

## **ADMINISTRATIVE PANEL DECISION**

**Barrick Gold of North America, Inc., Barrick Mining Corporation v. Mayang Mayang**

**Case No. D2025-5230**

### **1. The Parties**

The Complainants are Barrick Gold of North America, Inc. (the “First Complainant”), c/o Elizabeth Rudolf, United States of America (“United States”), and Barrick Mining Corporation (the “Second Complainant”), c/o Elizabeth Rudolf, Canada, represented by Dorsey & Whitney, LLP, United States.

The Respondent is Mayang Mayang, Malaysia.

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

The disputed domain name <barrick.com> is registered with Gname.com Pte. Ltd. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 15, 2025. On December 16, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 17, 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 Complainants on December 23, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on the same day.

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 24, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 13, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 14, 2026.

The Center appointed Peter Burgstaller as the sole panelist in this matter on January 23, 2026. 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 First Complainant is a United States-based company; the Second Complainant is organized under the laws of Canada. The Complainants, together with its parent, affiliates and subsidiaries compose on the one of the largest gold mining operations worldwide (Annex 6 to the Complaint).

The Complainants have rights and have used the trademark BARRICK in connection with gold and copper mining and precious metal goods and services in numerous countries for many years; they own or have rights in several trademark registrations containing and consisting of the mark BARRICK, inter alia

- United States Trademark Registration BARRICK (figurative), Reg. No. 4,578,245, registered August 5, 2014;
- United States Trademark Registration BARRICK (word), Reg. No. 6,225,225, registered December 22, 2020;
- Canadian Trademark Registration BARRICK NEVADA (word), Reg. No. TMA1063113, registered November 14, 2019;
- European Trademark Registration BARRICK (word), Reg. No. 008890386, registered on August 10, 2010 (Annex 5 to the Complaint).

The Complainants have rights in the domain name <barrick.com>, registered on October 6, 1995; they advertise and promote their business at the website addressed by the domain name <barrick.com> (Annexes 6 and 8 to the Complaint) and have a strong online presence under the social media platforms LinkedIn, Facebook and X (Annex 7 to the Complaint).

The disputed domain name was registered on November 30, 2025 (Annex 1 to the Complaint). Before filing the Complaint (Annex 3 to the Complaint), at the time of filing the Complaint (Annex 4 to the Complaint) and at the time of this Decision (Panel's own research), the disputed domain name (under a subdomain) resolves to a website that uses the Complainants' BARRICK marks and provided stock prices and investment information as well as prompted users to input login information.

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

##### **A. Complainants**

The Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainants contend that they hold multiple registered trademarks for the term BARRICK. The Complainants also highlight the extensive use of the BARRICK mark since at least as early as October 1995, and that BARRICK is a distinctive identifier. The disputed domain name includes the entirety of the BARRICK mark differing only by the addition of an extra letter "R," which is a common typo-squatting tool. Where a domain name incorporates the entirety of a complainant's trademark, this will be sufficient to establish identical or confusing similarity.

The Complainants further submit that the Respondent lacks rights or legitimate interests in the disputed domain name: The Respondent does not have any trademark rights to the term "Barrick". There is also no evidence that the Respondent retains any unregistered trademark rights to the term "Barrick" or any term used in the disputed domain name or is commonly known by the term "Barrick". The Respondent has not

received any license from the Complainants to use a domain name featuring the BARRICK trademark. The Complainants further submit that the Respondent has not used, nor prepared to use, the disputed domain name in connection with a bona fide offering of goods or services – on the contrary: The disputed domain name resolves to a website that uses the Complainants' BARRICK trademark. The Complainants affirm that the Respondent's use of the disputed domain name is clearly attempting to pass off as the Complainants themselves or at least an affiliate of the Complainants, by inducing actual customers of the Complainants to use the website with the belief that they are on the Complainant's actual, or at least an affiliated, website.

Finally, the Complainants allege that the disputed domain name was registered and is being used in bad faith: The Complainants' BARRICK trademark registrations and use of the BARRICK mark in general precede the creation date of the disputed domain name for decades and the BARRICK mark is distinctive and well known.

