Decision for dispute CAC-UDRP-102071

Case number	CAC-UDRP-102071
Time of filing	2018-08-06 09:10:16
Domain names	chaseprivateequity.com

Case administrator

Name	Sandra Lanczová (Case admin)

Complainant

Organization	JPMORGAN CHASE BANK, N.A.

Complainant representative

Organization	RiskIQ, Inc. c/o Jonathan Matkowsky

Respondent

Organization	Chase Private Equity

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant provided evidence that it owns trademarks and a domain name containing the word element “chase”, jpmorganchase.com, registered well before the Respondent registered the disputed domain name.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

PRELIMINARY

Respondent’s additional contact details:

[1]

Mr MB
GMI
1314 Kensington Rd, Oak Brook Illinois 60523 United States,

Tel +1.6303959108
Fax +355.8007734759
mbeam@greymarketinvestments.com

[2]

Marcus Beam
GMI
6420 Double Eagle 304
Woodridge Illinois 60517 United States
Tel +1.2244097288
Registrant Email: mbeam@greymarketinvestments.com

[3]

Chase Private Equity, 200 E. Randolph, Chicago, IL 60601, Tel +1 800 524 2736

[4] Other known email addresses: <marcus.beam@yahoo.com>; <support@chaseprivateequity.com>; <mbeam@chaseprivateequity.com>

Complainant requests to identify the Respondent in the caption of the proceeding as "Chase Private Equity, William Chase a/k/a Marcus Beam d/b/a Imex Energy, a/k/a Imex Energy d/b/a GMI INC, a/k/a GMI, Mr. MB, a/k/a GMI, Marcus Beam, a/k/a GREY Market Investments, a/k/a New World Capital."

Throughout the Complaint, Respondent shall be referred to as “Mr. Beam,” who upon information and belief, likely resides at the Condominium Residences at Seven Bridges in Woodridge, Illinois, 6420 Double Eagle Drive using or displaying virtual offices at the Chicago Aon Center from Preferred Office Properties, LLC d/b/a Carr Workplaces as his corporate headquarters.

Mr. Beam and “Chase Private Equity” are represented by Sandra G. Quello, Shimanovsky & Moscardini, LLP, 130 S. Jefferson St., Suite 350, Chicago, Illinois 60661, (312) 876-0600, (800) 782-2260, Fax: (312) 466-0823, squello@elsm.com.

ARGUMENTS

I. JPMorgan Chase Bank, N.A.’s Background and the “CHASE” Mark

JPMorgan Chase & Co. (NYSE: JPM), a financial holding company incorporated under Delaware law in 1968, is a leading global financial services firm and one of the largest banking institutions in the United States, with operations worldwide; the Firm had $2.5 trillion in assets and operations worldwide, and $255.7 billion in stockholders’ equity as of December 31, 2017. It is a leader in investment banking, financial services for consumers and small businesses, commercial banking, financial transaction processing and asset management. Under the JPMorgan and Chase brands, the Firm serves millions of customers in the U.S. and many of the world’s most prominent corporate, institutional and government clients. Information about J.P. Morgan’s capabilities can be found at jpmorgan.com and about Chase’s capabilities at chase.com. Information about JPMorgan Chase & Co. is available at jpmorganchase.com. Id.

As of 2017, nearly half of all U.S. households do business with Chase – 61 million U.S. households, including 4 million small businesses. A large percentage of the over 100 million people in the United States that own stock, in one way or another, own JPMorgan Chase stock—many of them veterans, teachers, police officers, firefighters, retirees, or those saving for a home, school or retirement. Id.

Adoption of “CHASE” as part of its predecessors-in-interest and affiliated entities’ trade name goes as far back as 1877,

when The Chase National Bank was established. With a legacy dating back to 1799, Chase National Bank merged with The Bank of the Manhattan Company to form Chase Manhattan Bank in 1955, and in 2000, J.P. Morgan merged with The Chase Manhattan Corporation and was named JPM.

The bank and non-bank subsidiaries of JPM operate throughout the United States as well as through overseas branches and subsidiaries, representative offices and subsidiary foreign banks. Complainant, JPMorgan Chase Bank, N.A. ("JPMC" or "Complainant"), is one of JPM's principal subsidiaries.

