

DISPUTE RESOLUTION SERVICE

DRS 18063

Decision of Independent Expert

TTT Moneycorp Limited

Complainant

and

Domain Management

Respondent

1. The Parties:

Complainant: TTT Moneycorp Limited  
Floor 5, Zig Zag Building, 70 Victoria Street  
London  
United Kingdom  
SW1E 6SQ  
United Kingdom

Respondent: Domain Management  
15 5th Street  
Closter  
Closter  
NJ  
07624  
United States

2. The Domain Name:

moneycorpbank.co.uk

3. Procedural History:

I confirm that I am independent of each of the parties. To the best of my knowledge and belief, there are no facts or circumstances, past or present, or that could arise in the foreseeable future, that need be disclosed as they might be of a such a nature as to call in to question my independence in the eyes of one or both of the parties.

11 October 2016 14:06 Dispute received

11 October 2016 15:54 Complaint validated

11 October 2016 16:00 Notification of complaint sent to parties

28 October 2016 02:30 Response reminder sent

02 November 2016 12:07 No Response Received  
02 November 2016 12:07 Notification of no response sent to parties  
14 November 2016 01:30 Summary/full fee reminder sent  
16 November 2016 16:04 Expert decision payment received

#### 4. Factual Background

The Complainant has owned registered trade marks for MONEYCORP in countries across the world including the UK for currency and financially related services since at least 2000.

The Domain Name has been pointed to pay per click sites linking to financial services not related to the Complainant and has been offered for sale.

#### 5. Parties' Contentions

The Complainant's contentions can be summarized as follows:

The Complainant is a UK company offering foreign exchange bureau de change services to individual and corporate customers. It was incorporated in 1962, rebranded to its current name in 1993 and has been offering bureaux de change services since 1979 under the name MONEYCORP which has been registered as a trademark, inter alia in the UK for currency or financially related services since 1998. Its official site is located at [www.moneycorp.com](http://www.moneycorp.com) which has been available since 2000. The MONEYCORP mark is famous.

The Domain Name is identical to the Complainant's MONEYCORP mark apart from the addition of the word 'bank' which does not serve to distinguish the Domain Name from the Complainant's trade mark and, in fact, plays on an Internet user's confusion as to the association of the Domain Name with the Complainant. The .co.uk suffix is not taken into account for the purposes of this comparison under the Policy.

MONEY CORP is not a generic or descriptive word. It is well known. The Respondent is not known by this name or authorized by the Complainant to use this name.

Most of the Complainant's trade mark registrations predate the registration of the Domain Name in 2016. The Domain Name is listed for sale on sedo.com. The Respondent owns a portfolio of over 84,000 domain names.

The Domain Name is linked to a site offering pay per click links and which also advertises the Domain Name for sale. The Respondent has registered the name for profit by driving traffic to the Domain Name or to block the registration of it by the Complainant. Visitors arriving at pay per click sites connected to the Domain Name will expect that site to be connected to the Complainant and this use is confusing. Initial interest confusion is enough for these purposes.

The Respondent has been subject to adverse findings in a number of domain name dispute proceedings including for '.uk' registrations.

The Respondent has not filed a Response in these proceedings.

## 6. Discussions and Findings

### General

To succeed in this Complaint, the Complainant has to prove to the Expert pursuant to paragraph 2 of the Policy on the balance of probabilities, first, that it has Rights (as defined in paragraph 1 of the Policy) in respect of a name or mark identical or similar to the Domain Name and, secondly, that the Domain Name, in the hands of the Respondent, is an Abusive Registration (as defined in paragraph 1 of the Policy). Right is defined as 'rights enforceable by the Complainant, whether under English law or otherwise, and may include rights in descriptive terms which have acquired a secondary meaning'.

### Complainant's Rights

The Complainant is the proprietor of, inter alia, a UK registered trade mark for MONEYCORP for currency and financially related services registered in 1998. The Expert is, therefore, satisfied that the Complainant has Rights under the Policy.

The Domain Name is similar to the Complainant's registered mark with the generic word 'bank' added. The addition of the word 'bank' is not sufficient in itself to distinguish the Domain Name from the Complainant's registered MONEYCORP mark being related in meaning to financial services which are the areas in which the Complaint operates. The ccTLD .co.uk may also be disregarded for this purpose.