The disputed domain name is also being used in bad faith: The Respondent has intentionally attempted to attract, for commercial gain, online users by creating a likelihood of confusion with the Complainants' BARRICK mark and offerings. The use of the disputed domain name to present the Complainants' services and featuring the Complainants' trademarks, gives Internet users a false impression that the site is controlled or authorized by the Complainants.

## **B. Respondent**

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

## **6. Discussion and Findings**

According to paragraph 4(a) of the Policy, the Complainants must prove that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainants have rights;
- (ii) the Respondent has no rights or legitimate interests with respect to 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 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 Complainants' 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.

The Complainants submitted evidence which incontestably and conclusively establishes rights in the mark BARRICK.

In the present case, the disputed domain name is confusingly similar to the BARRICK mark in which the Complainants have rights since that mark remains recognizable within the disputed domain name. The disputed domain name only adds the letter "r" which is a common, obvious and intentional misspelling of the Complainants' trademark and is therefore considered to be confusingly similar to the BARRICK mark of the Complainants'. [WIPO Overview 3.0](#), section 1.9.

Finally, it has also long been held that generic Top-Level Domains are generally disregarded when evaluating the confusing similarity between a disputed domain name and a trademark. [WIPO Overview 3.0](#), section 1.11.1.

Based on the available record, 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.

While 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 often impossible 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. 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 record, the Panel finds the Complainants have established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name, since it has never assigned, granted, licensed, sold, transferred or in any way authorized the Respondent to register or use the BARRICK trademark in any manner. The Respondent did not reply and hence has not rebutted the Complainants’ contentions.

Further, the composition of the disputed domain name (misspelling of the Complainants’ mark BARRICK), coupled with the use of the disputed domain name to resolve to a website that purported to provide stock prices and investment information as well as prompting users to input login information under the BARRICK mark, affirms the Respondent’s intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and the Complainants as to the origin or affiliation of the website at the disputed domain name.

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

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

As stated in many decisions rendered under the Policy (e.g., *Robert Ellenbogen v. Mike Pearson*, WIPO Case No. [D2000-0001](#)) both conditions, registration and use in bad faith, must be demonstrated; consequently, the Complainants must show that:

- the disputed domain name was registered by the Respondent in bad faith, and
- the disputed domain name is being used by the Respondent in bad faith.

(i) In the present case, the Complainants provided evidence which demonstrates that they own and/or have rights in the distinctive and well-known registered trademark BARRICK, registered and used in many jurisdictions around the world before the disputed domain name was registered.

It is therefore inconceivable for this Panel that the Respondent registered and used the disputed domain name without knowledge of the Complainants and their rights in the mark BARRICK, which leads to the necessary inference of bad faith. [WIPO Overview 3.0](#), section 3.2.2.

This finding is supported by the fact that the disputed domain name incorporates the Complainants’ trademark BARRICK entirely and merely adds the letter “r” which is a common, obvious and intentional misspelling of the Complainants’ trademark.

Therefore, the Panel is convinced that the disputed domain name was registered in bad faith by the Respondent.

(ii) The Complainants have put forward evidence that the disputed domain name was used by the Respondent to resolve to a website featuring the Complainants' BARRICK mark and provide stock prices and investment information as well as prompting users to input login information. In doing so, the Respondent gives Internet users the impression that the site is controlled or at least authorized by the Complainants, which is not the case. This clearly disrupts the Complainants' business and shows that the Respondent intentionally attempts to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainants' mark, which constitutes bad faith use.

Furthermore, this Panel wants to point out and clarify that the use of a subdomain of the disputed domain name to address a website affirms a finding of bad faith use of the disputed domain name under the Policy since using a subdomain always requires the consent of the domain name registrant (the Respondent) and is therefore in its area of responsibility.

The evidence and documents produced and put forward by the Complainants together with the fact that the Respondent has failed to file a Response and therefore failed to present any evidence of any good faith registration and use with regard to the disputed domain name further prove that the disputed domain name was registered and is used by the Respondent in bad faith under paragraph 4(a)(iii) of the Policy.

Based on the available record, the Panel finds that the Complainants have 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 <barrick.com> be transferred to the Complainants.

*/Peter Burgstaller/*

**Peter Burgstaller**

Sole Panelist

Date: February 5, 2026