

ADMINISTRATIVE PANEL DECISION

Early Warning Services, LLC v. Zelle Support; Zellepay Info, Zellepay; Secured payment, Secured payment; ZELLE PAY; Mirandez Chocho, Zelle; ZELLE PAY, ZELLE PAY; Zelle Online, Zelle; Zelle Support, Zelle; Zelle Support; Zelle Pay, Zelle pay; Zelle Support, Zelle; Zelle Pay, Zelle; Zelle Pay, Zelle; Zelle Pay, Zelle; Olanrewaju Lawrence, Zelle pay; Zelle Pay, Zellebusinesspay.com; Zelle Pay, Online Banking; Zelle Pay, Zelle®; Zelle Pay, Zelle pay; Zelle Team, Zelle; Zelle Pay, Zellebusinesspay.com; Zelle Pay, Zelle pay port; zelle Pay, Zelle Pay; Zelle Payment, Zellepaymentreview; Time Nodey, Proke; BRET LAFELLETTE; and Customer Service, Customer service
Case No. D2022-4480

1. The Parties

The Complainant is Early Warning Services, LLC, United States of America (“United States”), represented by Bryan Cave Leighton Paisner, United States.

The Respondents are Zelle Support, United States; Zellepay Info, Zellepay, Nigeria; Secured payment, Secured payment, United States; ZELLE PAY, Nigeria; Mirandez Chocho, Zelle, Nigeria; ZELLE PAY, ZELLE PAY, United States; Zelle Online, Zelle, Nigeria; Zelle Support, Zelle, United States; Zelle Support, United States; Zelle Pay, Zelle pay, Nigeria; Zelle Support, Zelle, Nigeria; Zelle Pay, Zelle Pay, Nigeria; Zelle Pay, Zelle Pay, United States; Zelle Pay, Zelle, United States; Zelle Pay, Zelle, Nigeria; Olanrewaju Lawrence, Zelle pay, Nigeria; Zelle Pay, Zelle pay, Nigeria; Zelle Pay, Zelle®, United States; Zelle Pay, Zellebusinesspay.com, Nigeria; Zelle Pay, Online Banking, Nigeria, Zelle Pay, Zellepay, United States; Zelle Team, Zelle, United States; Zelle Pay, Zelle pay port, United States; zelle Pay, Zelle Pay, Nigeria; Zelle Payment, Zellepaymentreview, Nigeria; Time Nodey, Proke, United States; BRET LAFELLETTE, United States; and Customer Service, Customer service, United States.

2. The Domain Names and Registrar

The disputed domain names <businesszellemail.com>, <paymentzelle.info>, <zelleagency.com>, <zelleaid.com>, <zelleappsafe.com>, <zellebankingapp.net>, <zellebanking.net>, <zelleboa.net>, <zellebusinesscustomer.com>, <zellebusinessmail.com>, <zellecitibank.net>, <zellecustomerbusiness.com>, <zellecustomerservice.org>, <zellecustomersystemsUPPORT.com>, <zellegeneral.com>, <zellehelpcentre.com>, <zellelogin.org>, <zellelogo.info>, <zelleonlinebanking.net>, <zelleonlinepay.net>, <zelleorg.com>, <zellepaybank.net>, <zellepaybankorg.com>,

<zellepaybusinesssteam.com>, <zellepaycitibankbank.com>, <zellepaycitibanking.net>, <zellepayhelp.app>, <zellepayhelps.com>, <zellepaymentbank.com>, <zellepaymentbank.net>, <zellepayment.business>, <zellepayonlinehelps.com>, <zellepayport.com>, <zellepayreferencebank.com>, <zellepayteamsupport.com>, <zellepayusaabank.com>, <zellereviewcenter.com>, <zelleservice.app>, <zellesupport.com>, <zellesupportsystem.com>, <zellesystemsupport.com>, <zelletransactions.com>, <zelleupgradebusinessaccount.com>, and <zelle0pay.com> are registered with Google LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 28, 2022. On November 29, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On December 1, 2022, the Registrar transmitted by email to the Center its verification response, disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Contact Privacy Inc. Customer 7151571251) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 10, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint on January 13, 2023, and an amended Complaint on January 16, 2022.

