

ADMINISTRATIVE PANEL DECISION

Stichting BDO v. NAME REDACTED

Case No. D2022-1758

1. The Parties

The Complainant is Stichting BDO, Netherlands, represented by McDermott Will & Emery LLP, United States of America.

The Respondent is Name Redacted. The Respondent's name has been redacted for the reason explained in section 6A below. The Respondent is unrepresented.

2. The Domain Name and Registrar(s)

The disputed domain name, <infobdo.com> (the "Domain Name"), is registered with Google LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 16, 2022. On May 16, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On May 16, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on May 26, 2022, 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 amended Complaint on May 28, 2022.

The Center verified that the Complaint together with 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 Respondent of the Complaint, and the proceedings commenced on May 30, 2022. In accordance with the Rules, paragraph 5, the due date for Response was June 19, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 22, 2022.

The Center appointed Tony Willoughby as the sole panelist in this matter on June 30, 2022. 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 invitation to the Complainant to file an amended Complaint stemmed from the fact that the Domain Name was registered in the name of a privacy service. In response to the Center's registrar verification request, the Registrar disclosed the name and address of the entity in whose name the Domain Name is currently registered. The amended Complaint names the underlying registrant as the Respondent. A further issue relating to the identity of the Respondent is dealt with in sections 4 and 6A below.

4. Factual Background

The Complainant is an international network of financial services firms providing accounting and related services under the name "BDO". It is the registered proprietor of numerous trade mark registrations covering the name under and by reference to which it provides its services, one of those registrations being United States Trademark Registration No. 4,854,142 BDO (standard character mark) registered on November 17, 2015 in classes 9, 16, 35, 36, 41, 42, and 45 for a wide variety of goods and services.

The Domain Name was registered on April 30, 2022 in the name of an officer of the Complainant, but someone who had no idea that his name was being used for this purpose. The true identity of the underlying registrant is not known. The Domain Name has never been connected to an active website.

In May 2022 the Respondent, purporting to be a senior officer of the Complainant and using the email address [NAME REDACTED]@infobdo.com solicited applications from third parties for jobs with the Complainant. The evidence filed by the Complainant includes a screenshot of an interview conducted by the Respondent with a job applicant via instant messaging.

5. Parties' Contentions

A. Complainant

The Complainant contends that the Domain Name is confusingly similar to the Complainant's BDO registered trade mark; that the Respondent has no rights or legitimate interests in respect of the Domain Name; and that the Domain Name has been registered and is being used in bad faith.

The Complainant contends that the Respondent registered the Domain Name for the purpose for which he or she is using it, namely to impersonate an employee of the Complainant and in all likelihood with a view to extracting personal information from the individuals concerned, *i.e.* for phishing.

B. Respondent

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

6. Discussion and Findings

A. Preliminary Matter – Redaction of the Respondent’s Name

As can be seen from the factual background set out above (section 4) this case appears to be a case where the individual identified on the Registrar’s Whois database is an innocent party unaware of the fraud being perpetrated in his name. In such cases, it is common practice for the Respondent’s name to be redacted from the published decision. The Panel proposes to follow the course of action adopted by the learned panel in *Elkjøp Nordic A/S v. Name Redacted* WIPO Case No. [D2013-1285](#) and set out as follows:

“As in *Moncler S.r.l. v. Name Redacted*, WIPO Case No. [D2010-1677](#), *Boehringer Ingelheim Pharma GmbH & Co. KG v. Name Redacted*, WIPO Case No. [D2012-0890](#) and *Saudi Arabian Oil Company v. Name Redacted*, WIPO Case No. [D2013-0105](#), this is a case in which the Panel finds that the Domain Name was registered by a third-party without the involvement of the person identified in the Whois as the registrant of the Domain Name, against whom the Complaint was filed. The Panel has accordingly redacted the name of that person from the caption and body of this Decision. The Panel has attached as an Annexure to this Decision an instruction to the Registrar regarding transfer of the Domain Name that includes the name of that person so as to enable effect to be given to the Panel’s order. To this end, the Panel authorises the Center to transmit the Annexure to the Registrar and the parties, but further directs the Center and Registrar, pursuant to paragraph 4(j) of the Policy and paragraph 16(b) of the Rules, that the Annex to this Decision shall not be published in this exceptional case.”

All references in this decision to the Respondent are to the unknown person who registered the Domain Name.

B. General

According to paragraph 4(a) of the Policy, for this Complaint to succeed in relation to the Domain Name, the Complainant must prove each of the following, namely that:

- (i) The Domain Name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights; and
- (ii) The Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) The Domain Name has been registered and is being used in bad faith.

C. Identical or Confusingly Similar

The Domain Name comprises the word “info” (a common abbreviation for “information”) followed by the Complainant’s registered trade mark BDO and the “.com” generic Top-Level Domain identifier.

Section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)) explains the test for identity or confusing similarity under the first element of the Policy and includes the following passage:

“While each case is judged on its own merits, in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing.”

The Complainant's BDO registered trade mark is readily recognizable in the Domain Name. The Panel finds that the Domain Name is confusingly similar to a trade mark in which the Complainant has rights.

D. Rights or Legitimate Interests

The evidence as described in section 4 above demonstrates to the satisfaction of the Panel that the Respondent, as asserted by the Complainant, registered the Domain Name in the name of an innocent officer of the Complainant without his knowledge and has used that individual's name as part of an email address featuring the Domain Name to deceive would-be applicants for jobs with the Complainant. While the identity of the interviewee in the instant messaging screenshot annexed to the Complaint has not been provided to the Panel, it is apparent from that screenshot that the Respondent was seeking to deceive the interviewee that he or she was the Complainant's officer whose identity was taken by the Respondent for registration of the Domain Name.

On no basis could such behaviour give to the Respondent rights or legitimate interests in respect of the Domain Name and the Respondent has not sought to argue otherwise. Unsurprisingly, the Respondent has not responded to the Complaint.

The Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name.

E. Registered and Used in Bad Faith

The Panel is satisfied that the Respondent registered the Domain Name for the purpose for which he or she has been using it, namely for an email address to facilitate his or her impersonation of an officer of the Complainant. While it is not known precisely what the Respondent was aiming to achieve by way of this impersonation, the Panel agrees with the Complainant that the overwhelming likelihood is that the Respondent's aim was to extract personal information from the individuals concerned i.e. for phishing.

The Panel finds that the Domain Name has been registered and is being used in bad faith.

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 Domain Name, <infobdo.com>, be transferred to the Complainant.

/Tony Willoughby/
Tony Willoughby
Sole Panelist
Date: July 14, 2022