

ADMINISTRATIVE PANEL DECISION

Globant S.A. v. Globant Globant, Globant
Case No. D2024-4593

1. The Parties

The Complainant is Globant S.A., Spain, represented by Marval O'Farrell & Mairal, Argentina.

The Respondent is Globant Globant, Globant, United States of America.

2. The Domain Names and Registrar

The disputed domain names <globant-apps.com> and <globant-global.com> (the "Disputed Domain Names") are registered with Web Commerce Communications Limited dba WebNic.cc (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 8, 2024. On November 8, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Names. On November 9, 2024, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the 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 November 12, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 2, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 3, 2024.

The Center appointed Flip Jan Claude Petillion as the sole panelist in this matter on December 10, 2024. 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, Globant S.A., is a company specialized in digital transformation. The Complainant offers a wide range of services, including software development, IT consulting, and digital marketing. The Complainant provides its services via the website “www.globant.com”.

The Complainant is the owner of several trademarks (apparently through its subsidiaries Sistemas Globales S.A. and Globant España S.A.), including the following:

- GLOBANT, Argentinian word mark No. 2855934 registered on August 28, 2009, in class 9;
- GLOBANT, United Kingdom word mark No. UK00003831223, registered on January 13, 2023, in classes 9, 35, 36, 38, 41, 42; and
- **Globant**  GLOBANT, European Union figurative mark No. 018356645, registered on May 21, 2021, in classes 9, 35, 38, 41, 42.

The Disputed Domain Names were both registered on August 6, 2024. According to the Complainant's evidence, the Disputed Domain Names appear to have been used in relation to a fraudulent scheme offering job opportunities to individuals and falsely representing that they will be paid in cryptocurrency. At least the Disputed Domain Name <globant-global.com> appeared to resolve to a website displaying the Complainant's GLOBANT word and figurative trademarks, offering fake job opportunities and the creation of user accounts. The Disputed Domain Names currently resolve to inactive webpages.

5. Parties' Contentions

A. Complainant

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

Notably, the Complainant contends that the Disputed Domain Names are confusingly similar to a trademark in which it claims to have rights.

The Complainant further claims that the Respondent has no legitimate interests in respect of the Disputed Domain Names as:

- the Complainant has not licensed or otherwise permitted the Respondent to use the trademark GLOBANT;
- the Complainant has no legal and/or business relationship with the Respondent which would give rise to any license, permission, or authorization for the Respondent to use the Disputed Domain Names;
- there is no evidence that the Respondent has been commonly known by the Disputed Domain Names;
- the Respondent has not made demonstrable preparations to use the Disputed Domain Names in connection with a bona fide offering of goods or services;
- the Respondent has not made a legitimate noncommercial or fair use of the Disputed Domain Names;
- By registering the Disputed Domain Names, the Respondent only sought to take a commercial advantage regarding the Complainant's prior rights on the GLOBANT trademark;
- the Disputed Domain Names are being used to contact individuals seeking employment, offering them job opportunities and falsely representing that they will be paid in cryptocurrency. In this way, the Respondent is impersonating the Complainant, misleading potential candidates and tarnishing the Complainant's reputation by associating it with fraudulent recruitment practices.

Finally, the Complainant claims that the Disputed Domain Names were registered and are being used in bad faith. According to the Complainant:

- the Respondent knew or should have known the Complainant and its well-known trademark GLOBANT;
- the Respondent is intentionally attracting, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's trademark and business, as to the source, sponsorship, affiliation, or endorsement, what proves the existence of bad faith use;
- the current non-use of the Disputed Domain Names would not prevent a finding of bad faith under the doctrine of passive holding;
- the Complainant also has a pending dispute before the Center under WIPO Case No. D2024-4131, involving the same the Respondent and the domain name <globant-app.com>, which was registered on the same day as the Disputed Domain Names in the present proceeding. This further underscores the Respondent's bad faith and demonstrates that the Respondent has previously engaged in similar illicit behavior and is likely to do so again.

B. Respondent

The Respondent did not reply to the 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 Names. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel observes that the entirety of the GLOBANT mark is reproduced within the Disputed Domain Names. In such cases, the domain names will normally be considered confusingly similar to the incorporated mark for purposes of UDRP standing. [WIPO Overview 3.0](#), section 1.7.

Additionally, the Panel finds that the addition of a hyphen and a term – here, “apps” for the Disputed Domain Name <globant-apps.com> and “global” for the Disputed Domain Name <globant-global.com> – does not prevent a finding of confusing similarity between the Disputed Domain Names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

It is well established that generic Top-Level-Domains (“gTLDs”), here “.com”, may be disregarded when considering whether the Disputed Domain Names are confusingly similar to a trademark in which the Complainant has rights.

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.