The JPMorgan and Chase brands have long been recognized among the most powerful brands in the world—from Fortune to Forbes, from BrandZ to Interbrand and Brand Finance. CHASE is a famous and well-known mark. It represents the #1 ATM Network in the United States, with more than a million customers visiting its 5,000+ CHASE branches each day, and the #1 U.S. co-brand CHASE credit card issuer.

Representative trademarks establishing JPMC's rights in CHASE (e.g., CHASE MANHATTAN and THE CHASE MANHATTAN BANK (Reg. Nos. 717319 and 717320, in Class 36); CHASE (Reg. Nos. 1521765, 2096499, 2368015, and 3352010, covering in combination, Classes 6, 16, 18, 21, 24, 25, and 36); JPMORGAN CHASE (Reg. No. 3219221, in Class 36); CHASE MOBILE (Reg. No. 3708047, in Class 36); CHASE ADVANTAGE CREDIT (Reg. 1399825, in Class 36), CHASE BANKING CARD (Reg. No. 1460320, in Class 36), CHASE IMAGESTATION (Reg. No. 1934608, in Class 36), CHASE FASTPAY (Reg. No. 2405202, in Class 36), CHASE LEISURE REWARDS (Reg. No. 2434730, in Class 36), THE CHASE GIFT CARD (Reg. No. 2651093, in Class 36), CHASE COISSUE EXPRESS (Reg. No. 3698054, in Class 36), CHASE EXCLUSIVES (Reg. No. 3666770, in Class 36), and CHASE FIELD (Reg. No. 3217280), in Class 41)) (individually, or collectively as the case may be, the "CHASE Mark").

II. The Domain is Confusingly Similar to a Mark in Which JPMC Has Rights (¶ 4(a)(i))

The oldest registration for the CHASE Mark in issued in 1961, with an established date of first use of 1955, and achieved "incontestable" status in 1984 under the Federal Lanham Act, 15. U.S.C. Section 1065. Many of the other CHASE Mark registrations of record also achieved "incontestable" status many decades ago--"conclusive evidence" of Complainant's "exclusive right" to use the registered CHASE Mark in commerce. 15 U.S.C. § 1115(b). But the first element of the Policy is only really a standing requirement anyway. The threshold test for confusing similarity involves a reasoned but relatively straightforward comparison between a complainant's trademark and the domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("Overview 3.0") ¶ 1.7. While some of the registrations for the CHASE Mark include the famous and well-known unique Octagon design alongside the literal element "Chase," this element would be incapable of representation in a domain name, and is disregarded under the first element. Overview 3.0 ¶ 1.10.

The Domain consists of the famous and well-known CHASE Mark in which JPMC has established rights, combined only with the generic phrase "private equity" covered by the CHASE Mark (e.g., U.S. Reg. No. 3,219,221), and the ".COM" gTLD, which doesn't negate the confusing similarity. Overview 3.0 ¶¶ 1.8; 1.11.1.

Most Panels disregard the content on the disputed domain for purposes of assessing the first element of the Policy, but the content on the Domain supports that Mr. Beam is targeting the CHASE Mark in selecting the Domain. E.g., Schering-Plough Corporation, Schering Corporation v. Dan Myers, WIPO Case No. D2008-1641, <clarinx.com> and <clartin.com>, Transfer (cited by Overview 3.0 ¶ 1.15). Mr. Beam chose to use a light blue abstract icon and design element adjacent to CHASE, suggesting that he was targeting the CHASE Mark adjacent to the unique octagon design widely associated with retail banking services and education finance, investment advice, stock brokerage services, etc..

III. Mr Beam Has No Rights or Legitimate Interest in the Domain (¶ 4(a)(ii))

Mr. Beam's use of the Domain cannot be considered "fair" as it falsely suggests an affiliation with JPMC. Overview 3.0 ¶ 2.5. Panels have consistently found that the mere registration of a domain that is identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad-faith, Overview 3.0 ¶ 3.1.4. Clear indicia of bad faith discussed in relation to the third-element of the Policy below suggests that the Respondent does not have rights or legitimate interests in the Domain.

According to the current WHOIS record, the Domain is registered to the organization “Chase Private Equity” by “William Chase” at a mailing address in Chicago, Illinois, Postal Code 60681—which is located in Cook County. Respondent must provide concrete, credible evidence that he is commonly known by the Domain. It is not enough for him to rely on mere assertions. Overview 3.0 ¶ 2.3.