The Center verified that the Complaint, together with the amendment to the Complaint and the amended Complaint, satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondents of the Complaint, and the proceedings commenced on January 19, 2023. In accordance with the Rules, paragraph 5, the due date for Response was February 8, 2023. The Respondents did not submit any response. Accordingly, the Center notified the Respondents’ default on February 20, 2023.

The Center appointed Edoardo Fano as the sole panelist in this matter on February 24, 2023. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

The Panel has not received any requests from the Complainant or the Respondents regarding further submissions, waivers or extensions of deadlines, and the Panel has not found it necessary to request any further information from the Parties.

Having reviewed the communication records in the case file provided by the Center, the Panel finds that the Center has discharged its responsibility under the Rules, paragraph 2(a), “to employ reasonably available means calculated to achieve actual notice to the Respondent”. Therefore, the Panel shall issue its Decision based upon the Complaint, the Policy, the Rules and the Supplemental Rules and without the benefit of a response from the Respondents.

The language of the proceeding is English, being the language of the Registration Agreements, as per paragraph 11(a) of the Rules.

4. Factual Background

The Complainant is Early Warning Services, LLC, a United States company operating as digital payment network, and owning several trademark registrations for ZELLE and ZELLEPAY, including the following:

- United States Trademark Registration No. 5,277,307 for ZELLE, registered on August 29, 2017;
- United States Trademark Registration No. 5,938,276 for ZELLEPAY, registered on December 17, 2019.

The Complainant also operates on the Internet, being “www.zellepay.com” its main website.

The Complainant provided evidence in support of the above.

According to the Whois records, the disputed domain names were registered on the following dates: <businesszellemail.com> on August 9, 2022, <paymentzelle.info> on September 3, 2022, <zelleagency.com> on August 15, 2022, <zelleaid.com> on September 3, 2022, <zelleappsafe.com> on September 2, 2022, <zellebankingapp.net> on August 9, 2022, <zellebanking.net> on August 9, 2022, <zelleboa.net> on August 24, 2022, <zellebusinesscustomer.com> on September 3, 2022, <zellebusinessmail.com> on August 9, 2022, <zellecitibank.net> on September 2, 2022, <zellecustomerbusiness.com> on August 23, 2022, <zellecustomerservice.org> on August 13, 2022, <zellecustomersystemsUPPORT.com> on September 3, 2022, <zellegeneral.com> on August 11, 2022, <zellehelpcentre.com> on September 2, 2022, <zellelogin.org> on August 25, 2022, <zellelogo.info> on August 13, 2022, <zelleonlinebanking.net> on September 2, 2022, <zelleonlinepay.net> on September 2, 2022, <zelleorg.com> on August 13, 2022, <zellepaybank.net> on September 3, 2022, <zellepaybankorg.com> on August 12, 2022, <zellepaybusinessteam.com> on August 23, 2022, <zellepaycitibankbank.com> on August 10, 2022, <zellepaycitibanking.net> on August 13, 2022, <zellepayhelp.app> on August 10, 2022, <zellepayhelps.com> on August 13, 2022, <zellepaymentbank.com> on August 15, 2022, <zellepaymentbank.net> on August 10, 2022, <zellepayment.business> on August 25, 2022, <zellepayonlinehelps.com> on August 23, 2022, <zellepayport.com> on August 24, 2022, <zellepayreferencebank.com> on August 23, 2022, <zellepayteamsupport.com> on August 13, 2022, <zellepayusaabank.com> on August 12, 2022, <zellereviewcenter.com> on July 26, 2022, <zelleservice.app> on August 11, 2022, <zellesupport.com> on August 15, 2022, <zellesupportsystem.com> on August 13, 2022, <zellesystemsUPPORT.com> on August 23, 2022, <zelletransactions.com> on August 13, 2022, <zelleupgradebusinessaccount.com> on September 2, 2022, and <zelle0pay.com> on August 14, 2022. All the disputed domain names are inactive.

