

## Decision for dispute CAC-UDRP-105491

Case number **CAC-UDRP-105491**

Time of filing **2023-06-01 09:30:04**

Domain names **paysendlibre.com**

### Case administrator

Name **Olga Dvořáková (Case admin)**

### Complainant

Organization **PaySend Group Limited**

### Complainant representative

Organization **Igor Motsnyi (Motsnyi Consulting (dba Motsnyi Legal))**

### Respondent

Organization **Domain Sales - (Expired domain caught by auction winner) c/o Dynadot**

#### OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

#### IDENTIFICATION OF RIGHTS

The Complainant PaySend Group Limited is the owner of various trademark registrations such as:

- "PAYSEND" (word + device) international trademark No. **1284999**, registration date – October 13, 2015, for products/services in classes 9 and 36;
- "PAYSEND" (word), international trademark **1251936**, registration date - April 10, 2015, for services in class 36;
- "PAYSEND Money for the future" (word + device), international trademark **1539382**, registration date – 30.05.2020, for products/services in classes 9 and 36;
- "PAYSEND LIBRE" (word), the UK trademark registration No. UK00003849968, registration date – February 03, 2023, application date – November 16, 2022, for products/services in classes 9 and 36.

#### FACTUAL BACKGROUND

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

1. The domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;

(Policy, Paragraph 4(a)(i); Rules, Paragraphs 3(b)(viii), (b)(ix)(1))

The Complainant, PaySend Group Limited, (hereinafter “Complainant” or “Paysend”) is a global FinTech company on a mission to change how money is moved around the world. Paysend was created with a vision to change the way people manage their everyday finances. Paysend started out as a team of experts from banking and payments who became frustrated by slow and complex traditional banking systems.

Paysend was the first FinTech project to introduce international card-to-card transfers, allowing connections between 12 billion cards globally - Mastercard, Visa, China UnionPay and local card schemes.

Since the Complainant’s business started in 2017 it has launched a number of products and solutions, including “Paysend Global Transfers”, “Paysend Global Account”, “Paysend Link”, “Paysend Connect”, “Paysend Business”, “Paysend Enterprise” and “Paysend Libre”.

Paysend currently serves over 6 (six) MILLION customers and operates in over 170 countries globally, is one of the leaders in the area of online money transfers and received various awards including “PayTech 2018” – “Best Consumer Payments” and “FinovateSpring 2018” - Leading FinTech Product.

For more information about the Complainant, its “Paysend” business, products and services see Complainant’s website [www.paysend.com](http://www.paysend.com).

The Complainant and its business have been widely covered by various media.

The Complainant introduced “Paysend Libre”, a remittance solution aimed at driving financial inclusion in Northern Central America on November 14, 2022.

The Complainant has strong social media presence, uses its trademarks on social media and had already strong social media presence before the registration date of the disputed domain name.

For more media coverage of the Complainant and its services also see the “News & Blog” section on the Complainant’s web site: News & Blog — [Paysend.com](http://Paysend.com)

The Complainant is recognized as one of the top global money transfer services by various independent sources.

Prior to the date of registration of the disputed domain name the Complainant was No.1 in the ranking in Europe with the score 9.8 by “Top10moneytransfer.com” and as one of TOP 3 services in the world by “Fees and Exchange Rates” and by “Customer Satisfaction” by “Monito.com”.

The Complainant is the owner of inter alia the mentioned trademarks.

The Complainant also owns and operates various domain names (both gTLDs and ccTLDs) incorporating its “Paysend” trademark, most notably [paysend.com](http://paysend.com), [paysend.io](http://paysend.io), [paysend.me](http://paysend.me).

The disputed domain name was registered on November 16, 2022 (see Annex 6) and on the date of this Complaint it is offered for sale via DAN.com service at a starting price of 4,995 USD.

The first UDRP element functions primarily as a standing requirement. The standing test for confusing similarity involves a reasoned but relatively straightforward comparison between the complainant’s trademark and the disputed domain name.

This test usually involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name.

