Decision for dispute CAC-UDRP-108113

Case number	CAC-UDRP-108113
Time of filing	2025-11-07 10:25:30
Domain names	paysend-transfers.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	PaySend Group Limited

Complainant representative

Organization	Motsnyi IP Group (dba Motsnyi Legal)

Respondent

Name	Ivan Ivanov

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 a number of trademarks around world, including but not limited to the following:

- International trademark registration no. 1251936 “PaySend”, registered as of April 10, 2015, in Class 36.

In addition, the Complainant owns trademark registrations in the Russian Federation, where the Respondent is located, including:

- Russian trademark registration no. 573364 “PaySend”, registered as of March 31, 2015, in Class 36;

- Russian trademark registration no. 601343 “PAYSEND” (stylized script), registered as of September 11, 2015, in Classes 9 and 36.

FACTUAL BACKGROUND

The Complainant is a global FinTech company established in 2017. It offers global money transfer services, currently serves over 10 million customers and operates in over 170 countries. The Complainant is the owner of the domain names <paysend.com> and <paysend.me>.

The disputed domain name was registered on October 31, 2025. The Whois record does not disclose the registrant’s identity or

contact details. At the time of this decision, the website under the disputed domain name is inactive. However, on the date of filing of this Complaint the disputed domain name resolved to a webpage displaying the Complainant's purple "P" logo and claiming to conduct "verification procedure" and once "verification" is done, it resolved to a page with a statement: "Your personalised link has already expired. Please contact the person who sent you this link to get a new one".

PARTIES CONTENTIONS

The Complainant

The Complainant asserts that each of the elements enumerated in paragraph 4(a) of the Policy and the corresponding provisions in the Rules has been satisfied. In particular, the Complainant asserts that:

(1) The disputed domain name is confusingly similar to the Complainant's PAYSEND trademarks. The Complainant's PAYSEND mark is incorporated in its entirety in the disputed domain name, together with the additional term "transfers", which is descriptive of the Complainant's business, products, and services. The addition of the term "transfers" and a hyphen does not prevent a finding of confusing similarity, as the PAYSEND mark remains the main and dominant element of the disputed domain name. Furthermore, the applicable domain suffix is generally disregarded for the purposes of assessing the first element under the Policy, and the ".com" generic top-level domain does not affect the confusing similarity analysis.

(2) The Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is neither affiliated with nor authorized by the Complainant. The Respondent is not commonly known by the disputed domain name and is not making a bona fide or non-commercial use. Instead, the Respondent uses the disputed domain name to resolve to a webpage that impersonates the Complainant and pretends to be the Complainant.

(3) The disputed domain name was registered and is being used in bad faith. The Complainant's well-known PAYSEND trademark is fully incorporated in the disputed domain name, together with a term descriptive of the Complainant's business and services ("transfers"). The disputed domain name was registered many years after the registration of the Complainant's trademarks, at a time when the Complainant's trademarks and business had already gained recognition and the trademarks were extensively used. It is inconceivable that the Respondent registered the disputed domain name without keeping the Complainant and its "PAYSEND" trademark in mind. The content of the website to which the disputed domain name resolves clearly demonstrates the Respondent's knowledge of the Complainant and its trademarks, as well as the Respondent's intent to take unfair advantage of the Complainant's marks. The content is related to the Complainant's business and constitutes direct evidence of impersonation, as the disputed domain name is used for impersonation of the Complainant and possible fraud. Furthermore, the absence of any contact details on the website reinforces the conclusion that the Respondent acted in bad faith. This demonstrates both bad faith registration and bad faith use.

The Complainant requests transfer of the disputed domain name.

The Respondent

The Respondent did not reply to the Complainant's contentions.

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

Preliminary Issue: Language of the Proceeding

According to the Registrar Verification, the language of the Registration Agreement is Russian.

Pursuant to paragraph 11(a) of the Rules, the Panel has the authority to determine the language of the proceeding, having regard to the circumstances of the case. The Complainant has requested that the language of the proceeding be English.

In support of its request, the Complainant submits, and the Panel notes, the following circumstances.

First, the disputed domain name is composed of Latin characters and incorporates the Complainant's PAYSEND trademark together with the English-language word "transfers", indicating the use of English rather than Russian.

