

ADMINISTRATIVE PANEL DECISION

Stevens & Bolton LLP v. xplanmoney gp

Case No. D2023-3802

1. The Parties

Complainant is Stevens & Bolton LLP, United Kingdom, represented internally.

Respondent is xplanmoney gp, United States of America.

2. The Domain Name and Registrar

The disputed domain name is <steven-bolton.com> which is registered with Hosting Concepts B.V. d/b/a Registrar.eu. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 12, 2023. On September 12, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 13, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to Complainant on September 18, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on September 18, 2023.

The Center verified that the Complaint together with the amendment to the 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 Respondent of the Complaint, and the proceedings commenced on September 20, 2023. In accordance with the Rules, paragraph 5, the due date for Response was October 10, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on October 17, 2023.

The Center appointed Gerardo Saavedra as the sole panelist in this matter on October 23, 2023. This Panel finds that it was properly constituted. This 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.

4. Factual Background

Complainant is a British law firm.

Complainant has rights over the STEVENS & BOLTON mark for which it holds British registration No. UK00913713921 in classes 35, 41, and 45, registered on August 17, 2015.

Complainant is the registrant of the domain name <stevens-bolton.com>, created on January 8, 2001.

The disputed domain name was registered on August 28, 2023. Before the Complaint was filed, the disputed domain name resolved to a hosting landing web page and was used to send fraudulent emails.

5. Parties' Contentions

A. Complainant

Complainant's assertions may be summarized as follows.

Complainant is an independent multi-service law firm with around 150 lawyers. Complainant has significant goodwill and reputation in the name Stevens & Bolton, which has been used by Complainant since 1948.

Complainant owns various mark registrations for STEVENS & BOLTON and operates a website at "www.stevens-bolton.com".

The disputed domain name is confusingly similar to Complainant's STEVENS & BOLTON mark as it is identical, aside from the missing "s" at the end of the word "steven".

The disputed domain name is also almost identical to Complainant's own domain name, which is used for its employees' email addresses (*i.e.*, "[name]@stevens-bolton.com").

Respondent has no rights or legitimate interests in respect of the disputed domain name. Respondent is not known to Complainant, and there is no evidence that Respondent has been commonly known by the disputed domain name. There is currently no active website being operated at the disputed domain name, and there is no evidence of Respondent's use of, or demonstrable preparations to use the disputed domain name in connection with a *bona fide* offering of goods and services.

The disputed domain name has been used to send false/fraudulent emails, purporting to be from individuals within Complainant's business. Just the day after the registration of the disputed domain name a number of e-mails were sent to a Complainant's client, impersonating two employees of Complainant.¹ Respondent impersonated them by sending emails on August 29 and 30, 2023, using email addresses linked to the disputed domain name (*i.e.*, "[]@stevan-bolton.com") which mirrors the same email addresses used by Complainant, save for the missing "s" at the end of the word "steven". After Respondent provided said client with third-party bank account details, the client responded with follow up questions and even negotiated a reduction in the invoice amount. Afterwards the client confirmed that they would transfer the money to the third-party bank account, but the client happened to copy in a Complainant's employee using his correct

¹ Attached to the Complaint are copies of such email communications from/to email addresses associated with the disputed domain name that replicate the names of such Complainant's employees as they appear in their <stevens-bolton.com> email addresses.

Complainant's email address rather than the fraudulent email account, and said employee was able to identify the fraudulent activity so could fortunately intercept the transaction before the money was transferred.

The disputed domain name was self-evidently registered in bad faith. Given the strength of Complainant's rights in the name Stevens & Bolton and the above facts, Respondent's intention was clearly to use the disputed domain name to send fraudulent emails, purporting to be from individuals within Complainant's organization with the intention of damaging Complainant's business and/or deriving a fraudulent financial benefit.

Complainant requests that the disputed domain name be transferred to Complainant.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs the Panel to "decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable".

The lack of response from Respondent does not automatically result in a favorable decision for Complainant (see section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"). The burden for Complainant, under paragraph 4(a) of the Policy, is to show: (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; (ii) that Respondent has no rights or legitimate interests in respect of the disputed domain name; and (iii) the disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

It is undisputed that Complainant has rights over the STEVENS & BOLTON mark.