According to the “WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition” (“WIPO Overview 3.0”), see <https://www.wipo.int/amc/en/domains/search/overview3.0/>: “It is well-accepted that where a domain name incorporates the entirety of a

trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing” (see par. 1.7 of the WIPO Overview 3.0).

The Complainant’s “Paysend” mark is incorporated in its entirety in the disputed domain name and is a dominant element in the disputed domain name.

As confirmed by the WIPO Overview 3.0 where “the relevant trademark is recognizable within the disputed domain name, the addition of other terms would not prevent a finding of confusing similarity under the first element” (see par. 1.8).

The Complainant’s “Paysend” trademark is clearly recognizable within the disputed domain name.

Besides, the Complainant’s “PAYSEND LIBRE” trademark is fully included in the disputed domain name as the disputed domain name (second level) has no other textual elements except <paysendlibre>.

Therefore, the Complainant claims that the disputed domain name is confusingly similar to its “Paysend” trademarks and is identical to its “PAYSEND LIBRE” UK word trademark cited above

As noted by previous UDRP panels in cases of the Complainant and its “Paysend” trademarks the disputed domain name is identical to the Complainant’s mark when it fully incorporates Complainant’s mark without any other elements, see CAC Case No. 104089: “The Panel accordingly finds that the disputed domain name is identical to a trade mark in which the Complainant has rights” (the disputed domain name was <paysend.money>) and CAC Case No. 104331: “More precisely, the disputed domain name <PAYSEND.PRO> wholly incorporates the Complainant’s International and Russian Trademark Registrations for “PAYSEND” to which it is identical, as well as to its domain name <paysend.com>”.

The domain zones do not play a significant part in assessing the first UDRP element and in this case the domain zone <.com> does not affect confusing similarity or identity analysis.

Therefore, the Complainant satisfies the first UDRP element.

#### 1. The Respondent has no rights or legitimate interests in respect of the domain name(s);

(Policy, Paragraph 4(a)(ii); Rules, Paragraph 3(b)(ix)(2))

It is a standard rule in UDRP jurisprudence that “proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent (see par. 2.1 of WIPO Overview 3.0).

The general rule is the following:

(i) a complainant is required to make out a prima facie case that the respondent lacks rights or legitimate interests; and

(ii) once such prima facie case is made, the burden shifts to the respondent who has to demonstrate his rights or legitimate interests in respect of the domain name under paragraph 4 (c) of the Policy.

If the respondent fails to do so, the second element of the Policy is satisfied, see Julian Barnes v. Old Barn Studios, WIPO Case No. D2001-0121 and Belupo d.d. v. WACHEM d.o.o., WIPO Case No. D2004-0110.

Besides, as stated in the WIPO Overview 3.0: “Fundamentally, a respondent’s use of a domain name will not be considered “fair” if it falsely suggests affiliation with the trademark owner; the correlation between a domain name and the complainant’s mark is often central to this inquiry. Generally speaking, UDRP panels have found that domain names identical to a complainant’s trademark carry a high risk of implied affiliation” and “where a domain name consists of a trademark plus an additional term, UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner (see par. 2.5 and 2.5.1).”

In the present case the disputed domain name fully incorporates the Complainant’s “Paysend” trademark plus the term “LIBRE” and is identical with the “PAYSEND LIBRE” trademark and this creates a high risk of implied affiliation with the Complainant, its “Paysend” mark and its “PAYSEND LIBRE” mark and payment solution.

The Respondent is not and has not been known by the disputed domain name and is not using and has never used the disputed domain name for any legitimate activity or for bona fide offering of goods or services. The Respondent is not related to the Complainant and is not authorized by the Complainant to conduct any business under the “Paysend” mark or the “PAYSEND LIBRE” mark.

The Respondent is identified as “Domain Sales - (Expired domain caught by auction winner) c/o Dynadot”.

Therefore, the Respondent is not known by the disputed domain name and has no relationships with the Complainant.

The Respondent is not making a legitimate noncommercial or fair use of the disputed domain name.

The Respondent offers the disputed domain name, identical to the “PAYSEND LIBRE” mark and confusingly similar to the “Paysend” marks of the Complainant, for sale and such use is not bona fide offering of services and cannot create any other rights or legitimate

interests of the Respondent.