Although 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 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 3.0](#), 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 Names. 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 Names such as those enumerated in the Policy or otherwise.

According to the information provided by the Registrar, the Respondent is “Globant Globant” from the Company “Globant”. The Panel finds that the fact that the Respondent registered the Disputed Domain Names with the Complainant’s name does not prove that the Respondent has been commonly known by the Disputed Domain Names. On the contrary, the Panel finds that this indicates that the Respondent used false registration details. The Respondent’s use and registration of the Disputed Domain Names was not authorized by the Complainant and the Respondent does not seem to have acquired trademark or service mark rights. Noting the fraudulent nature of the emails sent by the Respondent using the Disputed Domain Names, the Panel finds that the Respondent has attempted to deceive Internet users or the recipients of their emails into believing that the Disputed Domain Names are registered and used by the Complainant.

Fundamentally, a respondent’s use of a domain name will not be considered “fair” if it falsely suggests affiliation with the trademark owner. The correlation between a domain name and the complainant’s mark is often central to this inquiry. Even where a domain name consists of a trademark plus an additional term, such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. [WIPO Overview 3.0](#), section 2.5.1.

The Disputed Domain Names incorporate the Complainant’s GLOBANT trademark in its entirety and merely adds a hyphen and the term “apps” for the Disputed Domain Name <globant-apps.com> and “global” for the Disputed Domain Name <globant-global.com>. In the Panel’s view, these terms can be linked to the Complainant. Indeed, the term “global” refers to the international character of the Complainant’s group and the term “apps” to the Complainant’s IT business. Therefore, the Panel finds that the Disputed Domain Names carry a risk of implied affiliation with the Complainant and cannot constitute fair use.

Beyond looking at the domain names and the nature of any additional terms appended to it, UDRP panels assess whether the overall facts and circumstances of the case, and the absence of a response, support a fair use or not. [WIPO Overview 3.0](#), sections 2.5.2 and 2.5.3.

According to the Complainant’s evidence, the Disputed Domain Name <globant-global.com> resolved to a website displaying the Complainant’s GLOBANT word and figurative trademarks. The website appeared to offer fake job opportunities, the creation of user accounts, and falsely promising compensation. The Complainant also provides copies of emails it received from individuals reporting both Disputed Domain Names in the framework of a fraudulent scheme offering fake job opportunities. The Panel finds that this does not amount to a bona fide offering of goods or services, or a legitimate noncommercial or fair use of the Disputed Domain Names.

The Panel observes that the Disputed Domain Names currently resolve to inactive webpages. In the Panel’s view, this does not amount to any legitimate noncommercial or fair use or use in connection with a bona fide offering of goods and services either.

The Respondent had the opportunity to demonstrate his rights or legitimate interests but did not do so. In the absence of a Response from the Respondent, the prima facie case established by the Complainant has not been rebutted.

Based on the available record, 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.

As established above, the Complainant's has shown that the Disputed Domain Names were used in relation to a fraudulent scheme offering job opportunities to individuals. Moreover, the Complainant has shown that at least the Disputed Domain Name <globant-global.com> resolved to a website displaying the Complainant's GLOBANT word and figurative trademarks. In the Panel's view, the circumstances of this case indicate that the Respondent has intentionally attempted to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant's trademark.

[WIPO Overview 3.0](#), section 3.1.4.

Moreover, the Panel finds that the Respondent has also engaged in a pattern of bad faith conduct of targeting the Complainant's GLOBANT mark. Here, the Respondent registered two Disputed Domain Names confusingly similar to the Complainant's GLOBANT mark to impersonate the Complainant. In a similar case involving the Respondent and one of the Complainant's subsidiaries, the panel found that the Respondent registered and used the domain name <globant-app.com> in bad faith. See *Globant España S.A. v. Globant Globant*, WIPO Case No. [D2024-4131](#).

Other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In the present case, the Panel finds that the Respondent must have been aware of the Complainant and its trademark rights when it registered the Disputed Domain Names as:

- the Disputed Domain Names incorporate the Complainant's trademark in its entirety, and combine it with a term that can be linked to the Complainant's group and business;
- the Disputed Domain Name <globant-global.com> resolved to a website displaying the Complainant's GLOBANT figurative trademark;
- some of the Complainant's trademarks predate the registration of the Disputed Domain Names by more than 10 years;
- the Respondent did not take part in the administrative proceedings.

Given the totality of the circumstances discussed above, the fact that the Disputed Domain Names currently resolve to an inactive webpage would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3.

Based on the available record, the Panel finds that the 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 Disputed Domain Names <globant-apps.com> and <globant-global.com> be transferred to the Complainant.

/Flip Jan Claude Petillion/

Flip Jan Claude Petillion

Sole Panelist

Date: December 24, 2024