Second, the website to which the disputed domain name resolved contains content exclusively in English. At the time of the filing of the Complaint, the website displayed an English-language verification message and, upon completion of verification, resolved to a page stating: "Your personalised link has already expired. Please contact the person who sent you this link to get a new one". There is no Russian language content on the website. This demonstrates that the Respondent is able to understand and use English and is targeting an English-speaking audience.

Third, the Panel considers that requiring the Complainant to translate all case materials into Russian would cause unnecessary delay and impose an additional burden on the Complainant, particularly in circumstances where the disputed domain name is used for impersonation and passing off, and where the Respondent has provided false contact details, as evidenced by the Registrar Verification and the materials submitted by the Complainant.

Finally, the Panel notes paragraph 4.5.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (WIPO Overview 3.0), which confirms that panels may proceed in a language other than that of the registration agreement where appropriate. Relevant factors include evidence that the respondent can understand the language of the complaint, the language or script of the domain name, the content of the website associated with the disputed domain name, and other indicia showing that it would not be unfair to proceed in another language. The Panel finds that these factors are present in the circumstances of this case.

Having considered all of the above, the Panel determines that English is an appropriate language for the proceeding and that proceeding in English will not prejudice the Respondent. Accordingly, the Panel orders that the language of the proceeding shall be English.

Substantive issues

To succeed, in a UDRP complaint, complainant must demonstrate that all the elements listed in paragraph 4(a) of the Policy have been satisfied, as following:

1) that the disputed domain name registered by the Respondent is identical or confusingly similar to a trademark in which the Complainant has rights;

2) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

3) that the disputed domain name has been registered or is being used in bad faith.

The Respondent had 20 days to submit a response in accordance with paragraph 5(a) of the Rules and failed to do so. Paragraph 5(f) of the Rules establishes that if a respondent does not respond to the Complaint, the Panel's decision shall be based upon the Complaint. The Complainant bears the burden of proving that all these requirements are fulfilled, even if the Respondent has not replied to the Complainant's contentions.

However, concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the provided reasonable factual allegations in the Complaint as true. See WIPO Overview 3.0, section 4.3.

Identical or Confusingly Similar

According to paragraph 4(a)(i) of the Policy, it should be established that the disputed domain name is identical or confusingly similar to a mark in which the Complainant has rights.

The Complainant has demonstrated ownership of its "PAYSEND" trademark in various jurisdictions, including the Russian Federation, which is the country of the Respondent's residence. The Panel is therefore satisfied that the Complainant has valid registered trademark rights. See WIPO Overview 3.0, section 1.2.1.

With the Complainant's trademark rights established, the remaining question under the first element of the Policy is whether the

disputed domain name is identical or confusingly similar to the Complainant's mark. As clarified in WIPO Overview 3.0, section 1.7, this element primarily serves as a standing requirement, and the test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's mark and the disputed domain name, focusing on whether the Complainant's mark is recognizable within the domain name.

The Panel finds that the disputed domain name is confusingly similar to the Complainant's "PAYSEND" trademark, as it reproduces the Complainant's mark in its entirety, together with the descriptive term "transfers", separated by a hyphen. The addition of a descriptive term and a hyphen does not prevent a finding of confusing similarity, as the Complainant's PAYSEND mark remains clearly recognizable and constitutes the dominant element of the disputed domain name. See WIPO Overview 3.0, section 1.8.

In line with established UDRP practice, the generic Top-Level Domain ".com" is disregarded when assessing confusing similarity. See WIPO Overview 3.0, section 1.11.

The Panel therefore concludes that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights, and the requirement under paragraph 4(a)(i) of the Policy is satisfied.

Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, the Complainant has the burden of establishing that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

While the overall burden of proof remains with the Complainant, UDRP panels have consistently recognized that requiring a complainant to prove a negative would often be impracticable, as the relevant evidence concerning a respondent's rights or legitimate interests is typically within the respondent's knowledge. Accordingly, once the Complainant establishes a prima facie case that the Respondent lacks rights or legitimate interests, the burden of production shifts to the Respondent to demonstrate such rights or legitimate interests under paragraph 4(c) of the Policy.