The Complainant appreciates that in some circumstances sale of domain names may constitute legitimate business activity, e.g. when a domain name is a popular dictionary word or an acronym and there is no targeting of a complainant and its mark. The UDRP does not prohibit transactions in domain names as such.

However, the Complainant claims that this is not the case here since the disputed domain name incorporates the distinctive and popular "Paysend" trademarks of the Complainant, is identical to its "PAYSEND LIBRE" mark and was registered just 2 (two) days after the Complainant and media announced launch of the "PAYSEND LIBRE" solution and on the same day the Complainant filed its "PAYSEND LIBRE" UK application – November 16, 2022.

Such registration is not a coincidence and indicates Respondent's intent to take unfair advantage of the Complainant's marks and their business reputation as well as a newly launched service of the Complainant – "PAYSEND LIBRE".

This cannot create any rights or legitimate interests of the Respondent. This is also confirmed by many previous UDRP decision against the same Respondent in similar circumstances (offering domain names corresponding to popular marks for sale).

There are no circumstances in this case that would indicate any legitimate rights or interests of the Respondent.

1. The domain name(s) was/were registered and is/are being used in bad faith.

(Policy, paragraphs 4(a)(iii), 4(b); Rules, paragraph 3(b)(ix)(3))

As stated in WIPO Overview 3.0 and confirmed by UDRP jurisprudence "bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant's mark" (see par. 3.1) and UDRP paragraph 4(b) provides some non-exclusive and illustrative scenarios of a respondent's bad faith.

The Panels shall take into account, in particular, the following factors in assessing bad faith of the Respondent:

- the nature of the domain name (e.g., a domain name incorporating the complainant's mark plus an additional term such as one that corresponds to the complainant's area of activity);
- the timing and circumstances of the registration (particularly following a product launch);
- any respondent pattern of targeting marks along with other factors;
- other indicia generally suggesting that the respondent had somehow targeted the complainant and
- a clear absence of rights or legitimate interests (see par. 3.2.1, WIPO Overview 3.0).

UDRP panels have consistently found that the mere registration of a domain name 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 (see par. 3.1.4, WIPO Overview 3.0).

As stated by the WIPO Overview 3.0: "Circumstances indicating that a domain name was registered for the bad-faith purpose of selling it to a trademark owner can be highly fact-specific" and the relevant factors include "the nature of the domain name (e.g. a domain name wholly incorporating the relevant mark plus a term related to the complainant's area of commercial activity) and the distinctiveness of trademark at issue" (par. 3.1.1, WIPO Overview 3.0) and "Panels have moreover found the following types of evidence to support a finding that a respondent has registered a domain name to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark: (i) actual confusion, (ii) seeking to cause confusion, (iii) the lack of a respondent's own rights to or legitimate interests in a domain name, and (iv) absence of any conceivable good faith use" (see par. 3.1.4 of WIPO Overview 3.0).

The Complaint claims that its "Paysend" trademark can be considered well-known in the area of online payments and online money transfers.

The "Paysend" trademarks were already known in the industry prior to the registration date of the disputed domain name.

The Complainant operates in over 100 countries, its "Paysend" business is truly global and its "Paysend" trademarks are protected in many countries on different continents, for instance, in USA (country of Respondent's location), Ukraine, UK, Italy, Spain, Poland, Germany, Benelux, Switzerland, Turkey, Australia, New Zealand, China, Japan, Iran, African Intellectual Property Organization, Mexico, Colombia and many other states.

The Complainant's business is global and so is the protection of its "Paysend" trademarks.

The Complainant is one of the global leaders in quickly developing area of business – online payments and money transfers. This area has been growing rapidly also due to the past "Covid 19" pandemic.

Taking into account the industry where the Complainant operates and fast developments happening in the industry, the Complainant states that its "Paysend" trademarks are well-known and have strong reputation in the industry.

This is also confirmed by extensive media coverage of the Complainant and its business and by recognition of Complainant's business by various sources in the industry.

The Complainant has a strong social media presence and that confirms its global nature and well-known character.