Since the addition of a generic Top-Level Domain ("gTLD") *i.e.*, ".com" in a domain name is technically required, it is well established that such element may be disregarded where assessing whether a domain name is identical or confusingly similar to a mark. Taking into account the aforesaid, it is clear that the disputed domain name almost identically reproduces the STEVENS & BOLTON mark, omitting its second "s" letter and replacing the ampersand sign with an hyphen. This Panel considers that such mark is recognizable in the disputed domain name and that said minor differences in the disputed domain name do not avoid a finding of confusing similarity with said mark (see sections 1.7 and 1.9 of the [WIPO Overview 3.0](#)).

Thus, this Panel finds that Complainant has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Complainant has alleged and Respondent has failed to deny that Respondent has no rights or legitimate interests in respect of the disputed domain name.

There is no evidence in the case file of circumstances of the type specified in paragraph 4(c) of the Policy, or of any other circumstances giving rise to a possible right to or legitimate interest in the disputed domain name by Respondent, but rather the opposite may be validly inferred.

The evidence in the file shows that the disputed domain name was used as an email address for sending phishing email communications, conveying the impression that the sender is associated with Complainant, that is, the disputed domain name was used to try to obtain a payment by impersonating Complainant's employees. Such use demonstrates neither a *bona fide* offering of goods or services nor a legitimate noncommercial or fair use of the disputed domain name.²

Based on the aforesaid, this Panel concludes that paragraph 4(a)(ii) of the Policy is satisfied.

C. Registered and Used in Bad Faith

The evidence in the case file clearly shows that Respondent targeted Complainant with the intention of impersonating Complainant's employees in order to deceive a Complainant's client through phishing emails.³ The fact that the disputed domain name incorporates almost identically Complainant's STEVENS & BOLTON mark, coupled with the email communications sent to a Complainant's client from an email account linked to the disputed domain name that confusingly resembles the <stevens-bolton.com> email account of a Complainant's employee and using such employee's name and contact details, lead to the inevitable conclusion that Respondent registered and used the disputed domain name in bad faith.

In sum, the overall evidence indicates that Respondent's choice of the disputed domain name was deliberate for its confusing similarity with Complainant's STEVENS & BOLTON mark (and Complainant's domain name <stevens-bolton.com> that Complainant uses for employees' email addresses), with the intention of impersonating Complainant's employees and to commercially benefit therefrom by deceiving Complainant's clients through phishing emails, which denotes bad faith.

In light of all the above, this Panel finds that Complainant has satisfied paragraph 4(a)(iii) of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, this Panel orders that the disputed domain name <steven-bolton.com> be transferred to Complainant.

/Gerardo Saavedra/

Gerardo Saavedra

Sole Panelist

Date: November 6, 2023

² See *Olivetti S.p.A v. mez inc*, WIPO Case No. [D2015-1934](#): "Respondent's use of the Domain Name in a phishing scheme to divert customer payments from the Complainant to the Respondent did not constitute either a *bona fide* offering of goods or services or a legitimate noncommercial or fair use of the Domain Name". See *Syngenta Participations AG v. Guillaume Texier, Gobain Ltd*, WIPO Case No. [D2017-1147](#): "A registrant cannot acquire rights or legitimate interests by the use of a domain name as an email address from which to send phishing emails".

³ See *BinckBank N.V. v. Helo Holdings LTD*, WIPO Case No. [DNL2010-0014](#): "Respondent in the present case apparently targeted Dutch students by pretending to be the Complainant and sending them an offer from an e-mail address associated with the Domain Name [...] Phishing activities pose a severe threat to customers, trademark holders and third parties". See *Yardi Systems, Inc. v. Abm Black*, WIPO Case No. [D2019-0057](#): "Respondent is not using the disputed domain name to resolve to a web site, but rather is using it for spear phishing, employing the disputed domain name in an email address [...] This is classic bad faith registration and use". See also section 3.4 of the [WIPO Overview 3.0](#).