ADMINISTRATIVE PANEL DECISION

Kyndryl, Inc. v. Host Master, Transure Enterprise Ltd
Case No. D2025-4219

1. The Parties

The Complainant is Kyndryl, Inc., United States of America ("United States"), represented by Com Laude Limited, United Kingdom.

The Respondent is Host Master, Transure Enterprise Ltd, United States.

2. The Domain Name and Registrar

The disputed domain name <cacfkyndryl.net> (the "Disputed Domain Name") is registered with Above.com Pty Ltd. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 14, 2025. On October 14, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On October 16, 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 (above_privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 17, 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 October 17, 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 October 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 11, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 13, 2025.

The Center appointed Lynda M. Braun as the sole panelist in this matter on December 1, 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, a Delaware, United States corporation, is a multinational information technology ("IT") infrastructure services provider headquartered in New York City, United States, and created from the spin-off of IBM's infrastructure services division. The Complainant employs more than 90,000 people in 60 countries, having generated revenues of USD 17 billion in the fiscal year 2023. The Complainant's services include a wide range of technology infrastructure systems designed and managed for clients, such as cloud services, artificial intelligence, digital workplaces, hybrid IT environments and other emerging technology solutions.

The name of the Complainant is derived from the words "kin" and "tendril" to represent the symbol of growing collaboration to foster human progress. One of the Complainant's automated technical solutions is called Cloud Automation Community Framework ("CACF"), used to automate and streamline its business operations. The Complainant delivers parts of the CACF solution through its <cacf.kyndryl.net> sub-domain name, which is almost identical to the Disputed Domain Name.

The Complainant owns registered trademarks through the United States Patent and Trademark Office ("USPTO"), for example: KYNDRYL, United States Registration No. 7,070,586, registered on June 6, 2023, in International Classes 9, 35, 37, 38, 41 and 42; KYNDRYL (word and design), United States Registration No. 7,070,585, registered on June 6, 2023, in International Classes 9, 35, 37, 38, 41 and 42; and KYNDRYL, United States Registration No. 7,537,618, registered on October 15, 2024, in International Class 16. The Complainant also owns registered trademarks in many jurisdictions worldwide, such as Mauritius, France, and India, among others.

The foregoing trademarks will hereinafter collectively be referred to as the "KYNDRYL Mark".

The Complainant owns the domain name <kyndryl.com>, which resolves to its official website at "www.kyndryl.com".

The Disputed Domain Name was registered on September 2, 2025, and initially resolved to a variety of unrelated third-party websites apparently selected at random.[1] The first website to which a user was redirected was "McAfee Total Security", which purportedly contained malware. The second website to which a user was redirected was "Norton" software. The third website was a pay-per-click ("PPC") webpage with third-party sponsored links. The Respondent also configured Mail Exchanger ("MX") records so that the Disputed Domain Name could be incorporated into a mail address impersonating the Complainant, and used for email communications with consumers and other third parties.

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 contends that:

- the Disputed Domain Name is confusingly similar to the KYNDRYL Mark as it includes the KYNDRYL Mark

[1] As of the date of this Decision, however, the Disputed Domain Name resolves to a website with third-party sponsored links.

in its entirety, preceded by the letters “cacf”[2] and then followed by the generic Top-Level Domain (“gTLD”) “.net”;

- the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because the Disputed Domain Name resolved to several websites, including one containing malware and one that contained PPC third-party sponsored hyperlinks, which does not amount to a legitimate noncommercial or fair use within the meaning of paragraph 4(c)(iii) of the Policy; and

- the Disputed Domain Name was registered and is being used in bad faith since, among other things, the Disputed Domain Name resolved to a PPC landing page where the Respondent intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant’s KYNDRYL Mark as to the source, sponsorship, affiliation, or endorsement of the Disputed Domain Name.

The Complainant seeks the transfer of the Disputed Domain Name from the Respondent to the Complainant in accordance with paragraph 4(i) of the Policy.

B. Respondent

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

6. Discussion and Findings

In order for the Complainant to prevail and have the Disputed Domain Name transferred to the Complainant, the Complainant must prove the following (Policy, paragraph 4(a)):

(i) the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;

(ii) the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and

(iii) the Disputed Domain Name was registered and is being used in bad faith.

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires a two-fold inquiry: a threshold investigation into whether a complainant has rights in a trademark, followed by an assessment of whether the disputed domain name is identical or confusingly similar to that trademark. The Panel concludes that in the present case, the Disputed Domain Name is confusingly similar to the KYNDRYL Mark as explained below.

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. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“WIPO Overview 3.0”), section 1.7.

It is uncontroverted that the Complainant has established rights in the KYNDRYL Mark based on its years of use as well as its registered trademarks for the KYNDRYL Mark in the United States and jurisdictions worldwide. The registration of a mark satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case. As stated in section 1.2.1 of the WIPO Overview 3.0, “[w]here the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies

[2] The letters “cacf” likely refer to the Complainant’s automated technical solution called Cloud Automation Community Framework or “CACF”.

the threshold requirement of having trademark rights for purposes of standing to file a UDRP case". The Respondent has not rebutted this presumption and therefore, the Panel finds that the Complainant satisfied the threshold requirement of having trademark rights in the KYNDRYL Mark for purposes of the Policy. WIPO Overview 3.0, section 1.2.1.