Accordingly the Expert finds that Complainant has Rights in respect of the MONEYCORP mark which is similar to the Domain Name for the purposes of the Policy and that the Complainant has satisfied the first limb of the Policy.

### Abusive Registration

This leaves the second limb. Is the Domain Name, in the hands of the Respondent, an Abusive Registration? Paragraph 1 of the Policy defines "Abusive Registration" as:-  
"a Domain Name which either:

i. was registered or otherwise acquired in a manner, which at the time when the registration or acquisition took place, took unfair advantage of or was unfairly detrimental to the Complainant's Rights; or

ii. is being or has been used in a manner which has taken unfair advantage of or has been unfairly detrimental to the Complainant's Rights."

A non-exhaustive list of factors, which may be evidence that the Domain Name is an Abusive Registration is set out in paragraph 5 of the Policy. There being no suggestion that the Respondent has given false contact details, or has a relationship with the Complainant and the Domain Name not being an exact match to the Complainant's trade mark, the only potentially relevant 'factors' in paragraph 5 are to be found in subparagraph .1 which read as follows:

5.1.1 "Circumstances indicating that the Respondent has registered or otherwise acquired the Domain Name primarily:

5.1.1.1 for the purposes of selling, renting or otherwise transferring the Domain Name to the Complainant or to a competitor of the Complainant, for valuable consideration in excess of

the Respondent's documented out of pocket costs directly associated with acquiring or using the Domain Name;

5.1.1.2 as a blocking registration against a name or mark in which the Complainant has Rights; or

5.1.1.3 for the purpose of unfairly disrupting the business of the Complainant;"

5.1.2 Circumstances indicating that the Respondent is using or threatening to use the Domain Name in a way which has confused or is likely to confuse people or businesses into believing that the Domain Name is registered to, operated or authorised by, or otherwise connected with the Complainant;

5.1.1.3 The Complainant can demonstrate that the Respondent is engaged in a pattern of registrations where the Respondent is the registrant of domain names (under .uk or otherwise) which correspond to well known names or trade marks in which the Respondent has no apparent rights and the Domain Name is part of that pattern;

The panel finds that the mark MONEYCORP has become distinctive through use in relation to currency and related financial services. The inclusion of 'bank' in the Domain Name and the use for links relating to financial services indicates the Respondent had the Complainant in mind when the Domain Name was registered and was aware that selection of the actual name of the Complainant and references to financial services in a domain name could be a blocking registration or would ride on the Complainant's rights taking undue advantage and causing detriment. In so doing, the Respondent must have realised it would be, unfairly disruptive to the Complainant's business.

Further, in the opinion of the Expert the Domain Name is likely to confuse and the use for financially related pay per click links could well confuse Internet users into thinking that the site connected to the Domain Name was connected with the Complainant.

The Domain Name has been offered for sale by the Respondent on Sedo.com for a sum in excess of out of pocket expenses for acquiring the Domain Name. The site attached to it has also offered it for sale. Accordingly, the offer to sell the Domain Name by the Respondent for money in excess of the expenses related to registration of a domain name is an indication that the Domain Name was registered for the purposes of selling, renting or otherwise transferring the Domain Name to the Complainant or to a competitor of the Complainant, for valuable consideration in excess of the Respondent's documented out of pocket costs directly associated with acquiring or using the Domain Name.

All this is sufficient to persuade the Expert that this is an abusive registration without considering whether the decisions cited by the Complainant are indeed connected with the Respondent and whether they form a pattern of registrations.

Accordingly, in the view of the Expert in its registration and use of the Domain Name the Respondent took unfair advantage of and caused detriment to the Complainant's Rights. Accordingly, the Expert finds that the Domain Name is an Abusive Registration within the definition of that term in paragraph 1 of the Policy.

## 7. Decision

In light of the foregoing findings, namely that the Complainant has Rights in respect of a mark which is similar to the Domain Name and that the Domain Name, in the hands of the Respondent, is an Abusive Registration, the Expert directs that the Domain Name, moneycorpbank.co.uk be transferred to the Complainant.

Signed: Dawn Osborne

Dated: 5 December 2016