

ADMINISTRATIVE PANEL DECISION

KPMG International Cooperative v. Danny Allgood Case No. DME2022-0026

1. The Parties

The Complainant is KPMG International Cooperative, Netherlands, represented by Taylor Wessing LLP, United Kingdom.

The Respondent is Privacy service provided by Danny Allgood, United States of America ("US").

2. The Domain Name and Registrar

The disputed domain name <kpmguk.me> (the "Domain Name") is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 2, 2022. On December 2, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On December 2, 2023, 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 (Privacy Service Provided By Withheld For Privacy Ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 5, 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 December 6, 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 December 7, 2022. In accordance with the Rules, paragraph 5, the due date for Response was December 27, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 3, 2023.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on January 9, 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 to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant provides audit, tax and advisory services under the trademark KPMG. The Complainant owns the trademark KPMG and licenses its use to the KPMG member firms worldwide. The KPMG member firms operate in approximately 147 countries, with more than 219,000 employees. The combined global revenues of the KPMG member firms in 2018 were USD 28.96 billion. The global and member firm KPMG websites operate mainly under the flagship domain name <kpmg.com>.

The Complainant owns over 480 trademark registrations containing the name KPMG throughout the world, such as US trademark registration number 2339547, registered April 11, 2000, and European Union Trade Mark registration number 1011220, registered April 25, 2000. The Complainant's trademark rights have been recognized in several previous UDRP decisions.

According to the Complainant, the Domain Name was registered on August 17, 2022. The Domain Name has resolved to a registrar parking and pay-per-click site and was used to send fraudulent emails.

5. Parties' Contentions

A. Complainant

The Complainant provides evidence of trademark registrations and argues that the addition of the letters "uk", does not prevent a finding of confusing similarity with the Complainant's trademark.

The Complainant asserts that the Respondent is not authorized to use the Complainant's trademark. The Respondent cannot establish rights in the Domain Name, as it has not made any use of, or demonstrable preparations to use, the Domain Name in connection with a *bona fide* offering of goods or services. On the contrary, the Complainant documents that the Respondent has used the Domain Name to set up email accounts to send phishing emails.

The Complainant documents that the Respondent registered and has used the Domain Name to impede members of the public searching for genuine KPMG websites, due to the confusing similarity to the Complainant and its trademark.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has established that it has rights to the trademark KPMG. The test for confusing similarity involves a comparison between the trademark and the Domain Name. The Domain Name incorporates the Complainant's trademark, with the addition of "uk". This addition does not prevent a finding of confusing similarity between the Domain Name and the trademark.

For the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domains ("gTLDs"), see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third

Edition ([“WIPO Overview 3.0”](#)), section 1.11.1.

The Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Complainant has made unrebutted assertions that it has not granted any authorization to the Respondent to register the Domain Name containing the Complainant’s trademark or otherwise make use of the Complainant’s mark. There is no evidence that the Respondent has registered the Domain Name as a trademark or acquired unregistered trademark rights. The Respondent has not made use of, or demonstrable preparations to use, the Domain Name in connection with a *bona fide* offering. According to the evidence submitted by the Complainant, the Respondent has used the Domain Name to send fraudulent emails the name of the Complainant. The Respondent’s use of the Domain Name is clearly not *bona fide*, but rather evidence of bad faith.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name in accordance with paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds it evident from the nature of the Domain Name and the Respondent’s use of the Domain Name that the Respondent must have been aware of the Complainant and its trademarks when the Respondent registered the Domain Name. The Respondent has used the Domain Name to set up email accounts to send fraudulent emails. The Respondent’s use of the Domain Name in fraudulent activity is clear evidence of bad faith.

For the reasons set out above, the Panel concludes that the Domain Name was registered and is being used in bad faith, within the meaning of 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, the Panel orders that the Domain Name <kpmguk.me> be transferred to the Complainant.

/Mathias Lilleengen/

Mathias Lilleengen

Sole Panelist

Date: January 13, 2023