

## **ADMINISTRATIVE PANEL DECISION**

Phoenix Contact GmbH & Co. KG v. Lanette Doll, ICP Group  
Case No. D2025-0523

### **1. The Parties**

The Complainant is Phoenix Contact GmbH & Co. KG, Germany, represented by Taylor Wessing LLP, Germany.

The Respondent is Lanette Doll, ICP Group, United States of America.

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

The disputed domain name <phoenixcontact.com> (the “Disputed 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 February 10, 2025. On February 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On February 10, 2025, 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 the Complainant on February 13, 2025, 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 February 14, 2025.

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 February 18, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 10, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 15, 2025.

The Center appointed Nicholas Weston as the sole panelist in this matter on March 20, 2025. 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 is a multinational company incorporated in Germany operating an electrical engineering, electronics and automation business with total annual sales in 2022 of approximately EUR 3.6 billion. The Complainant holds registrations for the trademark PHOENIX CONTACT in numerous jurisdictions including International Trademark Registration No. 1125907 registered on October 28, 2011.

The Complainant owns the domain name <phoenixcontact.com> which hosts a website operated by the Complainant.

The Disputed Domain Name was registered on January 16, 2025. The Disputed Domain Name is inactive and has been used to send an email purporting to be from an employee of the Complainant in the Accounts Receivable team that requests remittance of monies putatively due to the Complainant to new bank account details.

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

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

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Disputed Domain Name.

Notably, the Complainant cites a number of trademark registrations for the mark PHOENIX CONTACT in numerous jurisdictions, as prima facie evidence of ownership.

The Complainant submits that its rights in the mark PHOENIX CONTACT predate the Respondent's registration of the Disputed Domain Name. The Complainant submits that the Disputed Domain Name is confusingly similar to its trademark, for the reason that the Disputed Domain Name nearly incorporates in its entirety the PHOENIX CONTACT trademark, and that the confusing similarity is not removed by the substitution of the letter "i" with the letter "I", or the generic Top-Level Domain ("gTLD") ".com".

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because, "The Respondent obviously has no rights of his own to use the [Disputed D]omain [N]ame". The Complainant also contends that the Disputed Domain Name was used to send "to write to customers of the Complainant. Fraudulent requests for payment are sent by e-mail, masking the real identity of the Respondent. Recipients of the e-mails are being misled about the actual sender of the e-mail and come to the conclusion that these are genuine payment requests from the Complainant, whereas they are clearly phishing emails" and the Complainant contends that such use should not be considered as a bona fide offering of goods or services.

Finally, the Complainant alleges that the registration and use of the Disputed Domain Name constitutes bad faith, contrary to the Policy and the Rules having regard to evidence that indicates "the Respondent is aware of the Complainant" and its trademarks, and, it submits that "the Respondent using a fake domain which is almost identical to legitimate one from the Complainant to send phishing emails with the intent to acquire sensitive information or with the intent to gain a monetary benefit."

## **B. Respondent**

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

## **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, the Complainant has the burden of proving the following:

- (i) that the Disputed Domain Name 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 Disputed Domain Name; and
- (iii) that the Disputed Domain Name has been registered and is being used in bad faith.

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

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the Disputed Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. The Complainant has produced sufficient evidence to demonstrate that it has registered trademark rights in the mark PHOENIX CONTACT in several countries.

Turning to whether the Disputed Domain Name is identical or confusingly similar to the PHOENIX CONTACT trademark, the Panel observes that the Disputed Domain Name is comprised of: (a) an exact reproduction of the Complainant's trademark PHOENIX CONTACT; (b) with the letter "i" replaced by the letter "l"; and (c) followed by the gTLD ".com".

It is well established that the gTLD used as part of a domain name is generally disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1. The relevant comparison to be made is with the second-level portion of the Disputed Domain Name, specifically: "phoenixcontact".

The Panel finds the mark is recognizable within the Disputed Domain Name. Accordingly, the Disputed Domain Name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

A domain name which consists of a common, obvious, or intentional misspelling of a trademark such as in this case, where the letter "i" is substituted with the letter "l", is also considered by panels to be confusingly similar to the relevant mark for purposes of the first element. [WIPO Overview 3.0](#), section 1.9.

The Panel finds the first element of the Policy has been established.

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

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a disputed domain name may result in the

difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the disputed domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.

[WIPO Overview 3.0](#), section 2.1.

The Panel finds that the term “phoenlxcontact” has no ordinary meaning other than in connection with the Complainant. Furthermore, there is no indication that the Respondent has been commonly known by the Disputed Domain Name comprising the term “phoenlxcontact”. There is neither indication on the record that the Complainant has licensed, permitted, or authorized the Respondent to use the trademark PHOENIX CONTACT. The Panel also notes that the composition of the Disputed Domain Name carries a risk of Internet user confusion .

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name. The Respondent has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Disputed Domain Name such as those enumerated in the Policy or otherwise.

The Panel notes the evidence that the Disputed Domain Name is inactive and was used to send email correspondence that attempted to trick one of the Complainant’s clients into misdirecting a payment in an attempt to defraud the client and Complainant and unsurprisingly finds that this does not represent a bona fide offering of goods or services, or a legitimate noncommercial or fair use.

Panels have held that the use of a disputed domain name for illegal activity here, phishing, impersonation and passing off, or other types of fraud can never confer rights or legitimate interests on a respondent.

[WIPO Overview 3.0](#), section 2.13.1.

The Panel finds the second element of the Policy has been established.

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

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In the present case, the Panel finds that the evidence in the case shows the Respondent registered and has used the Disputed Domain Name in bad faith.

On the issue of registration, given the distinctive composition of the Disputed Domain Name, and the well-established rights the Complainant has in its trademark, the Panel is satisfied that the Respondent targeted the Complainant when it registered the Disputed Domain Name.

The Complainant’s mark is so widely known that the Panel is prepared to infer from the deliberate typo that the Respondent knew, or should have known, that its registration would be identical or confusingly similar to the Complainant’s trademark (see [WIPO Overview 3.0](#), section 3.2.2). In this case the Complainant’s mark was plainly targeted by the Respondent.

On the issue of use, the Complainant's evidence is that the Disputed Domain Name is inactive and has been used to send emails for the purpose of phishing or for other unlawful activities. In line with prior UDRP panel decisions, the Panel finds that the use of a domain name for illegal activity here, phishing, impersonation/passing off, or other types of fraud) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds that the Complainant has established the third element 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 Disputed Domain Name <phoenlxcontact.com> be transferred to the Complainant.

*/Nicholas Weston/*

**Nicholas Weston**

Sole Panelist

Date: March 31, 2025