "resolve[s] to a 'parked' website that displays a number of advertisements and hyper links... to direct competitors of the Complainant... [that] are not affiliated with the Complainant and provide wares which compete with those of the Complainant," it is appropriate for a panel to find that the domain name was registered in bad faith. *Georgia-Pacific Consumer Products LP v. JoAnn Gaudry*, Case No. DCA-1374-CIRA. See also *General Motors LLC v. Ryan Thompson*, CIRA 2012-00191 (Resolution Canada) (finding bad faith where disputed domain name "resolves to a 'parking page' in which various services and products are advertised, and with links to 'pay-per-click' sites, including unauthorized links to... those of its competitors"); *LEGO Juris A/S v. James Carswell*, CIRA Case No. 00150 (Resolution Canada) (transfer of <legomaniac.ca>) ("[t]he diversion of web traffic from the legitimate [trade-mark] sites to its own site creates revenue for the Registrant through the sponsored links, at the expense of the Complainant"); and *Daiichi Sankyo Company, Limited v. Nameshield Inc.*, CIRA Case No. 16060-CDRP (CIIDRC) (finding bad faith where "the pay-per-click links at Respondent's website are related to Complainant's line of business").

4.3.3.3. Bad faith registration may be demonstrated based on the grounds enumerated in paragraph 3.5 of the Policy as well as the surrounding circumstances. In making a finding of bad faith, reasonable inferences may be drawn from the available evidence. The Registrant's use of the Domain name in this case is intended to trade off and disrupt the goodwill and reputation in and to the Complainant's Marks.

4.3.3.4. The Registrant's activities also demonstrate bad faith under paragraph 3.5(d). If a consumer or Internet user is attracted to a registrant's website using the complainant's trademark in the domain name, a visitor is likely to be confused and misled as to the source, sponsorship, affiliation or endorsement of that registrant's website and the products offered for sale therein. (*Oakley, Inc v Zhou Yayang*, Case No. DCA-1377-CIRA at para 30).

4.3.3.5. The panel concludes that the Registrant has registered the domain name primarily for the purpose of disrupting the business of Complainant, or has intentionally attempted to attract, for commercial gain, Internet users to the Registrant's website, by creating a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Registrant's website or of a product or service on the Registrant's website or location.

## 5 DECISION and ORDER

For the above reasons, in accordance with Paragraph 4 of the CDRP, Paragraph 12 of the Resolution Rules, the Panel orders that the Complainant is entitled to transfer of the domain name "consumerequifax.ca" from the Registrant to the Complainant Equifax Canada Co. Once Complainant provides CIRA with the contact information necessary for the transfer and at least 30 days have elapsed thereafter, CIRA is to transfer the domain name in accordance with Complainant's instructions, this Decision, and CIRA policies.

Made as of 19 December 2023

SIGNATURE OF PANEL

A handwritten signature in blue ink, reading "Melvyn J. Leung", is written over a horizontal line.