By the date of registration of the disputed domain name by the Respondent, November 16, 2022, the Complainant's "Paysend" trademarks had already been well-known and recognized in relation to Complainant's global business, in particular online money transfers.

Besides, the Complainant asserts that the Respondent's registration of the disputed domain name on November 16, 2022 is not a coincidence.

The Respondent registered the disputed domain name almost immediately after the Complainant announced its "PAYSEND LIBRE" solution launch.

The Complainant owns inter alia the "PAYSEND LIBRE" UK mark filed on November 16, 2022. The disputed domain name was registered on the same date. The Complainant launched its "PAYSEND LIBRE" solution on November 14, 2022.

This falls within the scenario provided by par. 3.8.2 of the WIPO Overview, namely: "in certain limited circumstances where the facts of the case establish that the respondent's intent in registering the domain name was to unfairly capitalize on the complainant's nascent (typically as yet unregistered) trademark rights, panels have been prepared to find that the respondent has acted in bad faith.

Such scenarios include registration of a domain name: further to significant media attention (e.g., in connection with a product launch or prominent event)".

This represents an example of opportunistic bad faith.

The Complainant thus asserts that the Respondent also intended to take an unfair advantage of the Complainant's "PAYSEND LIBRE" mark (while only filed and unregistered on the date of registration of the disputed domain name) when the Respondent registered the disputed domain name two (2) days after the launch of "PAYSEND LIBRE" solution/service following significant media attention to this event.

Besides, the very combination of "PAYSEND" + "LIBRE" is unique to the Complainant only and it is inconceivable that the Respondent had something else in mind other than the Complainant, its "Paysend" marks already registered and used prior to the date of registration of the disputed domain name and its nascent "PAYSEND LIBRE" mark.

The Complainant states that the Respondent's behavior falls within, at least, paragraph 4(b)(i), paragraph 4 (b) (ii) and paragraph 4(b) (iv) of the UDRP.

The Complainant asserts that the following factors demonstrate that the Respondent both registered and is using the disputed domain name in bad faith:

The nature of the disputed domain name – Complainant's well-known in the industry, "Paysend" trademark is fully incorporated in the disputed domain name with the addition of the term "Libre" that refers to one of the Complainant's services and the disputed domain name is confusingly similar with the "Paysend" marks and is identical with the "PAYSEND LIBRE" mark;

The timing and circumstances of registration of the disputed domain name – November 16, 2022, many years after registration of Complainant's "Paysend" trademarks and immediately after the Complainant announced launch of its project "Paysend Libre". It is inconceivable that the Respondent registered the disputed domain name fully incorporating the "Paysend" marks of the Complainant and the exact match of the Complainant's "Paysend Libre" UK mark and name of its new payment solution, without keeping the Complainant and its "Paysend" and "Paysend Libre" trademarks in mind;

The Complainant asserts that the Respondent's behavior falls within the scenario provided in par. 4 (b) (i) of the UDRP. According to the WIPO Overview 3.0: "Circumstances indicating that a domain name was registered for the bad-faith purpose of selling it to a trademark owner can be highly fact-specific; the nature of the domain name and the distinctiveness of trademark at issue, among other factors, are relevant to this inquiry" and such circumstances may include: "(i) the respondent's likely knowledge of the complainant's rights, (ii) the distinctiveness of the complainant's mark, (iii) failure of a respondent to present a credible evidence-backed rationale for registering the domain name. Particularly where the domain name at issue is identical or confusingly similar to a highly distinctive or famous mark, panels have tended to view with a degree of skepticism a respondent defense that the domain name was merely registered for legitimate speculation (based for example on any claimed dictionary meaning) as opposed to targeting a specific brand owner (see par. 3.1.1 of the WIPO Overview 3.0). The Complainant claims that all these factors are present here, in particular, its "Paysend" mark is distinctive and well-known, the disputed domain name includes two terms ("PAYSEND" and "LIBRE") unique to the Complainant and the disputed domain name was registered just 2 days after the launch of the Complainant's new service – "PAYSEND LIBRE" and following significant media attention (see also par. 3.8.2, WIPO Overview 3.0). The Respondent offers the disputed domain name for sale to a general public at a starting price of 4,995 USD that is in excess of out-of-pocket costs and this offer specifically targets the Complainant (as the owner of the corresponding marks) and is aimed primarily at the Complainant and/or any of its competitors. The Respondent was also involved in numerous previous UDRP disputes with very similar circumstances, e.g. offering the domain names for sale (see Annex 9, in particular Navantia, S.A., S.M.E. v. Domain Sales - (Expired domain caught by auction winner) c/o Dynadot, WIPO Case No. D2023-0031; C.C.V. Beaumanoir v. Domain Sales - (Expired domain caught by auction winner) c/o Dynadot, WIPO Case No. D2023-0733 and CAC Case No. 104769). The Complainant fully appreciates that each case has a unique set of facts, however as highlighted in the WIPO Overview 3.0: "it is considered important for the overall credibility of the UDRP system that parties