The Disputed Domain Name consists of the Complainant's registered KYNDRYL Mark in its entirety, preceded by the letters "cacf" and then followed by the gTLD ".net". The test for confusing similarity involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name. Here, the KYNDRYL Mark is recognizable within the Disputed Domain Name. As stated in section 1.8 of WIPO Overview 3.0, "where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element". Thus, the addition of the term "cacf" to the Complainant's KYNDRYL Mark in the Disputed Domain Name does not prevent a finding of confusing similarity. See e.g., *Allianz Global Investors of America, L.P. and Pacific Investment Management Company (PIMCO) v. Bingo-Bongo*, WIPO Case No. D2011-0795; and *Hoffmann-La Roche Inc. v. Wei-Chun Hsia*, WIPO Case No. D2008-0923.

Finally, the addition of a gTLD such as ".net" in a domain name is a technical requirement. It is well established that such element may typically be disregarded when assessing whether a disputed domain name is identical or confusingly similar to a trademark. See *Proactiva Medio Ambiente, S.A. v. Proactiva*, WIPO Case No. D2012-0182 and WIPO Overview 3.0, section 1.11.1. Thus, the Panel concludes that the Disputed Domain Name is confusingly similar to the Complainant's KYNDRYL Mark.

Based on the available record, the Panel finds that 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. Here, the Respondent has not so demonstrated.

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 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 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.

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 Complainant's prima facie case includes the fact that the Complainant has not authorized, licensed or otherwise permitted the Respondent to use its KYNDRYL Mark, that the Complainant does not have any type of business relationship with the Respondent, that there is no evidence that the Respondent is commonly known by the Disputed Domain Name or by any similar name, and that there is no evidence that the Respondent was using or making demonstrable preparations to use the Disputed Domain Name in connection with a bona fide offering of goods or services. See Policy, paragraph 4(c).

Further, as noted above, the Disputed Domain Name resolves to a webpage displaying PPC links to various third-party services. The Panel concludes that the Respondent was seeking to generate click-through revenue from Internet users drawn to the Respondent's webpage due to a perceived association between the Disputed Domain Name and the Complainant's trademark. Such conduct, where the Respondent is seeking to unfairly capitalize on the goodwill associated with the Complainant's trademark, does not amount to use of the Disputed Domain Name in connection with a bona fide offering of goods or services. As such, the Respondent's registration and use of the Disputed Domain Name may be deemed commercially motivated and does not amount to a legitimate noncommercial or fair use within the meaning of paragraph 4(c)(iii) of the Policy.

Based on the available record, the Panel finds that 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.

The use of a domain name to intentionally attempt to attract Internet users to a respondent's website or online location by creating a likelihood of confusion with a complainant's mark as to the source, sponsorship, affiliation or endorsement of the registrant's website or online location for commercial gain demonstrates registration and use in bad faith. Here, the Respondent's registration and use of the Disputed Domain Name indicates that such registration and use had been done for the specific purpose of trading upon and targeting the reputation, name, mark, and goodwill of the Complainant. See *Madonna Ciccone, p/k/a Madonna v. Dan Parisi and "Madonna.com"*, WIPO Case No. D2000-0847 ("[t]he only plausible explanation for Respondent's actions appears to be an intentional effort to trade upon the fame of Complainant's name and mark for commercial gain.").

Moreover, the Panel concludes that the Respondent's registration of the Disputed Domain Name was an attempt to disrupt the Complainant's business by diverting Internet users who were searching for the Complainant's services from its official website to the Respondent's resolving websites. See *Banco Bradesco S.A. v. Fernando Camacho Bohm*, WIPO Case No. D2010-1552. The Respondent's use of the Disputed Domain Name was also likely to confuse Internet users into incorrectly believing that the Respondent's use was somehow authorized by the Complainant, or that the Respondent was affiliated with the Complainant.

The Panel also finds that the Respondent knew that the Complainant had rights in the KYNDRYL Mark when registering the Disputed Domain Name, emblematic of bad faith registration and use. The Respondent created a near identical domain name, incorporating the entirety of the KYNDRYL Mark, adding the term "cacf" related to the Complainant, thus making clear that the Respondent was well aware of the Complainant and its KYNDRYL Mark. Since the Complainant's name and trademark are highly distinctive, the Respondent could not have created the Disputed Domain Name independently. Therefore, it strains credulity to believe that the Respondent had not known of the Complainant or its KYNDRYL Mark when registering the Disputed Domain Name. See *Myer Stores Limited v. Mr. David John Singh*, WIPO Case No. D2001-0763 ("a finding of bad faith may be made where the respondent 'knew or should have known' of the registration and/or use of the trademark prior to registering the domain name"). Thus, the Panel concludes that in the present case, the Respondent had the Complainant's KYNDRYL Mark in mind when registering the Disputed Domain Name.

Finally, other instances of bad faith registration and use of the Disputed Domain Name by the Respondent include its configuration of MX records on the inherently misleading Disputed Domain Name, its purported use of malware that would be downloaded when a user arriving at the website downloaded software, and the Respondent's creation of a PPC advertising webpage with competing third-party links.

Based on the available record, the Panel finds that the third element of the Policy has been established.

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 <cacfkyndryl.net> be transferred to the Complainant.

/Lynda M. Braun/
Lynda M. Braun
Sole Panelist
Date: December 14, 2025