Anonymized decision for dispute CAC-UDRP-107870

Case number	CAC-UDRP-107870
Time of filing	2025-08-22 08:02:28
Domain names	paysend.site

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	[redacted]

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 submitted evidence that it is the owner of the following trademarks (hereafter the “Trademarks”).

- International trademark No.1284999 “PAYSEND” (word + device), registered on October 13, 2015, for various jurisdictions including Switzerland, covering goods in class 9 and services in class 36;
- International trademark No.1251936 “PAYSEND” (word), registered on April 10, 2015, for various jurisdictions including Switzerland, covering services in class 36;
- International trademark No. 1539382 “PAYSEND Money for the future” (word + device), registered on May 30, 2020, for various jurisdictions including Switzerland, covering goods in class 9 and services in class 36; and
- International trademark No. 1735950 "PAYSEND LIBRE" (word), registered on February 23, 2023, for various jurisdictions including Switzerland, covering goods in class 9 and services in class 36.

FACTUAL BACKGROUND

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

The Complainant owns valid trademark registrations for “PAYSEND”, “PAYSEND Money for the future”, and "PAYSEND LIBRE", dating from 2015, 2020, and 2023 respectively, covering various software products and financial services (see above the “Trademarks”).

The Complainant is a British FinTech company with an international reach, serving over ten million customers in more than 170 countries. It has launched various financial products and services, including online money transfers and card-to-card transfers, such as “Paysend Global Account”, “Paysend Connect”, “Paysend Business” and “Paysend Libre”.

The disputed domain name <paysend.site> was registered on August 12, 2025, several years after the registration of the Complainant’s Trademarks. The corresponding website impersonates the Complainant and imitates its website, including by using its logo. The website collects personal information of visitors, claiming this is necessary because "Paysend is a regulated financial institution and must follow financial regulations".

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.

The Complainant argues that the disputed domain name is identical or confusingly similar to its registered Trademarks. The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The disputed domain name reproduces the Trademarks in full and the associated website hosts content that impersonates the Complainant. The Complainant further alleges that the Respondent registered the disputed domain name in bad faith, with actual knowledge of the Complainant’s Trademarks, in an attempt to impersonate the Complainant. The Complainant concludes that the Respondent 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 or location or of a product or service on the Respondent’s website or location. The Complainant requests transfer of the disputed domain name.

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

1. Procedural elements

1.1 Language of the proceedings

As the domain name Registration Agreement is in French, pursuant to paragraph 11 of the UDRP Rules, the language of the proceedings should be French, unless otherwise agreed upon by the Parties or otherwise specified in the Registration Agreement.

The Complainant filed its Complaint in English, with a translation into French, leaving it to the Panel to determine the language of the proceedings. The Complainant argued that: (a) the dispute is a clear case of cybersquatting; and (b) the Respondent will not be prejudiced if the proceeding is conducted in English.

In conformity with the Panel's discretionary power under paragraph 11 (a) of the UDRP Rules, and with a view to ensuring procedural efficiency under paragraph 10 (c) of the UDRP Rules, the Panel determines that the proceeding shall be conducted in English rather than French, for the following reasons:

- The disputed domain name resolves to a website with content in English (and French), indicating that the Respondent conducts business in or targets English-speaking users.
- The disputed domain name consists solely of English terms: “PAYSEND” (from “PAY” and “SEND”) and the top-level domain “.SITE”.
- The Complainant provided a French translation of the Complaint and annexes, enabling the Respondent to understand the case in full.
- The Respondent did not reply or request that the proceeding be conducted in French.

1.2 Redaction of the name and/or identity of the Respondent

The Complainant noted that a real person named “Issack Biyong” exists in Switzerland, with different contact details. Based on the case circumstances, it appears that this individual may be unrelated to the dispute and that the case involves identity theft.

Given the indications of identity theft, the Panel decides, in accordance with paragraph 16(b) of the UDRP Rules and paragraph 4(j) of the Policy, that the name and other personal details of the Respondent shall be redacted from the decision.

2. Substantive elements

2.1 Confusing similarity

The disputed domain name consists of the Complainant’s Trademark “PAYSEND” with the sole addition of the top-level domain “.site”.

As the Trademark is recognisable in its entirety within the domain name, the Panel finds the domain name to be identical or, at least, confusingly similar to the Complainant’s Trademark for the purposes of the Policy.

The “.site” TLD is disregarded when assessing confusing similarity.

Accordingly, the Panel concludes that paragraph 4(a)(i) of the Policy is satisfied.