can reasonably anticipate the result of their case. Often noting the existence of similar facts and circumstances or identifying distinguishing factors, panels strive for consistency with prior decisions" (par 4.1).;

Other indicia suggesting that the Respondent had somehow targeted the Complainant – timing and circumstances of the registration of the disputed domain name as explained above and choice of the the <.com> domain zone – the most popular zone used by businesses and the Complainant's main website and domain name is <paysend.com>. All these factors indicate the Respondent's intent to take an unfair advantage and also to get visitors to the website by the disputed domain name;

A clear absence of rights and legitimate interests of the Respondent in this case taking into account all of the above, including offering the disputed domain name for sale and the fact that it is confusingly similar to its "Paysend" mark and is identical to the Complainant's "PAYSEND LIBRE" mark. The Complainant and its "Paysend" trademark were already a target of cybersquatters, see CAC Case No. 104089, CAC Case No. 104331 and CAC Case No. 104796 ;

As regards paragraph 4 (b) (ii) of the UDRP, the Complainant claims that since the same Respondent was involved in numerous previous UDRP proceedings all of which resulted in transfer of the disputed domain names, Respondent's behavior also falls within the scenario as described: the Respondent has "registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that he/she has engaged in a pattern of such conduct". As provided in the WIPO Overview 3.0: "UDRP panels have held that establishing a pattern of bad faith conduct requires more than one, but as few as two instances of abusive domain name registration. A pattern of abuse has also been found where the respondent registers, simultaneously or otherwise, multiple trademark-abusive domain names corresponding to the distinct marks of individual brand owners" (par. 3.1.2). The Respondent registered domain names corresponding to trademarks of various owners (see decisions provided in Annex 9 against the same Respondent). Besides, the Complainant draws to the attention of the Panel that often Respondent's behavior follows a very similar pattern, namely the Respondent registers a domain name shortly after some event related to the trademark, e.g. shortly after filing a trademark application or, like in the present dispute immediately after product launch and on the date of filing of one of the marks, see e.g. The Prudential Insurance Company of America v. Domain Sales - (Expired domain caught by auction winner c/o Dynadot, WIPO Case No. D2022-3804: "More specific evidence of targeting of the Complainant is shown in the fact that the Respondent registered the disputed domain name just three days after the Complainant filed a trademark application for a mark containing the very same words as those contained in the disputed domain name" and Navantia, S.A., S.M.E. v. Domain Sales - (Expired domain caught by auction winner) c/o Dynadot, WIPO Case No. D2023-0031: "The Panel notes that the disputed domain name exactly reflects the Complainant's highly distinctive NAVANTIA SEAENERGIES trade mark and that it was registered on the same day that the Complainant applied for this trade mark" (see Annex 9 for more cases and information). The Respondent's behavior clearly follows the same pattern in the present dispute.

Therefore, given the facts and the totality of circumstances of this case the Complainant states that the Respondent's behavior falls, at least, within paragraph 4(b)(i), paragraph 4 (b) (ii) and paragraph 4(b)(iv) of the Policy.

