ADMINISTRATIVE PANEL DECISION

NIAGARA CUTTER, LLC v. Vadym Bayev
Case No. D2026-2486

1. The Parties

The Complainant is NIAGARA CUTTER, LLC, United States of America, represented by Rouse Consultancy (Shanghai) Ltd., China.

The Respondent is Vadym Bayev, Ukraine.

2. The Domain Name and Registrar

The disputed domain name <niagara-cutter.com> is registered with Spaceship, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 9, 2026. On the same day the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 9, 2026, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 12, 2026, 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 June 15, 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 the Respondent of the Complaint, and the proceedings commenced on June 16, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 6, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 7, 2026.

The Center appointed Ada L. Redondo Aguilera as the sole panelist in this matter on July 15, 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 Complainant Niagara Cutter, LLC, founded in 1954 in the United States of America, is a well-known and trusted manufacturer of high-performance, high-value industrial cutting tools for the metalworking industry, including solid carbide end mills, high-speed steel cutters, and indexable tooling.

In 2010, the Complainant was acquired by Seco Tools, a global supplier of metalworking technologies, and subsequently the Complainant was established to continue operating Niagara Cutter. In 2024, the Complainant was integrated into Seco Tools.

The Complainant's Niagara Cutter products are widely used in aerospace, power generation, general metalworking, automotive, medical equipment, and the oil and gas industry.

The Complainant's key customers mainly include manufacturers and suppliers in the aforementioned industries.

The Complainant is the owner of the United States of America Trademark Registration No. 2503662, NIAGARA CUTTER, registered on November 6, 2001.

Through the Complainant's long-standing use and development of its NIAGARA CUTTER trademark and related products, the trademark has gained widespread reputation and recognition among relevant Internet users worldwide. In addition, the Complainant registered the domain name <niagaracutter.com> on May 28, 1997.

Before Seco Tools (which acquired the Complainant) integrated Niagara Cutter-related content into "www.secotools.com" in 2024, it had long served as the Complainant's official website for the Niagara Cutter business, promoting the NIAGARA CUTTER trademark and related products to Internet users worldwide.

The disputed domain name was registered on December 18, 2025.

The disputed domain name displays a webpage that prominently presents the Complainant's NIAGARA CUTTER trademark and is using the Complainant's aforementioned trademark in relation to the purported sale of the Complainant's Niagara Cutter products.

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, which incorporates the Complainant's trademark in its entirety, with minor misspellings consisting of adding a hyphen (-),is confusingly similar to the Complainant's NIAGARA CUTTER trademark. The Complainant's mark remains clearly recognizable within the disputed domain name.

The Complainant asserts that the Respondent has no rights or legitimate interests regarding the disputed domain name. According to the Complainant, the Respondent has not made any legitimate or fair use of the disputed domain name. The Complainant further alleges that the Respondent registered and uses the aforementioned domain name in bad faith. The Complainant requests the transfer of the disputed domain name to the Complainant.

B. Respondent

The Respondent did not reply to the Complainant's contentions

6. Discussion and Findings

Paragraph 4(a) of the Policy lists the three elements which the Complainant must satisfy with respect to the disputed domain name: (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 has been registered and is being used in bad faith.

A. Preliminary Issue: Procedural Consideration - The Respondent's location

Under paragraph 10 of the Rules, the Panel is required to ensure that the Parties are treated equally, that each Party is given a fair opportunity to present its case, and that the administrative proceeding takes place with due expedition.

According to the Registrar's verification, the Respondent's location, as disclosed by the Registrar, appears to be in Ukraine, which is subject to an international conflict on the date of this Decision, and this may affect communications with the Respondent, including notifications. It is therefore appropriate for the Panel to consider, in accordance with its discretion under paragraph 10 of the Rules, whether the proceeding should continue.

The Panel notes that the record shows that the Written Notice has been sent by courier to the address disclosed by the Registrar in its verification and that the Respondent seemed to have been absent at the time of the delivery. The Notification of Complaint's emails were sent to the Respondent's email address, as provided by the Registrar. Therefore, there is no evidence that the email notification was not successfully received by the Respondent.

Having considered all the circumstances of the case, this Panel is of the view that it should continue. The Panel has reached this conclusion in part because it recognizes that the Center employed all reasonably available means calculated to achieve actual notice to the Respondent. Furthermore, the Panel notes that the disputed domain name was created in December 2025, during the international conflict, suggesting that the Respondent was able to access the Internet, maintain control of the disputed domain name, and should have received at least electronic notice of this proceeding.