According to the “Chase Private Equity” Membership Agreement (hereinafter referred to as the “Agreement”) available via the Domain, Chase Private Equity is “a privately owned and operated limited liability company.” However, there is no foreign or domestic entity of any kind qualified to do business in Illinois as ‘Chase Private Equity.’ Furthermore, there is no assumed business name filing in Cook County for ‘Chase Private Equity’ either, nor in the County of DuPage where Mr. Beam likely resides. <vrcrazy.info>, likely referring to Mr. Beam’s VR-360 initiative)), and a computer-assisted national search in the United States, which includes available assumed business name filings, for a ‘Chase Private Equity’ LLC yields no results. Furthermore, based on a review of the United States Securities and Exchange Commission’s IARD website and its EDGAR websites, Chase Private Equity does not appear to be a registered investment adviser.

Chase Private Equity as identified in the WHOIS, is not likely a bona fide organization. Mr. William Chase did not likely register the Domain. Rather, as discussed in relation to the third element, Mr. Beam, who is not commonly known by the Domain, is not a licensee of JPMC or JPM, and has never been authorized to use the CHASE Mark for financial services of any kind, likely updated the Domain.

Even if Respondent comes forward with a sworn notarized affidavit or concrete credible evidence, such as a birth certificate, driver’s license, or other government-issued ID (Overview 3.0 ¶ 2.3) that he is Dr. William Chase of a bona fide organization called ‘Chase Private Equity’ doing business in Illinois to whom this Domain is registered, and is actually the Founder of an existing limited liability company as represented to prospective investors in the Agreement, Mr. Beam would be under the mistaken impression that just because someone may be named William Chase, that means he can license his surname to be used as part of a company name to cause confusion with the famous and well-known incontestable CHASE Mark. It would be no different than someone trying to use the last name of “McDonald” as a shield to start up a burger franchise as “McDonald’s Burgers,” or last name of “Ford” as a shield to start up a company doing business as “Ford Cars.”

In the United States where Respondent resides, as far back as 1891, the United States Supreme Court recognized in Brown Chemical Co. v. Meyer, 139 U.S. 540, 542 (1891) that the right even to use one’s own name does not mean you can do so in a way that causes confusion or trades off the goodwill others have established in the business. The fact there may be a Dr. William Chase “[would] not mean he can resort to any artifice, or do any act calculated to mislead the public as to the identity of the business firm or establishment…and thus produce injury to the other beyond that which results from the similarity of name.” Singer Mfg. Co. v. June Mfg. Co., 163 U.S. 169, 187 (1896). The Federal Circuit and the Trademark Trial and Appeal Board in the United States have generally stood firm against recognizing any theoretical or absolute right to use one’s own name. They have found likelihood of confusion and refused to register marks even though those marks were the personal names of the applicants. 1 Gilson on Trademarks § 2.03 (citing, e.g., In re SL&E Training Stable, Inc., 88 U.S.P.Q.2d 1216 (T.T.A.B. 2008) (holding that “the fact that SAM EDELMAN is an individual’s name does not give applicant an unfettered right to use that name if it conflicts with a previously registered mark”); see also Ford Motor Co. v. Ford, 462 F.2d 1405, 1407 (C.C.P.A. 1972) (reversing the Board and finding entrepreneur Ford cannot register FORD RECORDS because of the more compelling public and private interests involved in avoiding confusion with Ford Motor Company).

Mr. Beam is likely trying to leverage the surname of a Dr. William Chase as a defense to having registered and use the Domain to intentionally hold itself out as affiliated with JPMC in order to lure Internet users to its site in bad faith within the meaning of the Policy. This intent is evidenced by the fact the Domain was masked with Domains by Proxy privacy, beneath which the beneficial holder was GMI (Grey Market Investments) in the name of “Mr. MB” and then updated to William Chase in the name of Chase Private Equity. These actions were taken only after (1) DBP services were cancelled per its terms of service, (2) the domain was suspended temporarily for false and inaccurate WHOIS, and (3) Mr. Beam received letters of protest from JPMC, and agreed to transfer the Domain only if JPMC were willing to pay a premium fee per counsel to Mr. Beam and Chase Private Equity. See Point IV, infra.

According to the Agreement, Dr. William Chase is the Founder of the LLC. On the “New World Capital” site, Dr. William Chase is supposedly the “CEO and senior advisor”- BN558. Grey Market Investments (GMI), Chase Private Equity, and New World Capital all share the same virtual office address at the Aon Center, 200 E. Randolph in Chicago, Illinois likely from Preferred Office Properties, LLC d/b/a Carr Workplaces.

