

ADMINISTRATIVE PANEL DECISION

Keller Group plc v. jinunbunru
Case No. D2024-4833

1. The Parties

Complainant is Keller Group plc, United Kingdom, represented by Barker Brettell LLP, United Kingdom.

Respondent is jinunbunru, United States of America.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 22, 2024. On November 22, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On November 22, 2024, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to Complainant on November 25, 2024, 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 November 29, 2024.

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 December 10, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 30, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on January 6, 2025.

The Center appointed Marina Perraki as the sole panelist in this matter on January 13, 2025. 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 is a United Kingdom company established in 1860 acting as ground engineering contractor, providing foundation, retention and soil treatment solutions. It has operations in more than 40 countries across six continents. Complainant maintains its website at "www.keller.com".

Complainant owns trademark registrations for KELLER including:

- the United Kingdom trademark registration No. UK00003190599, KELLER (word), which was filed on October 11, 2016, and registered on March 17, 2017, for goods and services in international classes 1, 2, 6, 7, 9, 12, 17, 19, 35, 37, 38, 39, 40, 41, 42 and 45; and

- the International trademark registration No.1413014, KELLER (word), which was registered on July 18, 2017, for goods and services in international classes 1, 2, 6, 7, 9, 12, 17, 19, 35, 37, 38, 39, 40, 41, 42 and 45.

The Domain Name was registered on October 31, 2024 and redirects to Complainant's website at "www.keller.com". Furthermore, the Domain Name was used to create an email address impersonating a Complainant's group employee; the email address was used for sending emails to at least one Complainant's supplier, coming purportedly from Complainant, containing a link to download files. Per Complaint, the link leads to a phishing site.

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 Name.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Paragraph 4(a) of the Policy lists the three elements that Complainant must satisfy with respect to the Domain Name:

(i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;

(ii) 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

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 Complainant's trademark and the Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

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 entirety of the mark is reproduced within the Domain Name. Accordingly, the Domain Name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here, an additional "r" at the end of "keller" and "group", may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the Domain Name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The generic Top-Level Domain ("gTLD") ".com" is disregarded, as gTLDs typically do not form part of the comparison as they are required for technical reasons (*Rexel Developpements SAS v. Zhan Yequn*, WIPO Case No. [D2017-0275](#); and *Hay & Robertson International Licensing AG v. C. J. Lovik*, WIPO Case No. [D2002-0122](#)).

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 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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Domain Name. 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 Name such as those enumerated in the Policy or otherwise.

On the contrary, as Complainant demonstrated, the Domain Name was used to create an email address used in a fraud scheme. Use of a domain name for illegal activity can never confer rights or legitimate interests on a respondent ([WIPO Overview 3.0](#), section 2.13.1).

Furthermore, the Domain Name redirects to Complainant's group's website at "www.keller.com". A respondent's use of a complainant's mark to redirect users to Complainant's site would not support a claim to rights or legitimate interests ([WIPO Overview 3.0](#), section 2.5.3).

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.

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 3.0](#), section 3.2.1.

Because the KELLER mark had been used and registered by Complainant before the Domain Name registration, the Panel finds it more likely than not that Respondent had Complainant's mark in mind when registering the Domain Name. This also in view of the fact that the Domain Name incorporates Complainant's mark in total, along with the additional "r" in the "keller" portion of the Domain Name and the word "group". Furthermore, the Domain Name redirects to Complainant's website, which clearly shows that Respondent knew of Complainant and targeted the same. Last, it was used in a fraudulent email scheme impersonating Complainant. Therefore, Respondent clearly knew of Complainant and its trademark.

Furthermore, as Complainant demonstrated Respondent has previously registered one more "KELLER" domain name, namely <keller-grp.com>, for which the WIPO Case No. [D2024-3608](#) was issued on October 23, 2024. The Complaint was filed with the Center on September 5, 2024, namely prior to the registration of the Domain Name on October 31, 2024. Therefore, Respondent was also for this reason fully aware of Complainant's rights when registering the Domain Name.

As regards bad faith use, the Panel considers the following factors:

- (i) the use of the Domain Name in the fraud scheme which involved impersonating an employee of Complainant's group and sending emails purportedly sent by Complainant;
- (ii) the failure of Respondent to submit any formal response; and
- (iii) the fact that the Domain Name redirects to Complainant's own website.

Panels have held that the use of a domain name for illegal activity, here claimed impersonation/passing off, or other types of fraud constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds Respondent's registration and use of the Domain Name 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 disputed domain name <kellerrgroup.com> be transferred to Complainant.

/Marina Perraki/

Marina Perraki

Sole Panelist

Date: January 27, 2025