

## **ADMINISTRATIVE PANEL DECISION**

Sands Capital Management, LP v. Withheld for Privacy ehf / John Ekene  
Case No. D2022-1508

### **1. The Parties**

The Complainant is Sands Capital Management, LP, United States of America (“United States”), represented by Ropes & Gray LLP, United States.

The Respondent is Withheld for Privacy ehf, Iceland / John Ekene, Nigeria.

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

The disputed domain name <sandscapital.ltd> (the “Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 26, 2022. On April 27, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On April 27, 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 May 3, 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 May 3, 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 May 5, 2022. In accordance with the Rules, paragraph 5, the due date for Response was May 25, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 27, 2022.

The Center appointed Ian Lowe as the sole panelist in this matter on June 20, 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.

#### **4. Factual Background**

The Complainant is a global investment firm founded in 1992 and based in the United States that has traded under the name SANDS CAPITAL since that date. It manages through its affiliates over USD 60 billion in total client assets and has over 180 employees. The Complainant is the proprietor of a number of registered trademarks comprising SANDS CAPITAL including United States trademark number 5,340,727 registered on November 21, 2017. It registered the domain name <sandscapital.com> in July 2000 and operates a website at “www.sandscapital.com” promoting its services.

The Domain Name was registered on March 16, 2022. It does not presently resolve to an active website, but at the time of preparation of the Complaint resolved to a website prominently using the SANDS CAPITAL mark. The website solicited investment in crypto-currency and made a number of false claims as to the registration of “Sands Capital” and/or its trading entity as a United Kingdom registered company. The website was in the English language but featured a number of grammatical and spelling errors.

#### **5. Parties’ Contentions**

##### **A. Complainant**

The Complainant contends that the Domain Name is identical or confusingly similar to its SANDS CAPITAL trademark (the “Mark”), that the Respondent has no rights or legitimate interests in respect of the Domain Name, and that the Respondent registered and is using the Domain Name in bad faith.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

For this Complaint to succeed in relation to the Domain Name the Complainant must prove that:

- (i) the Domain Name is confusingly similar to a trademark 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.

##### **A. Identical or Confusingly Similar**

The Complainant has uncontested rights in the Mark, both by virtue of its trademark registrations and as a result of its widespread use of the Mark over many years. Ignoring the generic Top-Level Domain (“gTLD”) “.ltd” that may be ignored for this purpose, the Domain Name is identical to the Mark. Accordingly, the Panel finds that the Domain Name is identical to a trademark in which the Complainant has rights.

## **B. Rights or Legitimate Interests**

The Complainant has made out a *prima facie* case that the Respondent could have no rights or legitimate interests in respect of the Domain Name. The Respondent has no connection with the Complainant and there is no evidence that the Respondent has ever been known by the Domain Name. The Respondent has used the Domain Name not in connection with a *bona fide* offering of goods or services, but for a website purporting to be operated by “Sands Capital”, making false claims as to the credentials of the operator of the website and soliciting investment in crypto currency. The Panel considers it likely therefore that the Domain Name has been registered for fraudulent purposes and finds that this could not possibly give rise to rights or legitimate interests in respect of the Domain Name.

The Respondent has chosen not to respond to the Complaint or to take any steps to counter the *prima facie* case established by the Complainant.

In the circumstances, the Panel finds that the Respondent does not have any rights or legitimate interests in respect of the Domain Name.

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

In light of the use to which the Domain Name, identical to the Mark, has been put by the Respondent, and the long-standing use of the Mark by the Complainant, the Panel finds it most likely that the Respondent had the Complainant and its rights in the Mark in mind when it registered the Domain Name. In the absence of any response by the Respondent, the Panel is satisfied that the Respondent has used the Domain Name for fraudulent purposes, intending Internet users to be misled into believing that the Domain Name was operated or authorized by the Complainant. In the Panel’s view, such activity, clearly with a view to commercial gain, amounts to paradigm bad faith registration and use for the purposes of the Policy.

Accordingly, the Panel finds that the Domain Name has been registered and is being used in bad faith.

## **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, <sandscapital.ltd> be transferred to the Complainant.

*/Ian Lowe/*

**Ian Lowe**

Sole Panelist

Date: July 4, 2022