As discussed below, even assuming Respondent could establish a legitimate interest in the Domain based on Dr. William Chase’s surname, Respondent still has no legitimate interest in the Domain because Respondent’s use of the Domain undermines any bona fide use contemplated by the Policy. The site on the Domain is purportedly offering prospective investors the ability to make investments in membership interests of Chase Private Equity, allegedly “a privately owned and operated limited liability company controlled by the Owner Members….”. The Securities Act of 1933 prohibits the public offering or sale of securities, unless a registration statement has been filed with respect to such securities or an exemption from the registration is available. See https://www.sec.gov/ The offering of membership interests on a publicly available website would be outside the scope of the “private offering” exemption under Section 4(a)(2) and the Regulation D Rule 506(b) private placement safe harbor. See https://www.sec.gov/ Regulation D Rule 506(c) permits general solicitations and advertising provided sales of securities are only made to accredited investors and the issuer takes reasonable steps to verify accredited investor status. Id. While “Chase Private Equity” (assuming it were an existing LLC to begin with) may ask for income and social security numbers, it only asks three questions regarding risk tolerance and investment experience without any further diligence on accredited investor status, such as education levels or employment status. A questionnaire setting forth an investor’s qualifications would be the bare minimum to request of a potential investor in a private offering. To the extent the limited liability company does not actually exist, there clearly would be no legitimate interest in collecting or processing even this limited subset of people’s personal data from their mailing address to their investment profile and social security numbers under the guise of a private investment offering.

The lack of proper disclosures on the Chase Private Equity website raises serious questions whether the site is still fraudulent even if such a limited liability company exists. For example, the anti-fraud provisions of the Security Act generally prohibit misstatements or omissions of material facts in connection with any offer or sale of securities pursuant to the private offering exemptions provided by Securities Act Section 4(a)(2) and Regulation D. Additionally, pursuant to Exchange Act Section 10(b), the SEC has adopted Rule 10b-5, which (briefly) prohibits any omission of “a material fact that is necessary to make statements made, in light of the circumstances under which they were made, not misleading.” 17 CFR 240.10b-5. Rule 206 provides for a separate anti-fraud provision under the Advisers Act.

Although the Agreement provides some disclosure regarding the investment terms, there is a significant lack of disclosure with respect to the offering including the investment objective, the company’s investment strategy, the fees paid to Chase Private Equity (or an affiliate), the full terms of withdrawal from the company, the risks involved in investment (including any tax or ERISA-related risks or disclosures), and any information regarding the investment professionals involved in making the investment decisions.

The “Investing Guidelines” does not clearly set forth the types of investments and securities in which the LLC may invest. It states that “one half of the investment will be used to loan or invest in ‘entrepreneurial’ businesses such as real estate investing, start-ups and the like.”. If those investments are subject to private offerings, Chase Private Equity (again, assuming it is a legitimate LLC) would need to have sufficient information related to the eligibility of its members to invest in such opportunities (which it does not seem to request). The fees seem to be limited to a $99 per year membership fee, but there are other fees based on “early withdrawal.” . Further, the terms of withdrawal are unclear and provide that withdrawals will be subject to the “rules of Chase Private Equity,” which is a vague catch-all. Partial withdrawals are only permitted on a case-by-case basis and are subject to a majority vote by the Board of Advisors (which is an unidentified group). Id. The Agreement provides for an early termination fee of 13% on a full withdrawal and the requirement that members must be in “good standing” to redeem. Id. It also does not seem to provide information regarding when an “early termination” is triggered (and thus it seems that all terminations are “early terminations”). The SEC has stated that charging an excessive withdrawal fee may breach an investment adviser’s fiduciary duty to a client and violate the Advisers Act Section 206(2). The Agreement includes only one all capitalized and bold risk disclosure - “Conflicts of Risk” - but that disclosure lacks the specificity needed

to be a meaningful risk disclosure. The Agreement provides that investments will be made by the “Board of Advisors”, none of whom are identified. The “CPE?- Team of Experts” tab on the site is completely blank. Dr. William Chase is identified in the Agreement, but his role is not made clear. The Agreement only states “There is an actual conflict of interest between Chase Private Equity...and the founder of Chase Private Equity, Dr. William Chase...”. Dr. William Chase is identified on the “New World Capital” site as Chase Private Equity’s CEO. The Agreement provides that a “separate operating agreement provides for the rules for operation of the enterprise.”. However, the operating agreement is not provided. Both New World Capital and Chase Private Equity identify “Emdad Khan” as the “user admin” whose profile expressly states, “I am Dr. William Chase, CEO and senior advisor for an independently owned private investment group Chase Private Equity...”.