In the present case, the Complainant asserts that it has not authorized the Respondent to use its PAYSEND trademark in any manner. There is no evidence that the Respondent is affiliated with the Complainant, nor that the Respondent is commonly known by the disputed domain name or by the designation "paysend-transfers". The record further shows that the Respondent is not, and has never been, a licensee of the Complainant, nor has it been permitted to register or use the Complainant's trademark or any domain name incorporating it.

The Respondent's use of the disputed domain name does not constitute a bona fide offering of goods or services within the meaning of the Policy. On the contrary, the website to which the disputed domain name resolves misrepresents itself as belonging to the Complainant. The website reproduces the Complainant's corporate color scheme (purple) and the Complainant's "P" logo, thereby creating a false impression of affiliation or endorsement.

The case file further indicates that the Respondent likely provided false contact details at the time of registration of the disputed domain name. In addition, the Respondent's contact information has previously been associated with fraudulent schemes. UDRP panels have consistently held that the use of a domain name for illegal activity, such as impersonation, passing off, or fraud, can never confer rights or legitimate interests on a respondent. See WIPO Overview 3.0, section 2.13.1.

Moreover, the Whois record does not disclose any verifiable registrant identity or contact details, and the Respondent remains unidentified. This concealment of identity, combined with the deceptive use of the Complainant's trademark, reinforces the conclusion that the Respondent is operating under a false identity and engaging in fraudulent conduct.

These circumstances clearly demonstrate that the Respondent is not commonly known by the disputed domain name and is not making any legitimate noncommercial or fair use of it. Instead, the Respondent is intentionally misleading Internet users and diverting traffic for commercial gain.

Accordingly, the Complainant has established a strong prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has failed to rebut this case or to provide any evidence demonstrating rights or legitimate interests under paragraph 4(c) of the Policy.

Accordingly, the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

Registered and Used in Bad Faith

According to paragraph 4(a)(iii) of the Policy, the Complainant must prove on the balance of probabilities both that the disputed domain name was registered in bad faith and that it is being used in bad faith.

The Complainant's PAYSEND trademark registrations significantly predate the registration of the disputed domain name. The evidence shows that the Complainant's trademarks were registered and had already gained substantial recognition well before the Respondent registered the disputed domain name on October 31, 2025. The Complainant's marks are distinctive and well known in the field of international card-to-card money transfers, facilitating connections between billions of cards globally and multiple local card schemes.

The Respondent's incorporation of the Complainant's PAYSEND trademark in its entirety, combined with the additional term "transfers", which directly describes the Complainant's core business and services, strongly indicates that the Respondent was fully aware of the Complainant and its reputation at the time of registration. Given the distinctiveness of the mark and the Complainant's

extensive public presence, it is inconceivable that the Respondent independently selected the disputed domain name without prior knowledge of the Complainant.

The website to which the disputed domain name previously resolved reproduced the Complainant's logo and corporate color scheme, thereby reinforcing the false impression that the website was an official or authorized PAYSEND platform.

The Respondent's conduct further demonstrates deliberate concealment and deception. The website contained no imprint or identifying information, and the Whois record disclosed only the registrar's contact details rather than those of the actual registrant. This intentional anonymity, when combined with the imitation of the Complainant's branding, clearly evidences an attempt to mislead Internet users into believing that the disputed domain name was operated by, or affiliated with, the Complainant. The record further shows that the Respondent provided obviously false contact information at the time of registration and that the same contact details have previously been associated with fraudulent schemes.

On the balance of the evidence, the Panel finds that the Respondent's registration of the disputed domain name was motivated by the notoriety and goodwill of the Complainant's PAYSEND trademark. The Respondent's use of the disputed domain name to host a deceptive, imitation website constitutes a classic example of bad faith under paragraph 4(b)(iv) of the Policy, which applies where a respondent intentionally attempts to attract Internet users for commercial gain by creating a likelihood of confusion with the complainant's mark as to source, sponsorship, affiliation, or endorsement.

Taken together, these circumstances demonstrate a deliberate and sustained effort by the Respondent to exploit the Complainant's reputation and to mislead consumers for commercial gain.

Accordingly, the disputed domain name was both registered and 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

1. **paysend-transfers.com** : Transferred

PANELLISTS

Name	**Ganna Prokhorova**

DATE OF PANEL DECISION 2025-12-20

Publish the Decision