

ADMINISTRATIVE PANEL DECISION

Kyndryl, Inc. v. x x
Case No. D2026-0535

1. The Parties

Complainant is Kyndryl, Inc., United States of America (“United States” or “U.S.”), represented by Com Laude Limited, United Kingdom.

Respondent is x x, United States.

2. The Domain Names and Registrar

The disputed domain names <kyndrylfoundation.com>, <kyndrylfoundation.net> and <kyndrylfoundation.org> (the “Domain Names”) are registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 9, 2026. That same day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. Also on February 9, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Names which differed from the named Respondent (Redacted for Privacy Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to Complainant on February 16, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on February 19, 2026.

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 Respondent of the Complaint, and the proceedings commenced on February 26, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 18, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on March 19, 2026.

The Center appointed Harrie R. Samaras as the sole panelist in this matter on March 30, 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

Complainant designs, builds, manages and modernizes complex, mission-critical information systems. It was International Business Machines' ("IBM") former Global Technology Services infrastructure services business. The name of Complainant, "Kyndryl," was announced on April 12, 2021. Complainant employs more than 90,000 people and operates in over 60 countries.

Complainant owns International Registration No. 1628208 (registered June 14, 2021) and U.S. Registration No. 7,537,618 (registered October 15, 2024) for the KYNDRYL Mark or the "Mark".

The Domain Names were registered on October 5, 2023 – 17 days after Complainant announced the launch of its Kyndryl Foundation. In registering the Domain Names, Respondent entered an "X" into every field and, it is undisputed that it made up a postal code and a phone number. When Complainant commenced this proceeding, the Domain Names resolved to pay-per-click advertising webpages containing third-party commercial advertising links, some of which are related to Complainant's Kyndryl Foundation activities (the "Webpages"). For example, those advertising links included terms such as: Accept Donations; Stock Supplies; Guests. Clicking on one of the links (e.g., Accept Donations) took Internet users to a website containing further headings such as: Find Details On Charity - More Information and Charitable donations – Start Reading. Links from these headings lead to websites operated by third parties unrelated to Complainant.

It is undisputed that the Domain Names are configured to be used for email communication as their DNS zone files are configured with Mail eXchanger ("MX") and Sender Policy Framework ("SPF") records.

Currently, each Domain Name no longer resolves to any website or webpage.

5. Parties' Contentions

A. Complainant

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

Notably, Complainant contends that the KYNDRYL Mark is highly distinctive in that it is derived from the words "kin" and "tendril". It also contends that the Domain Names are confusingly similar to the Mark because they incorporate the KYNDRYL Mark in its entirety, combined with the dictionary word "foundation". Because Complainant operates KYNDRYL FOUNDATION, it maintains that the added word "foundation" is closely related to its activities. A Google search for the term "Kyndryl Foundation" only produces results related to Complainant and its foundation.

Complainant has not found any evidence that Respondent has been commonly known as KYNDRYL or KYNDRYL FOUNDATION before or after registration of the Domain Names. Complainant has not licensed Respondent nor has Complainant given it any permission, consent or acquiescence to use its name or the Mark for any purpose. Complainant has not found any evidence that Respondent owns any trademarks incorporating the KYNDRYL Mark or traded legitimately under KYNDRYL or KYNDRYL FOUNDATION. Considering that the Domain Names are identical to KYNDRYL FOUNDATION and confusingly similar to the KYNDRYL Mark, Complainant contends that there is no conceivable use to which the Domain Names could be put now, or in the future, that would confer any legitimate interest upon Respondent.

Complainant argues that incorporating in the Domain Names its highly distinctive KYNDRYL Mark, which is the most recognizable and dominant element, falsely suggests an affiliation between it and Respondent. And, the Domain Names are identical to the name of Complainant's charitable foundation -- KYNDRYL FOUNDATION. Thus, the additional words do not dispel this confusion to the public.

The pay-per-click advertising links on the Websites capitalize on the value of the well-known Mark, to misdirect users to third-party advertising. Some of the pay-per-click links resolve to unrelated third parties that operate in the same segment as Complainant's charitable foundation. Such use of the Domain Names are detrimental to Complainant's rights and Respondent will likely benefit financially from such use. Even if the pay-per-click advertising was placed "automatically" on the Websites by the registrar of record, Respondent is still responsible and accountable for the Websites and the advertising thereon.