Furthermore, Rule 206(4)-1 under the Investment Advisers Act of 1940, 17 CFR 275.206(4)-1(a)(5), prohibits an investment adviser from publishing, circulating or distributing, directly or indirectly, any advertisement which contains any untrue statement of a material fact, or which is otherwise false or misleading. Again, even assuming the limited liability company exists as a legitimate legal entity doing business in Illinois, the Chase Private Equity website includes a number of misleading statements. It states that its investments provide a “safe, steady and higher return,”, that they are always able to “hit [their] goals for [their] members” (Page 2 of Annex 5), that they are an “International Firm with offices in multiple jurisdictions all of the world” giving investors “the ability to invest from anywhere in the world without government interference.” Id. The website is full of exaggerative and seemingly untrue statements that could be deemed false or misleading under Rule 206(4)-1. Rule 206(4)-1 also prohibits the use of testimonials, 17 CFR 275.206(4)-1(a)(1), which are prominent on the Domain. E.g.,.

Moreover, the same exact testimonials were found on the website for New World Capital.In all likelihood, Mr. Beam copied and pasted the testimonials from one website to the other, without bothering to change the names or content of the supposed testimonials. Both the New World Capital site and the Domain claim that the “Chase Private Equity” commercials have been featured on CNBC, Bloomberg, CNN, Fox, Bravo, AMC, etc. (Cf. Annex 5-BN0557 with Annex 13 – BN573-BN574). This is false and deceptive at best. In fact, on both websites, some of these commercials pirate the Minions NBA Allstars commercial (see https://www.youtube.com/ as a “Chase Private Equity” commercial (https://chaseprivateequity.com/ Additionally, both websites offer a free, full PDF copy of the entire Personal Finance for Dummies for which Mr. Beam likely does not have a copyright license.

While JPMC recognizes that the legality (and legitimacy) of Respondent’s business as well as the determination of civil or criminal law issues are outside the scope of this limited administrative proceeding, the circumstances described above hardly constitute bona fide use under the Policy. Panels have categorically held that use of a domain name for illegal activity, such as fraud and deceit, can never confer rights or legitimate interests on a respondent. Overview 3.0 par. 2.13.1. The circumstantial evidence presented here supports JPMC’s claim that Respondent’s activity, as described above, undermines any bona fide use for purposes of the second element of the Policy.

IV. The Domain was Registered and is Being Used in Bad Faith (par. 4(a)(iii))

The Domain was first registered or created in July 2016, well after JPMC had established incontestable trademark rights in the famous and well-known CHASE Mark. The current registrant email naughtyexecutive@yahoo.com has the tendency to support the Domain was likely registered in bad-faith to extract value from the Chase Mark by causing confusion, rather than a bona fide registration for a bona fide investment vehicle or platform. Id.

The Domain was previously masked via Domains By Proxy. A series of notices were sent to Respondent reflecting that registration of the Domain itself was objectionable prior to when the site was even developed. In late 2017, JPMC’s legal team had also sent a notice objecting to the registration and use of the Domain. Id. In early 2018, JPMC learned that Chase Private Equity, via “Marcus Beam,” was posting sexually provocative marketing campaigns on social media in an effort to attract visitors to the site on the Domain, and that Mr. Beam described himself on LinkedIn as its Managing Partner. As the Domain was still masked by Domains By Proxy, JPMC requested the underlying contact details for the Domain. Domains By Proxy gave the registrant at least three calendar days to correct the inaccurate Whois per its policy, and then cancelled the masking services provided by Domains by Proxy for inaccurate Whois information, which included the use of a disconnected phone number. A Whois inaccuracy complaint concerning the Domain was processed by ICANN Contractual Compliance in

February 2018, and by March 2018, GoDaddy demonstrated that it took reasonable steps to investigate the Whois inaccuracy claim by suspending, deleting, cancelling or otherwise deactivating the Domain.

