

ADMINISTRATIVE PANEL DECISION

Daily Mail and General Trust Plc v. Whois Agent (177652183), Whois Privacy Protection Service, Inc / Harrison Bolton
Case No. D2022-1205

1. The Parties

The Complainant is Daily Mail and General Trust Plc, United Kingdom, represented by Adlex Solicitors, United Kingdom.

The Respondent is Whois Agent (177652183), Whois Privacy Protection Service, Inc, United States of America / Harrison Bolton, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name, <dmgtsglobalassetmanagement.com> (the “Domain Name”), is registered with eNom, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 6, 2022. On April 6, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On April 6, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name, which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on April 7, 2022 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 April 7, 2022.

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 April 20, 2022. In accordance with the Rules, paragraph 5, the due date for Response was May 10, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 11, 2022.

The Center appointed Tony Willoughby as the sole panelist in this matter on May 17, 2022. 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.

The Respondent used a privacy service when registering the Domain Name. The Respondent's identity was disclosed by the Registrar in response to the Center's registrar verification request. The Center's invitation to the Complainant to amend the Complaint followed on from that disclosure. In response to that invitation the Complainant added the Respondent as an additional respondent to the Complaint. For the purposes of this decision the Panel treats the underlying registrant as the Respondent and all references herein to the "Respondent" are references to Harrison Bolton.

4. Factual Background

The Complainant, which was incorporated in 1922, manages a portfolio of companies that provide a diverse range of goods and services to businesses and consumers with substantial total revenues well in excess of GBP 1 billion. One of its sectors, the Euromoney segment, is described by the Wall Street Journal as focussing on "global asset management capital markets and commodity sectors".

The Complainant has traded under the name DMGT since incorporation and is the registered proprietor of United Kingdom Trade Mark Registration No. 3022039 registered on August 15, 2014, (application filed September 13, 2013) DMGT (word) for a variety of goods and services in classes 16, 35, 36, 38, and 41.

The Complainant operates a website at "www.dmgt.com" the home page of which features DGMT in logo format at the top left hand corner of the page and describes itself as follows:

"DMGT manages a portfolio of companies that provide businesses and consumers with compelling information, analysis, insight, events, news and entertainment.

The Group takes a long-term approach to investment and has market-leading positions in consumer media, property information, events & exhibitions and venture capital."

The Domain Name was registered on December 22, 2021, and is connected to a website featuring in the top left hand corner of the home page the name DMGT in logo format above "Global Asset Management". DMGT Global Asset Management is described as "a Qatar-based Capital Raising Consultancy, and Investment firm". At the foot of the homepage is a copyright notice reading "© 2020 DMGT Global Asset Management".

The Complainant has had occasion to launch three other cases under the Policy involving domain names similar to the Domain Name. In all three cases the respondents purported to be Qatar-based asset management companies offering financial services under the name "DMGT Global Asset Management", in all three cases the respondents' website was substantially identical to the Respondent's website and in all three cases the panels ordered transfer of the disputed domain names. The cases were:

Daily Mail and General Trust Plc v. Domain Admin, Whois Privacy Corp WIPO Case No. [D2020-2532](#)
<dmgtglobalassetmanagement.com> *Daily Mail and General Trust Plc v. Domain Admin, Whoisprotection.cc /*

Nathan Ngawai Makerita WIPO Case No. [D2021-0028](#) <dmgtglobalassetsmanagement.com> *Daily Mail and General Trust Plc. v. Domain Admin, Whois Privacy Corp., Domain Admin, Privacy Protect, LLC (PrivacyProtect.org) / Simmon Mac, Withheld for Privacy Purposes, Privacy service provided by Withheld for Privacy ehf / Taylor Matins*, WIPO Case No. [D2021-3044](#) <dmgtglobalassetsmanagements.com>, <dmgtglobalsassetsmanagement.com> and <dmgtglobalsassetsmanagements.com>

5. Parties' Contentions

A. Complainant

The Complainant contends that the Domain Name is confusingly similar to its DMGT registered trade mark; that the Respondent has no rights or legitimate interest in respect of the Domain Name; and that the Domain Name has been registered and is being used in bad faith.

The essence of the Complainant's case is that the Respondent is another iteration of the respondents in the three cases cited in section 4 above and that the Respondent's purpose is to impersonate the Complainant for fraudulent purposes.

B. Respondent

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

6. Discussion and Findings

A. General

According to paragraph 4(a) of the Policy, for this Complaint to succeed in relation to the Domain Name, the Complainant must prove each of the following, namely that:

- (i) the Domain Name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights: and
- (ii) the Respondent has no rights or legitimate interests in respect of the Domain Name: and
- (iii) the Domain Name has been registered and is being used in bad faith.

B. Identical or Confusingly Similar

The Domain Name comprises the Complainant's registered trade mark DMGT, the letter "s", the words "global", "asset" and "management" and the generic Top-Level Domain ".com" identifier.

Section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") explains the test for identity or confusing similarity under the first element of the Policy and includes the following passage:

“While each case is judged on its own merits, in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing.”

The Complainant’s DMGT registered trade mark is readily recognizable in its entirety in the Domain Name. The Panel finds that the Domain Name is confusingly similar to a trade mark in which the Complainant has rights.

C. Rights or Legitimate Interests; Registered and Used in Bad Faith

From Section 4 above it can be seen that this case has close similarities to three previous complaints launched by the Complainant in relation to domain names featuring its DMGT trade mark in combination the expression “global asset management”. In three cases (this case and two previous cases) the expression “global asset management” is mis-spelt by the addition of an extra “s” or two. Yet, in these three cases the respondents identified their business as Global Asset Management, correctly spelt. Moreover, in all four cases (this case and the previous three cases) the respondents purported to be Qatar-based asset management companies and the website was substantially identical.

In line with the decisions of the panels in the three previous cases the Panel is in no doubt that, as the Complainant contends, the Respondent in this case is the same individual or underlying entity as the respondents in those earlier cases and motivated by the same bad faith desire to defraud visitors to the Respondent’s website by impersonating and/or falsely associating itself with the Complainant. On no basis can such a use of a domain name give rise to rights or legitimate interests in respect of it in the hands of the Respondent. The Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name.

By the same reasoning the Panel finds that the Domain Name has been registered and is being used in bad faith within the meaning of paragraphs 4(b)(iv) and 4(a)(iii) 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 Name, <dmgtsglobalassetmanagement.com>, be transferred to the Complainant.

/Tony Willoughby/

Tony Willoughby

Sole Panelist

Date: May 27, 2022