The Panel concludes that the Respondent, who is allegedly located in Ukraine, has been given a fair opportunity to present its case, and, as such, the administrative proceeding can proceed with due expedition; the Panel will proceed to a Decision accordingly.

B. 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.

The 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 entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical or confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

Regarding the generic Top-Level Domain ("gTLD") ".com" in the disputed domain name, it is well established that a gTLD does not affect the assessment of identity or confusing similarity. WIPO Overview 3.1, section 1.11.1.

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

C. Rights or Legitimate Interests

The Panel finds that the Complainant has established a prima facie case. The Respondent has not submitted a Response and has therefore failed to rebut the Complainant's allegations or produce any evidence of rights or legitimate interests in the disputed domain name.

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 entail the difficult task of "proving a negative," requiring information that is often primarily within the respondent's knowledge or control. 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 as can be seen in the present case, 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 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 evidence shows that the Respondent is neither affiliated with, nor authorized by the Complainant to use the NIAGARA CUTTER trademark. There is also no evidence that the Respondent has been commonly known by the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy. The available registration information identifies the Respondent as "Vadym Bayev", which bears no apparent relationship to the disputed domain name.

The Panel has reviewed the screenshots submitted by the Complainant and finds that the website associated with the disputed domain name prominently displays the Complainant's NIAGARA CUTTER trademark, reproduces its product images and promotional materials, and includes an "About Brand" section describing the Complainant's history and business. The overall appearance of the website leads Internet users to believe it is an official website of, or otherwise affiliated with, the Complainant. The disputed domain name itself incorporates in its entirety the Complainant's trademark and, when considered together with the content of the website, creates a misleading impression of sponsorship, endorsement, or affiliation. The website does not prominently disclose the absence of any relationship with the Complainant.

Also, the evidence submitted by the Complainant shows that the website associated with the disputed domain name prominently displays "Check Price" links that redirect users to Amazon. In the Panel's view, these features are collectively sufficient to convey the false impression that the website is operated by, or affiliated with, the Complainant. Such use is inconsistent with a bona fide offering of goods or services and supports a finding of both lack of rights or legitimate interests and bad faith.

Panels have held that the use of a domain name for illegitimate activity here, claimed as applicable to this case: copycat sites, passing off, or other types of fraud, can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant has therefore established the second element of paragraph 4(a) of the Policy.

D. 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 Panel finds that the Respondent registered the disputed domain name with actual knowledge of the Complainant and its NIAGARA CUTTER trademark. The disputed domain name was registered on December 18, 2025, many years after the Complainant acquired trademark rights of the NIAGARA CUTTER and after the aforementioned trademark had become well established in connection with industrial cutting tools.

The evidence on record further establishes that the website to which the disputed domain name resolves prominently displays the Complainant's NIAGARA CUTTER trademark, reproduces the Complainant's product images and promotional materials, and features introductory content describing the Complainant's history and business activities. The website also contains links that redirect Internet users to Amazon listings operated by third-party sellers. The website's overall appearance creates the misleading impression that it is an official or authorized website of the Complainant.

The Panel is satisfied that the Respondent deliberately targeted the Complainant and its trademark when registering the disputed domain name. There is no plausible explanation for the Respondent's choice of the disputed domain name or the content displayed on the associated website other than an intention to capitalize on the goodwill associated with the Complainant's trademark.

By using the disputed domain name in this manner, the Respondent has intentionally sought to attract, for commercial gain, Internet users to the website to which the disputed domain name resolves, by creating a likelihood of confusion with the Complainant's NIAGARA CUTTER trademark as to the source, sponsorship, affiliation, or endorsement of that website and of the products promoted therein. Accordingly, the Respondent's conduct constitutes evidence of registration and use of the disputed domain name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

Panels have held that the use of a domain name for illegitimate activity here, claimed as copycat site, passing off, or other types of fraud, constitutes bad faith. WIPO Overview 3.1, section 3.4.

Accordingly, the Panel finds that the disputed domain name was registered and is being used in bad faith. The Complainant has therefore established the third element of paragraph 4(a) 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 <niagara-cutter.com> be transferred to the Complainant.

/Ada L. Redondo Aguilera/
Ada L. Redondo Aguilera
Sole Panelist
Date: July 29, 2026