

## **ADMINISTRATIVE PANEL DECISION**

Man Group plc v. Carlos Vargas, Man Solutions  
Case No. D2023-1229

### **1. The Parties**

The Complainant is Man Group plc, United Kingdom, represented by Dehns, United Kingdom.

The Respondent is Carlos Vargas, Man Solutions, United States of America.

### **2. The Domain Name and Registrar**

The disputed domain name <mansolutionsusallc.com> is registered with GoDaddy.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 21, 2023. On March 21, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 21, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on March 29, 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 amended Complaint on March 31, 2023.

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 April 6, 2023. In accordance with the Rules, paragraph 5, the due date for Response was April 26, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 27, 2023.

The Center appointed Knud Wallberg as the sole panelist in this matter on May 4, 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.

#### **4. Factual Background**

The Complainant was founded in 1783 and is an investment management company that provides a range of funds for private and institutional clients.

The Complainant owns numerous registrations for its M MAN mark in many jurisdictions, including International Registration No. 1046727 M MAN logo in class 36, registered on June 22, 2010, designating, amongst others, the United States of America (the Respondent's country). The Complainant's main website is located at "www.man.com".

At the time of filing the Complaint the disputed domain name resolved to a website for a business named "Man Solutions USA LLC" that purported to offers financial escrow, closing and insurance services.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant submits that the disputed domain name is confusingly similar to the Complainant's trademark MAN since it contains this mark as its dominant element, in combination with the common word and acronyms "solutions", "usa" and "llc" respectively. Moreover, the element "Man Solutions USA" is identical to the dominant portion of the registered company name of the Complainant's wholly owned indirect subsidiary, Man Solutions (USA) LLC.

The Complainant further submits that it is not aware of any evidence that shows that the Respondent has used or made demonstrable preparation to use, a name corresponding to the disputed domain name in connection with a *bona fide* offering of goods and services; that the Respondent has been commonly known by the disputed domain name; or that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain misleadingly to divert consumers or to tarnish the Complainant's name.

The Complainant finally submits that the disputed domain name was registered, and is being used, in bad faith. The Respondent has knowingly adopted a domain name that is confusingly similar to the Complainant's trademarks, and that uses it for a website for a business named "Man Solutions USA LLC" that purports to offer financial escrow, closing and insurance services and thereby intentionally attracts in bad faith Internet users to its website by creating a likelihood of confusion with the Complainant and its business.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

According to paragraph 15(a) of the Rules the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

Paragraph 4(a) of the Policy directs that a complainant must prove each of the following:

- (i) that the domain name registered by the respondent is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (ii) that the respondent has no rights or legitimate interests in respect of the domain name; and

- (iii) that the domain name have been registered and is being used in bad faith.

Paragraph 4(a) of the Policy states that the burden of proving that all these elements are present lies with the Complainant. At the same time, in accordance with paragraph 14(b) of the Rules, if a party, in the absence of exceptional circumstances, does not comply with any provision of, or requirement under, the Rules, or any request from the Panel, the Panel shall draw such inferences therefrom as it considers appropriate.

#### **A. Identical or Confusingly Similar**

The Panel finds that the disputed domain name is confusingly similar (in the sense of the Policy) to the Complainant's registered trademark M MAN, since the disputed domain name contains this mark almost in its entirety. The addition of the term "solutions", "usa" and "llc" does not prevent a finding of confusing similarity. See section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

The generic Top-Level-Domain ("gTLD") ".com" is a standard registration requirement and as such is disregarded under the first element confusing similarity test. See section 1.11.1 of the [WIPO Overview 3.0](#).

The Panel finds that the conditions in paragraph 4(a)(i) of the Policy are therefore fulfilled in relation to the disputed domain name.

#### **B. Rights or Legitimate Interests**

It is obvious from the Complaint, that the Complainant has not licensed or otherwise permitted the Respondent to use the trademark M MAN.

Further, given the circumstances of this case, the Panel finds that the Complainant has established a *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent has not rebutted this. Furthermore, the Respondent uses the confusingly similar disputed domain name for a website that gives the Internet users that visits the website the impression that the website is affiliated with or somehow connected to the Complainant.

Consequently, the Panel finds that the conditions in paragraph 4(a)(ii) of the Policy are also fulfilled.

#### **C. Registered and Used in Bad Faith**

Paragraph 4(a)(iii) of the Policy requires the complainant to prove both registration and use of a domain name in bad faith. Paragraph 4(b) of the Policy provides examples of circumstances, which shall be evidence of registration and use 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 that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or
- (ii) 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) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

- (iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to the respondent's website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the respondent's website or location.

Accordingly, for the Complainant to succeed, the Panel must be satisfied that the disputed domain name has been registered and is being used in bad faith.

Given the circumstances of the case, including the well-known status of the Complainant's trademark M MAN, the way the disputed domain name is constructed and the way that the disputed domain name has been used, it is obvious to the Panel in the current circumstances that the Respondent registered the disputed domain name in bad faith.

The disputed domain name is used for a website, which clearly gives the Internet users the impression that the website is a website that is affiliated or somehow connected to the Complainant, which is not the case. The Panel therefore finds that there can be no doubt that the disputed domain name is used in bad faith to intentionally attempt "to attract, for commercial gain, Internet users to the Respondent's website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website".

Noting that the disputed domain name incorporates the dominant portion of the Complainant's well-known trademark M MAN, that the Respondent has not replied to the Complainant's contentions, and that there appears to be no conceivable good faith use that could be made by the Respondent of the disputed domain name and considering all the facts and evidence of the case, the Panel finds that the requirements of paragraph 4(a)(iii) of the Policy are also fulfilled in this case

## **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 name <mansolutionsusallc.com> be transferred to the Complainant.

*/Knud Wallberg/*

**Knud Wallberg**

Sole Panelist

Date: May 18