2.2 Rights or legitimate interests

As regards paragraph 4(a)(ii) of the Policy, while the overall burden of proof rests with the Complainant, it is commonly accepted that this should not result in an often-impossible task of proving a negative. Therefore, numerous previous panels have found that 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 burden of production shifts to the Respondent to come forward with appropriate allegations or evidence demonstrating rights or legitimate interests in the disputed domain name. If the Respondent fails to come forward with such appropriate allegations or evidence, the Complainant is generally deemed to have satisfied paragraph 4(a)(ii) of the Policy. If the Respondent does come forward with some allegations or evidence of relevant rights or legitimate interests, the Panel then must weigh all the evidence, with the burden of proof always remaining on the Complainant.

The Complainant argues that:

- The Respondent is not known by the disputed domain name and has not used it for any legitimate purpose or genuine offering of goods or services.
- The Respondent has no authorisation from the Complainant to register or use the domain name containing the Complainant's Trademark and is not making a legitimate non-commercial or fair use of it.
- There is no evidence of any rights or legitimate interests held by the Respondent.
- The disputed domain name is used for a website that impersonates the Complainant, copying the Complainant's corporate colour (purple) and its "Paysend" logo. The website falsely presents itself as an official Paysend site and collects users' personal data.
- The domain name also has active MX records, suggesting it could be used for sending deceptive e-mails or phishing.

- Under established UDRP principles, use of a domain name for illegal purposes—such as phishing, impersonation, or fraud—can never establish rights or legitimate interests.
- Furthermore, use of a domain name identical to a complainant's trademark creates a strong risk of implied affiliation and cannot be considered "fair".

The Respondent did not file an administratively compliant (or any) response. The Respondent did not provide evidence that it has rights or legitimate interests in the disputed domain name (the Respondent could, inter alia, have provided evidence of the factors mentioned in paragraph 4(c) of the Policy, but failed to do so).

The Panel finds that the Respondent does not have any rights or legitimate interests in the disputed domain name, based on the following considerations:

- There is no evidence that the Respondent is or has been commonly known by the disputed domain name or by the terms "PAY SEND" or "PAYSEND". The WHOIS information does not provide any information that might indicate any rights to use of these terms.
- The Respondent did not show to have any trademark rights or other rights in the terms "PAY SEND" or "PAYSEND".
- The Complainant's Trademarks were registered and have been used well before the registration date of the disputed domain name (these Trademarks are registered, inter alia, for Switzerland, the country where the Respondent is purportedly based).
- The Respondent does not have any consent or authorisation to use the Complainant's Trademarks or variations thereof, in the disputed domain name or otherwise, and does not seem to be related in any way to the Complainant.
- The domain name is being used to impersonate the Complainant and collect Internet users' personal information. Such use cannot confer rights or legitimates interests upon the Respondent.

In summary, on the balance of probabilities, and in the absence of any evidence to the contrary or any administratively compliant Response, the Panel finds that the Complainant has made out a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name.

The Panel therefore concludes that the Respondent has no rights or legitimate interests in the disputed domain name.

2.3 Bad faith

The Complainant asserts that:

- The Complainant's Trademarks were registered well before the disputed domain name and are well-known in the field of online payments and money transfers.

- The domain name fully incorporates the Complainant's Trademarks.
- The content of the website linked to the domain name demonstrates impersonation, as the Respondent claims to be the Complainant, uses the Complainant's logo, and collects personal information from Internet users (including their telephone numbers).
- MX servers are configured for the domain name.
- There is a likelihood of identity theft.

The Respondent did not file an administratively compliant (or any) response.

The Panel considers these arguments and the supporting evidence as follows:

It is evident that the Respondent had actual knowledge of the Complainant and its prior registered Trademarks at the time of registration and use of the disputed domain name. The Complainant's Trademarks were registered well before the domain name registration. The Respondent has displayed the Complainant's Trademarks and logo on the website linked to the disputed domain name.

The Panel notes in particular that the website prominently features the Complainant's logo, rendered in light-violet capital Latin characters and in the same distinctive font as used in the Complainant's registered International Trademark No. 1539382 "PAYSEND Money for the future", cited earlier in this decision.

The website linked to the disputed domain name gives the false impression that it is operated by the Complainant, requesting visitors to provide personal information such as telephone numbers and photographic identification. For example, the website states: "Why do we ask for more information? Occasionally, we may require additional details to process your transfers. This is because Paysend is a regulated financial institution and must follow financial regulations."

Moreover, the website linked to the domain name refers specifically to money transfers and financial services - precisely the goods and services for which the Complainant's Trademarks are registered.

The Respondent has not refuted any of the Complainant's assertions.

Taking all these circumstances into account, the Panel concludes that the disputed domain name was registered and is being used in bad faith, within the meaning of 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

PANELLISTS

Name	**Bart Van Besien**

DATE OF PANEL DECISION 2025-10-15

Publish the Decision