In tandem, RiskIQ reached Respondent using a phone number listed on one of his other domain names, and he confirmed that the phone number reached Marcus Beam when he answered. From this call, Mr. Beam indicated he had counsel that responded to JPMC's original notices sent by its brand protection team and that JPMC did not offer private equity services, and that William Chase was about to retire. JPMC was able to locate a letter from a law firm discussing the Domain, which at the time was registered to GMI in the name of "Mr. MB." After confirming that the letter was from a licensed attorney who was, in fact, representing "Mr. MB" and Chase Private Equity, JPMC, through RiskIQ, spoke with the attorney to try and amicably resolve the dispute. RiskIQ pointed out, i.a., that there was a picture saved as 'William Chase' on the site that was likely a stock photo image, and that it is untenable to argue that private equity services are not related to services rendered under the famous and well-known CHASE Mark. On March 2, 2018, Mr. Beam and Chase Private Equity, via its counsel, agreed to cease using 'Chase Private Equity' and the Domain, but that the changes would require approximately 6 months to perform and complete. They stated they would retain ownership of the Domain unless JPMC made a premium offer to purchase it. Id. In a further effort to try and amicably resolve the matter, JPMC agreed to give Mr. Beam and Chase Private Equity thirty days to transfer the Domain and reimburse them the transfer fees through a domain registrar service, provided they agree not to use "Chase Private Equity" or any Chase-derivative for financial services moving forward. Id. During this time period, JPMC requested they put a disclaimer at the top of their website and on any customer/client solicitations or communications stating that they are in no way affiliated with JPMorgan Chase & Co., its subsidiaries, or affiliates. Id.

Counsel to Mr. Beam and Chase Private Equity replied further that Chase Private Equity is actively in the process of changing their name, but do not believe that the necessary changes can be made within thirty days. Id. Counsel stated further that as they are already in process, they believe that the changes will take approximately 45 days. Id. In late March 2018, JPMC agreed to give counsel to Mr. Beam and Chase Private Equity 45 days to transfer the Domain under the same terms and conditions as previously communicated. Id. JPMC did not receive a response from Mr. Beam or his counsel, and Mr. Beam continues to use the Domain well beyond the allotted 45 days with no disclaimer, and even updated the registration organization from GMI to Chase Private Equity, the registrant name from Mr. MB to William Chase, and the registrant email to "naughtyexecutive@yahoo.com.".

Chase Private Equity appears to be just one example in a line of questionable business ventures with Mr. Beam at the helm. On August 21, 2013, Mr. Beam, as the Director of Operations for "iMex Energy," filed a verified application with the Illinois Commerce Commission requesting a certificate of service authority to operate as an agent, broker, or consultant in Illinois under Section 16-115C of the Public Utilities Act. (from the docket available at https://www.icc.illinois.gov/ The corporate email account used on his application was Marcus@imexenergy.net, which is the same email used on Mr. Beam's LinkedIn profile where he holds himself out as the Managing Partner for the Domain. On July 9, 2014, the Honorable ALJ Douglas E. Kimbrel entered a Final Order determining that iMex (Marcus Beam) used deceitful marketing materials to suggest iMex was associated with ComEd, or was even a branch of ComEd itself. Mr. Beam operated iMex Energy under the assumed name "GMI Inc.," and iMex was involuntarily dissolved in 2016. Id. (page 2). Mr. Beam set up the Grey Market Investments website in 2015 as a private investment company headquartered in Illinois, purportedly with over $9 billion in sales and five global branches as a leading international electronics and automotive broker through a "Buyers Club." This "Buyer's Club" was supposedly meant to generate "greater short term returns than anything you've seen before." It appears the site was possibly suspended, but most certainly re-directed to the Chase Private Equity website under the guise of a merger. The domain <imexenergy.net> was re-registered by Mr. Beam in the name of "GMI" in 2017 using mbeam@greymarketinvestments.com. This corporate email account was the same account used to register the Domain in 2016. Id.

For all the foregoing reasons, the overall circumstances demonstrate Respondent registered and is using the Domain in bad faith pursuant to par. 4(a)(iii) of the Policy, including that by using the Domain, Respondent has intentionally attempted to attract, for commercial gain, Internet users to his website or other on-line location, by creating a likelihood of confusion with the CHASE Mark as to the source, sponsorship, affiliation, or endorsement of Respondent's website or location or of a product or service on his website or location per par. 4(b)(iv) of the Policy.

