

Decision for dispute CAC-UDRP-107208

Case number CAC-UDRP-107208

Time of filing 2025-01-02 10:46:25

Domain names ipaysend.com

Case administrator

Name Olga Dvořáková (Case admin)

Complainant

Organization PaySend Group Limited

Complainant representative

Organization Motsnyi IP Group (dba Motsnyi Legal)

Respondent

Name Dmytro Dudchennko

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 owns various trade mark registrations for its PAYSEND trade mark including IR No.1251936 for the "PAYSEND" word mark which was registered on April 10, 2015 and which is protected in various jurisdictions, including in the United States, China, Ukraine, Armenia, Belarus, Bosnia and Herzegovina, Benelux, Ireland, Hungary, Switzerland, Colombia, Spain, Sweden, the UK, Greece, France, India, Italy, Mexico, New Zealand, Poland, Singapore, Turkey, Kazakhstan, Mexico, New Zealand, the African Intellectual Property Organization.

FACTUAL BACKGROUND

The Complainant is a global FinTech company that facilitates international card-to-card transfers and which is headquartered in the United Kingdom with group companies located in various countries, including the United States, Ireland and Serbia. It currently serves over 7 million customers and operates in over 170 countries globally. It is one of the leaders in the area of online money transfers and has received various awards including "PayTech 2018" – "Best Consumer Payments" and "FinovateSpring 2018"- Leading FinTech Product. It also owns and operates various domain names (both gTLDs and ccTLDs) incorporating its "Paysend" trade mark, including its main domain name <paysend.com> which is its main domain name.

The disputed domain name was registered on December 19, 2024. At the date of this Complaint it resolved to a website that claims to offer money transfer services as "Paysend Global Transfer" and contains contact details of "Paysend Global Transfer LLC", Hong

Kong and "Paysend Global Transfer" Lithuania.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

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

As noted by the Complainant the disputed domain name fully incorporates the "Paysend" mark as its dominant element even though it is preceded by the letter "i". The Panel finds that the PAYSEND mark is a dominant element in the disputed domain name and is clearly recognizable within the disputed domain name and that the addition of the letter "i" does not prevent a finding of confusing similarity. Accordingly, the Complaint succeeds under the first element of the Policy.

The Complainant has submitted that the Respondent has not been commonly known by the disputed domain name and is not using and has never used the disputed domain name for any legitimate activity or for a bona fide offering of goods or services. The Respondent has not received the Complainant's authorisation to register and use the disputed domain name and is not making a legitimate non-commercial or fair use of the disputed domain name.

The Complainant has submitted that there are no circumstances in this case that would indicate that the Respondent has any legitimate rights or interests in the disputed domain name and that it has not authorised the Respondent to conduct any business under the PAYSEND mark. The Complainant has noted that the Respondent is using the disputed domain name to offer competing online payment services such as "global transfer" and "payment system" under the "Paysend" marks and in doing so is impersonating the Complainant and is using the Complainant's PAYSEND trade mark in the disputed domain name to capitalise on the Complainant's reputation in the area of online money transfers and financial services.

In this regard the Complainant has noted that the website at the disputed domain name claims to be operated by "Paysend Global Transfer LLC" from Hong Kong, however, such a company does not exist in Hong Kong based on the Complainant's search of the Hong Kong company register. The Complainant has also noted that the website at the disputed domain name contains false claims of another company behind the disputed domain name allegedly named Paysend Global Transfer LLC with an address in Vilnius, Lithuania under company number 304749651. However, according to the search conducted by the Complainant, there is no such company in Lithuania and there is another company in Lithuania under the registration code 304749651 which is registered at the same address as provided by the Respondent in its "Privacy Policy" and that company goes by a different name altogether. Therefore, the Complainant submits that the Respondent provided false data in the documents published on the website at the disputed domain name noting also that its "Privacy Policy", "Terms & Conditions" and "Cookies" also contain email addresses at the

domain name <paysend.ai> which it has submitted is neither registered nor available for sale. The Complainant has asserted that the provision of false company data and false contact information further proves the absence of rights or legitimate interest of the Respondent and likely fraudulent activity and that such use cannot constitute a bona fide offering and does not create any other rights or legitimate interests.

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. Further, the evidence submitted by the Complainant that the Respondent has sought fraudulently to impersonate the Complainant at the website at the disputed domain name and has provided false information on the website is inconsistent with the Respondent having rights or legitimate interests in the disputed domain name. The Panel finds that the second element of the Policy has been established.

The disputed domain name was registered long after the registration of the Complainant's PAYSEND trade mark. By that date, it is apparent that the Complainant enjoyed a significant international reputation attaching to its trade mark (which is also protected in Ukraine where the Respondent is based) and on-line payment services business from the website at its primary domain name <paysend.com>. On this basis, the Panel finds that the Respondent was more than likely well aware of the Complainant's mark and business in December 2024 when it registered the disputed domain name, noting also the Respondent's use of the PAYSEND trade mark on the website at the disputed domain name.

Under paragraph 4(b)(iv) of the Policy there is evidence of registration and use of the disputed domain name in bad faith where a Respondent has used the disputed domain name to intentionally attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trade marks as to the source, sponsorship, affiliation or endorsement of the website.

It is apparent that the Respondent has sought to use the disputed domain name to attract Internet users to its website at which it prominently uses the PAYSEND mark as if it is, or has some affiliation with, the Complainant, who also operates in Hong Kong and China. Further there are various examples on the website to which the disputed domain name resolves of express references to the Complainant's main website at <paysend.com> which are unauthorised and appear to be used fraudulently to reinforce the impression that the website is owned by, authorised by, or affiliated with the Complainant. The Panel also notes that there is no disclaimer on the website. The website at the disputed domain name targets the Complainant's mark and business and is obviously for the purposes of the Respondent's commercial gain or likely fraudulent purposes. The Panel therefore finds that the requirements of paragraph 4(b)(iv) of the Policy are satisfied and that this amounts to evidence of registration and use in bad faith.

The Respondent's use of false data in the documents published on the website at the disputed domain name, in particular, the use of email addresses based on the unregistered domain name <paysend.ai> in various documents on its website (including the "Privacy Policy" and "Terms & Conditions") and what appears to be false corporate contact details only reinforces the Panel's view of the Respondent's registration and use of the disputed domain name in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ipaysend.com**: Transferred

PANELLISTS

Name	Mr Alistair Payne
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DATE OF PANEL DECISION 2025-02-04

Publish the Decision