Considering that the Domain Names, at worst, directly impersonate Complainant or, at best, carry a high risk of implied affiliation, any email originating from them would be highly confusing or misleading to Complainant's employees, business partners, agencies or clients. This is compounded by the fact that the Domain Names are identical to Complainant's KYNDRYL FOUNDATION. Thus, the use of the Domain Names for email services would not give Respondent a legitimate interest in them.

Respondent intentionally attempted to attract, for commercial gain, Internet users to the Websites or other on-line locations, by creating a likelihood of confusion with the KYNDRYL Mark as to the source, sponsorship, affiliation, or endorsement of the Websites or other on-line locations. It is inconceivable that Respondent did not have Complainant firmly in mind when it registered the Domain Names because they were registered only 17 days after Complainant announced the launch of its Kyndryl Foundation. Furthermore, registration of the Domain Names, which include a coined trademark, is evidence of Respondent's bad faith intentions. With regard to bad faith use: (1) Respondent has used the Domain Names in bad faith by diverting consumers to unrelated and/or competing third parties for its own financial gain; (2) because the Domain Names incorporate Complainant's highly distinctive Mark, and they are identical to Complainant's KYNDRYL FOUNDATION, anyone receiving an email originating from any of the Domain Names would reasonably assume that it was sent from Complainant; and (3) Respondent provided false contact information and used a proxy service to hide its identity.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

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 Select UDRP Questions (["WIPO Overview 3.1"](#)), section 1.7.

Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The Panel finds the Mark is recognizable within the Domain Names. Accordingly, they are confusingly similar to the Mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms here, "foundation" may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the Domain Names and the Mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

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 that 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 3.1](#), section 2.1.

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

Panels have held that the use of a domain name for illegitimate activity here, claimed as posing a risk of phishing or other fraudulent and abusive activities. This is because the Domain Names, which incorporate Complainant’s Mark and reflect Complainant’s foundation activities, carry a risk of affiliation with Complainant. Because the Domain Names are configured with MX and SPF records, anyone receiving an email (e.g., Complainant’s employees, business partners, agencies, clients) could reasonably assume or be misled into believing that it was sent from the Complainant.

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.

In the present case, the Panel notes that Respondent has registered the Domain Names in bad faith because: (1) they incorporate the Mark (a coined Mark) that Respondent has shown no rights or legitimate interests in; (2) they all incorporate the term “foundation” – KYNDRYLFOUNDATION -- that is the name of Complainant’s foundation and the Domain Names were registered shortly after Complainant announced the launch of its charitable foundation; and (3) Complainant is a company with a presence in over 60 countries.

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 3.1](#), section 3.2.1.

With regard to bad faith use: (1) Respondent has used the Domain Names in bad faith by diverting consumers to unrelated and/or competing third party sites for its own financial gain; (2) because the Domain Names incorporate Complainant’s highly distinctive Mark, and they are identical to Complainant’s KYNDRYK FOUNDATION, anyone receiving an email originating from any of the Domain Names would reasonably assume that it was sent from Complainant and possibly be misled into acting to their detriment; and (3) Respondent provided false contact information and used a proxy service to hide its identity.

Panels have found that the non-use of a domain name (including a blank or “coming soon” page) would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. [WIPO Overview 3.1](#), section 3.3. Currently, the Domain Names no longer resolve to any website or page. Having reviewed the available record, the Panel notes the distinctiveness Complainant’s Mark, and the composition of the Domain Names, and finds that in the circumstances of this case the passive holding of the Domain Names does not prevent a finding of bad faith under the Policy.

Panels have held that the use of a domain name for illegitimate activity claimed here as posting a risk of phishing or other fraudulent and abusive activities, constitutes bad faith. This is because the Domain Names, which incorporate Complainant’s Mark and reflect Complainant’s foundation activities, carry a risk of affiliation with Complainant. Because the Domain Names are configured with MX and SPF records, anyone receiving an email (e.g., Complainant’s employees, business partners, agencies, clients) could reasonably assume or be misled into believing that it was sent from the Complainant. [WIPO Overview 3.1](#), section 3.4. Having reviewed the record, the Panel finds Respondent’s registration and use of the Domain Names constitutes bad faith under the Policy.

The Panel finds that 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 Domain Names <kyndrylfoundation.com>, <kyndrylfoundation.net>, <kyndrylfoundation.org> be transferred to Complainant.

/Harrie R. Samaras/

Harrie R. Samaras

Sole Panelist

Date: April 2, 2026