The Respondent has registered the disputed domain name primarily for the purpose of selling the disputed domain name to the Complainant – the owner of the "Paysend" and "Paysend Libre" marks or to a competitor of the Complainant, for valuable consideration in excess of documented out-of-pocket costs directly related to the disputed domain name (4,995 USD), the Respondent registered the disputed domain name to prevent the owner of the trademark from reflecting the mark in a corresponding domain name and the Respondent engaged in a pattern of such conduct and the Respondent by using the disputed domain name, has intentionally attempted to attract, for commercial gain, Internet users to its 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 respondent's website.

Besides, Respondent's registration and use of the disputed domain name clearly indicates targeting of the Complainant and prior knowledge (taking into account the nature of the disputed domain name and the timing of its registration) and this, in itself, is an indication of bad faith.

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#### PARTIES CONTENTIONS

Complainant's contentions are summarized above.

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

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#### 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).

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#### 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).

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## 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).

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## 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.

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## PRINCIPAL REASONS FOR THE DECISION

### 1. RIGHTS

The disputed domain name is confusingly similar to the Complainant's registered trademark since it reproduces the Complainant's mark PAYSEND, merely adding LIBRE.

As stated in *Crédit Industriel et Commercial v. Manager Builder, Builder Manager*, WIPO Case No. D2018-2230:

"The disputed domain name incorporates the CIC trademark in its entirety. Numerous UDRP panels have recognized that incorporating a trademark in its entirety can be sufficient to establish that the disputed domain name is at least confusingly similar to a registered trademark (see e.g., *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). Moreover, it has been held in many UDRP decisions and has become a consensus view among panelists (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), section 1.8), that where the relevant trademark is recognizable within the disputed domain name, the addition of other terms would not prevent a finding of confusing similarity under the first element of the UDRP.

Accordingly, the addition of the term "banks", which even is the English translation of the French term "banques" as it is reflected in Complainant's CIC BANQUES trademark, does not avoid the confusing similarity arising from the incorporation of Complainant's CIC trademark in the disputed domain name."

Furthermore, the domain name in dispute is identical to the UK trademark PAYSEND LIBRE also invoked by the Complainant.

### 2. NO RIGHTS OR LEGITIMATE INTERESTS

The Respondent has not submitted any response. Therefore, they have submitted no information on possible rights or legitimate interests they might hold. On its part, the Complainant has submitted information and arguments which, prima facie, allow it to be reasonably assumed that the Respondents have no rights or legitimate interest in the domain names in dispute.

As the WIPO Arbitration and Mediation Center pointed out in UDRP case No. D2002-0856:

"As mentioned, [in the decision], the Respondent has not filed a Response and is therefore in default. In those circumstances when the Respondent has no obvious connection with the disputed domain name, the prima facie showing by the Complainant that the Respondent has no right or legitimate interest is sufficient to shift the burden of proof to the Respondent to demonstrate that such a right or legitimate interest exists." WIPO Case No. D20020273 <sachsenanhalt>; WIPO Case No. D20020521 <volvovehicles.com>.

Furthermore, the Complainant has proved that its trade mark is well known and that the Respondent has offered the domain name in dispute for sale for a substantial amount. This is also confirmed by many previous UDRP decisions against the same Respondent in

similar circumstances.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain names.

### 3. BAD FAITH

The Respondents has, as a result of its default, not invoked any circumstances which could invalidate the Complainant's allegations and evidence with regard to the Respondents' registration and use of the disputed domain name in bad faith.

The Complainant has filed evidence of its relevant activity under the PAYSEND and PAYSEND LIBRE trademarks and that the Respondent was also involved in numerous previous UDRP disputes with very similar circumstances, e.g. offering the domain names for sale.

Paragraph 4(b) of the Policy provides that the following circumstances are deemed to be evidence that the Respondent has registered and is using the disputed domain name in bad faith:

(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct;

In this case the Complainant has established that there is a clear pattern of conduct by the Respondent in that direction. The Panel agrees with the Complainant that it is not justifiable to register a trademarked and distinctive name for the sole purpose to resell it>

It has, therefore, been satisfactorily demonstrated to the Panel that the disputed domain name has been registered and used in bad faith.

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FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **paysendlibre.com**: Transferred

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## PANELLISTS

Name	<b>José Ignacio San Martín</b>
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DATE OF PANEL DECISION	2023-07-05
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Publish the Decision

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