5. Parties' Contentions

A. Complainant

The Complainant states that the disputed domain names are confusingly similar to its trademarks ZELLE and ZELLEPAY, as they wholly incorporate the Complainant's trademarks ZELLE and/or ZELLEPAY, and the addition of the descriptive terms “businessmail”, “payment”, “agency”, “aid”, “appsafe”, “bankingapp”, “banking”, “boa” (standing for “Bank of America”), “businesscustomer”, “citibank”, “customerbusiness”, “customerservice”, “customersystemsUPPORT”, “general”, “helpcentre”, “login”, “logo”, “onlinebanking”, “onlinepay”, “org”, “pay”, “bank”, “bankorg”, “businessteam”, “citibankbank”, “citibanking”, “help”, “helps”, “paymentbank”, “onlinehelps”, “port”, “referencebank”, “teamsupport”, “usaabank”, “reviewcenter”, “service”, “support”, “supportsystem”, “systemsUPPORT”, “transactions”, “upgradebusinessaccount”, and “0pay” does not decrease but instead increases confusion.

Further to section 6.1 below, the Complainant argues that the disputed domain names are under common control and thus addresses the Respondents in the singular. The Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain names since it has not been authorized by the Complainant to register the disputed domain names or to use its trademarks within the disputed domain names, it is not commonly known by the disputed domain names and it is not making either a *bona fide* offering of goods or services or a legitimate noncommercial or fair use of the disputed domain names.

The Complainant submits that the Respondent has registered the disputed domain names in bad faith, since the Complainant's trademarks ZELLE and ZELLEPAY are distinctive and known in the field of digital payment. Therefore, the Respondent targeted the Complainant's trademarks at the time of registration of the disputed domain names and the Complainant contends that the passive holding of the disputed domain names qualifies as bad faith registration and use.

B. Respondents

The Respondents have made no reply to the Complainant's contentions and are in default. In reference to paragraphs 5(f) and 14 of the Rules, no exceptional circumstances explaining the default have been put forward or are apparent from the record.

A respondent is not obliged to participate in a proceeding under the Policy, but if it fails to do so, reasonable facts asserted by a complainant may be taken as true, and appropriate inferences, in accordance with paragraph 14(b) of the Rules, may be drawn. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.3.

6. Discussion and Findings

6.1 Consolidation of Multiple Respondents

The Complainant has requested consolidation of multiple Respondents and stated that all the disputed domain names belong to the same person or organization. No objection to this request was made by the Respondents.

Pursuant to the [WIPO Overview 3.0](#), section 4.11.2, "[w]here a complaint is filed against multiple respondents, panels look at whether (i) the domain names or corresponding websites are subject to common control, and (ii) the consolidation would be fair and equitable to all parties. Procedural efficiency would also underpin panel consideration of such a consolidation scenario". The Panel may consider a range of factors to determine whether consolidation is appropriate, such as examining relevant registrant contact information, and any naming patterns in the disputed domain names, or other evidence of respondent affiliation that indicate common control of the disputed domain names.

The Panel notes that all the disputed domain names have the same "customer identification number" as registrant contact information, they have been all registered with the same Registrar in the same short period of time, namely between July 26 and September 3, 2022, and they are all inactive. Further, the Panel notes that among the registrant information disclosed, all of the registrants' contact information includes the Complainant's trademark within their name or organization, beyond just a few, suggesting their likely fraudulent nature. The Panel finds that there is plausible evidence that the disputed domain names are subject to common control, and that it would be procedurally efficient, fair, and equitable to all Parties to accept the Complainant's consolidation request. The Panel further notes that the Respondents did not object to the consolidation request. The Panel therefore accepts the Complainant's consolidation request. Hereinafter, the Panel will refer to the Respondents in the singular, *i.e.*, "the Respondent".

6.2 Substantive Issues

Paragraph 4(a) of the Policy lists three elements, which the Complainant must satisfy in order to succeed:

- (i) the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

A. Identical or Confusingly Similar

The Panel finds that the Complainant is the owner of the trademarks ZELLE and ZELLEPAY both by registration and acquired reputation and that the disputed domain names are confusingly similar to the trademarks ZELLE and ZELLEPAY.

