# Decision for dispute CAC-UDRP-107807

| | |
|---|---|
| Case number | CAC-UDRP-107807 |
| Time of filing | 2025-08-13 10:58:37 |
| Domain names | payssend.com |

## Case administrator

| | |
|---|---|
| Organization | Iveta Špiclová (Czech Arbitration Court) (Case admin) |

## Complainant

| | |
|---|---|
| Organization | PaySend Group Limited |

## Complainant representative

| | |
|---|---|
| Organization | Motsnyi IP Group (dba Motsnyi Legal) |

## Respondent

| | |
|---|---|
| Name | Mardiros Daghinian |

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 is the owner, among others, of the following trademarks for PAYSEND:

- International TM registration No.1284999 registered on October 13, 2015, also covering US and Colombia;
- International TM registration No.1251936 registered on April 10, 2015, also covering US and Colombia;

as well as of many further trademarks comprising the PAYSEND term.

FACTUAL BACKGROUND

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

The Complainant states that it is a global FinTech company which serves over seven million customers and operates in over 170 countries globally providing financial services and international card-to-card transfers.

The Complainant further states that it is the owner of the PAYSEND trademark since 2015.

The disputed domain name was registered on July 14, 2025 and it resolves to a parking page with a "coming soon" page including a

message in Spanish and a copyright disclaimer.

PARTIES CONTENTIONS

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 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).

The disputed domain name <payssend.com> is confusingly similar to the PAYSEND trademark, as it clearly incorporates such trademark in its entirety, with the mere addition of letter "s", thus making the domain at hand a clear example of typosquatting.

Accordingly, the Panel finds that Complainant has proven the first element of the Policy.

***

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).

According to the WIPO case No. D2003-0455, Croatia Airlines d. d. v. Modern Empire Internet Ltd., the complainant is required to make out a prima facie case that the respondent lacks rights or legitimate interests. Once such prima facie case is made, the respondent carries the burden of demonstrating rights or legitimate interests in the domain name. If the respondent fails to do so, the complainant is deemed to have satisfied paragraph 4(a) (ii) of the Policy.

Given what stated by the Complainant and without any response from the Respondent, the Panel infers that there is no indication that the disputed domain name was intended to be used in connection with a bona fide offering of goods or services as required by Policy.

The evidentiary burden shifts to the Respondent to show by concrete evidence that it does have rights or legitimate interests in that name. However, the Respondent failed to provide any information and evidence that it has relevant rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a) (ii) of the Policy).

The Panel thus finds that Complainant has proven the second element of the Policy.

***

The Panel finds that the Complainant successfully submitted prima facie evidence that the Respondent has made no use of, or demonstrable preparations to use, neither of the disputed domain name in connection with a bona fide offering of goods or services, nor is making a legitimate non-commercial or fair use of the disputed domain name.

Here, Complainant has specifically argued that bad faith exists pursuant to, inter alia, paragraph 4(b)(iv) of the Policy because the website associated with the disputed domain name resolves to a parking page with a "coming soon" page, and there are some suspicious circumstances, including among others:

- the timing of the disputed domain name registration, well after the PAYSEND trademark has been registered and is used in many Countries;
- the fact that the Complainant is very active in Latin America and the message in Spanish on the webpage at the disputed domain name create an impression that any future site may be somehow connected to /endorsed by the Complainant.

In addition to the above, the Panel notes - according to the Complainant's investigation - the Respondent would carry out cross-border payments and offer financial services, thus being a direct competitor of the Complainant.

As indicated in the decision for CAC Case No. 104089 involving the Complainant, "... it is highly improbable that the Respondent registered the disputed domain name without an awareness of the Complainant and its trade mark rights ... it is rather obvious to the Panel that the Respondent by using the disputed domain name, has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant’s mark".

The Respondent has failed to provide any explanation on why the disputed domain name was registered, nor he has demonstrated any activity in respect of the disputed domain name: with no Response and taking into account the reputation of the Complainant supported by the Complainant’s evidence, the Panel concludes that the Respondent has registered and is using the disputed domain name in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

The Complainant has therefore also satisfied the requirement under paragraph 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **payssend.com**: Transferred

## PANELLISTS

| Name | **Tommaso La Scala** |
|---|---|

DATE OF PANEL DECISION 2025-09-25

Publish the Decision