PARTIES CONTENTIONS

PARTIES' CONTENTIONS:

COMPLAINANT:

Complainant principally makes the following assertions: The Complainant is an U.S. financial holding company incorporated in 1968 and formed by J.P. Morgan Bank and Chase Manhattan Bank. The Complainant is a leading global financial services firm with operations worldwide; the Firm had $2.5 trillion in assets and operations worldwide, and $255.7 billion in stockholders' equity as of 2017. Under the JPMorgan and Chase brands, the Firm serves millions of customers in the U.S. and many of the world's most prominent corporate, institutional and government clients. Therefore information about the Complainant is available at jpmorganchase.com and chase.com, its registrated domain names and trademarks as well (US Reg. No. 3352010 + 2096499 chase, 3219221 jpmorganchase, 717319 chase manhattan, valid) and many more similar Trademarks which contains the word element CHASE. Complainants established rights in CHASE are included in CHASE (Reg. Nos. 1521765, 2096499, 2368015, and 3352010, covering in combination, Classes 6, 16, 18, 21, 24, 25, and 36); JPMORGAN CHASE (Reg. No. 3219221, in Class 36); CHASE MOBILE (Reg. No. 3708047, in Class 36); CHASE ADVANTAGE CREDIT (Reg. 1399825, in Class 36), CHASE BANKING CARD (Reg. No. 1460320, in Class 36).
The Respondent is based in Chicago, Illinois, U.S. and uses the company name Chase Private Equity, owned by Marcus Beam. On July 27st, 2016 the Respondent registered the disputed domain name. He uses the disputed domain for commercial purposes. He offers financial services. This information on www.chaseprivateequity.com damages the reputation of Complainant's chase products and trademarks.
The Complainant, represented by the company RiskIQ, Inc. c/o Jonathan Matkowsky, filed a complaint against the Respondent claiming that the Respondent registered the disputed domain name without rights or legitimate interest and in bad faith. Therefore the registration should be declared abusive and the disputed domain name transferred to the Complainant.

RESPONDENT: No administratively compliant Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii)of the Policy).

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

The Panel finds that the disputed domain name is confusing similar to the trademarks of the Complainant which contain the word element CHASE.
The Complainants trademark protected company name is famous and belongs before merger to the previous worldwide well known CHASE MANHATTAN BANK. Reference are previous CAC cases, e.g. N° 100165, 100186, 100195, 101455 or 101604.

Hence, the Complainant asserts convincing that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The family name "Chase", not related to the Complainant, is no legitimate interest in the internet based business as part of a domain name because in opposition to a famous identical bank name as the Complainant is, he

has to stand back, see as reference CAC cases, N° 100165, 100186, 100195, 101455 or 101604.

Moreover, the Complainant contends and provided evidence that the disputed domain name resolves to a website that offers CHASE financial products in competition with the Complainant. The Complainant further rightfully contends that the Respondent has not developed a legitimate use in respect of the Disputed domain name. Competing use is not considered a bona fide offering of goods or services, nor a legitimate noncommercial or fair use. The Complainant contends that the Respondent was seeking to use the disputed domain name only to divert consumers to its own website and that the Respondent has no legitimate interests in respect of the Disputed domain name. In lack of any Response from the Respondent, or any other information indicating the contrary, the Panel concludes that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

The Complainant also asserted and proved that the Respondent tried to attract internet users for commercial gain by creating a likelihood of confusion with the Complainant's trademarks. The Complainant rightfully contended that chaseprivateequity.com is identical in the distinctive part (word element) to the prior trademark Chase of the Complainant. The Complainant also refers to the distinctiveness and reputation of its CHASE trademarks.
This makes it highly unlikely that the Respondent had no knowledge of the Complainant's prior trademark rights at the time of registration of the disputed domain name. The Complainant rightfully contends that the Respondent has used the disputed domain name intentionally to attract visitors for commercial gain by creating confusion with the Complainant's trademarks, and that the Respondent has used the disputed domain name with that intention, namely in bad faith. The Respondent contact address naughtyexecutive@yahoo.com and a wrong Registrant name in the beginning intensify the impression of bad faith. Furthermore, the Respondent was using temporarily a hidden identity. But this argument is not to be discussed further because bad faith is evident, whatsoever. Reference was made also to: CAC case N° 100165, 100186, 100195, 101455, 101604.

Accordingly, the Panel finds that the disputed domain name was both registered and used in bad faith and that the Complaint succeeds under the third element of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **CHASEPRIVATEEQUITY.COM**: Transferred

PANELLISTS

Name	**Dr. jur. Harald von Herget**

DATE OF PANEL DECISION 2018-09-12

Publish the Decision