Regarding the addition of the terms “businessmail”, “payment”, “agency”, “aid”, “appsafe”, “bankingapp”, “banking”, “boa” (standing for “Bank of America”), “businesscustomer”, “citibank”, “customerbusiness”, “customerservice”, “customersystemsupport”, “general”, “helpcentre”, “login”, “logo”, “onlinebanking”, “onlinepay”, “org”, “bank”, “bankorg”, “businessteam”, “citibankbank”, “citibanking”, “help”, “helps”, “paymentbank”, “onlinehelps”, “port”, “referencebank”, “teamsupport”, “usaabank”, “reviewcenter”, “service”, “support”, “supportsystem”, “systemsupport”, “transactions”, “upgradebusinessaccount”, and “0pay”, the Panel notes that it is now well established that the addition of other terms (whether descriptive, geographical terms, letters, or otherwise) to a domain name does not prevent a finding of confusing similarity between the disputed domain name and the trademark. The addition of the terms “businessmail”, “payment”, “agency”, “aid”, “appsafe”, “bankingapp”, “banking”, “boa” (standing for “Bank of America”), “businesscustomer”, “citibank”, “customerbusiness”, “customerservice”, “customersystemsupport”, “general”, “helpcentre”, “login”, “logo”, “onlinebanking”, “onlinepay”, “org”, “pay”, “bank”, “bankorg”, “businessteam”, “citibankbank”, “citibanking”, “help”, “helps”, “paymentbank”, “onlinehelps”, “port”, “referencebank”, “teamsupport”, “usaabank”, “reviewcenter”, “service”, “support”, “supportsystem”, “systemsupport”, “transactions”, “upgradebusinessaccount”, and “0pay”, does not therefore prevent the disputed domain names from being confusingly similar to the Complainant’s trademarks. See [WIPO Overview 3.0](#), section 1.8.

It is also well accepted that a generic Top-Level Domain (“gTLD”), in this case “.com”, “.net”, “.org”, “.info”, “.app”, “.business”, is typically ignored when assessing the confusing similarity between a trademark and a domain name. See [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds that the Complainant has therefore met its burden of proving that the disputed domain names are confusingly similar to the Complainant’s trademarks, pursuant to the Policy, paragraph 4(a)(i).

B. Rights or Legitimate Interests

Paragraph 4(a)(ii) of the Policy requires the Complainant to prove that the Respondent has no rights or legitimate interests in the disputed domain names.

The Respondent may establish rights or legitimate interests in the disputed domain names by demonstrating in accordance with paragraph 4(c) of the Policy any of the following circumstances, in particular but without limitation:

- “(i) before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain names or a name corresponding to the domain names in connection with a *bona fide* offering of goods or services; or
- (ii) you (as an individual, business, or other organization) have been commonly known by the domain names, even if you have acquired no trademark or service mark rights; or
- (iii) you are making a legitimate noncommercial or fair use of the domain names, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.”

According to paragraph 4(a) of the Policy, the Complainant has the burden of proving the three elements of the Policy. However, satisfying the burden of proving a lack of the Respondent’s rights or legitimate interests in respect of the disputed domain names according to paragraph 4(a)(ii) of the Policy is potentially quite difficult, since proving a negative circumstance is generally more complicated than establishing a positive one. As such, it is well accepted that it is sufficient for the Complainant to make a *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain names in order to shift the burden of

production to the Respondent. If the Respondent fails to demonstrate rights or legitimate interests in the disputed domain names in accordance with paragraph 4(c) of the Policy or on any other basis, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy.

The Complainant in its Complaint, and as set out above, has established a *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain names. It asserts that the Respondent, who is not currently associated with the Complainant in any way, is not commonly known by the disputed domain names, and is not using the disputed domain names for a legitimate noncommercial or fair use or in connection with a *bona fide* offering of goods or services.

The *prima facie* case presented by the Complainant is enough to shift the burden of production to the Respondent to demonstrate that it has rights or legitimate interests in the disputed domain names. However, the Respondent has not presented any evidence of any rights or legitimate interests it may have in the disputed domain names, and the Panel is unable to establish any such rights or legitimate interests on the basis of the evidence in front of it.

Moreover, the Panel finds that the composition of the disputed domain names carries a risk of implied affiliation (as well as the Respondent's intention of taking unfair advantage of the likelihood of confusion between the disputed domain names and the Complainant). See [WIPO Overview 3.0](#), section 2.5.1.

The Panel therefore finds that paragraph 4(a)(ii) of the Policy has been satisfied.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy provides that “for the purposes of paragraph 4(a)(iii) of the Policy, the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

- (i) circumstances indicating that [the respondent has] registered or has 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 the complainant, for valuable consideration in excess of its documented out-of-pocket costs directly related to the domain name; or
- (ii) that [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 [the respondent has] engaged in a pattern of such conduct; or
- (iii) that [the respondent has] registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) that by using the domain name, [the respondent has] intentionally attempted to attract, for commercial gain, Internet users to [the respondent's] 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] web site or location or of a product or service on [the respondent's] web site or location”.

Regarding the registration in bad faith of the disputed domain names, the reputation of the Complainant's trademarks ZELLE and ZELLEPAY in the field of digital payment is clearly established and the Panel finds that the Respondent likely knew of the Complainant and deliberately registered the disputed domain names. The Panel's finding is reinforced given that the Respondent incorporated the ZELLE and ZELLE PAY trademarks into its various names and organizations when registering a majority of the disputed domain name, in what would appear to be an attempt to falsely legitimize the registrations as being in connection with the trademarks or the Complainant.

As regards the use in bad faith of the disputed domain names, which are all inactive, the Panel considers that bad faith may exist even in cases of so-called “passive holding”, as found in the landmark UDRP decision *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#). In the circumstances of this case, the Panel finds that such passive holding does not prevent a finding of bad faith. See [WIPO Overview 3.0](#), section 3.3. In support thereof, the Panel considers as relevant the notoriety of the Complainant’s trademarks, the identical incorporation of said distinctive trademarks, the Respondent’s failure to participate, the Respondent’s provision of impersonating, false or incomplete registration data, and the Respondent’s use of a privacy service to mask its details in the publicly-available WhoIs.

Furthermore, the Panel considers that the nature of the disputed domain names, which are almost identical to the Complainant’s trademarks with the mere addition of the terms “businessmail”, “payment”, “agency”, “aid”, “appsafe”, “bankingapp”, “banking”, “boa” (standing for “Bank of America”), “businesscustomer”, “citibank”, “customerbusiness”, “customerservice”, “customersystems support”, “general”, “helpcentre”, “login”, “logo”, “onlinebanking”, “onlinepay”, “org”, “pay”, “bank”, “bankorg”, “businessteam”, “citibankbank”, “citibanking”, “help”, “helps”, “paymentbank”, “onlinehelps”, “port”, “referencebank”, “teamsupport”, “usaabank”, “reviewcenter”, “service”, “support”, “supportsystem”, “systems support”, “transactions”, “upgradebusinessaccount”, and “Opay”, as well as confusingly similar to the Complainant’s <zellepay.com> domain name, further supports a finding of bad faith. See [WIPO Overview 3.0](#), sections 3.1.4 and 3.2.1.

The Panel finds that the Complainant has presented evidence to satisfy its burden of proof with respect to the issue of whether the Respondent has registered and is using the disputed domain names in bad faith.

The Panel therefore finds that paragraph 4(a)(iii) of the Policy has been satisfied.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain names <businesszellemail.com>, <paymentzelle.info>, <zelleagency.com>, <zelleaid.com>, <zelleappsafe.com>, <zellebankingapp.net>, <zellebanking.net>, <zelleboa.net>, <zellebusinesscustomer.com>, <zellebusinessmail.com>, <zellecitibank.net>, <zellecustomerbusiness.com>, <zellecustomerservice.org>, <zellecustomersystems support.com>, <zellegeneral.com>, <zellehelpcentre.com>, <zellelogin.org>, <zellelogo.info>, <zelleonlinebanking.net>, <zelleonlinepay.net>, <zelleorg.com>, <zellepaybank.net>, <zellepaybankorg.com>, <zellepaybusinessteam.com>, <zellepaycitibankbank.com>, <zellepaycitibanking.net>, <zellepayhelp.app>, <zellepayhelps.com>, <zellepaymentbank.com>, <zellepaymentbank.net>, <zellepayment.business>, <zellepayonlinehelps.com>, <zellepayport.com>, <zellepayreferencebank.com>, <zellepayteamsupport.com>, <zellepayusaabank.com>, <zellereviewcenter.com>, <zelleservice.app>, <zellesupport.com>, <zellesupportsystem.com>, <zellesystems support.com>, <zelletransactions.com>, <zelleupgradebusinessaccount.com>, and <zelle0pay.com> be transferred to the Complainant.

/Edoardo Fano/

Edoardo Fano

Sole Panelist

Date: March 6, 2023