

## **ADMINISTRATIVE PANEL DECISION**

Keller Group plc v. Chris Chia, South-East Asia Pte  
Case No. D2024-4834

### **1. The Parties**

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

The Respondent is Chris Chia, South-East Asia Pte, United Kingdom.

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

The disputed domain name <keller-ma.com> is registered with NameCheap, Inc. (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 disputed domain name. On November 22, 2024, 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 25, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed a first amended Complaint on November 29, 2024, and a second amended Complaint on December 6, 2024.

The Center verified that the Complaint together with the amended Complaints 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 December 10, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 30, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 3, 2024.

The Center appointed George R. F. Souter as the sole panelist in this matter on January 8, 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**

The Complainant is a British company, established in 1860. It is one of the world's largest independent ground engineering contractors providing technically-advanced and cost-effective foundation, retention and soil-treatment solutions, with operations in more than 40 countries worldwide. It trades under the trademark KELLER, and has protected its trademark widely through trademark registrations, including United Kingdom Trademark number UK00003190599, registered on March 17, 2017, and International Registration number 1413014, registered on July 18, 2017.

The Complainant is the proprietor of the domain name <keller-na.com> which was registered on August 15, 2019, for the purpose of its Internet trading activities in North America.

The disputed domain name was registered on September 27, 2024, and the Complainant has provided the Panel with evidence of the disputed domain name redirecting to a webpage displaying an hyperlink stating "view received document", and, using the disputed domain name to send fraudulent emails impersonating the Complainant and requesting payments from the Complainant's customers.

#### **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 name.

Notably, the Complainant contends that it has never granted permission to the Respondent to use its KELLER trademark in connection with the registration of a domain name, or otherwise

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

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

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

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

The Complainant has shown rights in respect of its KELLER trademark for the purposes of the Policy. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([WIPO Overview 3.0](#)), section 1.2.1.

The entirety of the Complainant's mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The mere addition of "-ma" to the Complainant's mark does not detract from this finding.

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

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

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. Rather, the Respondent has engaged in fraudulent impersonation and phishing activities, which would never support a finding of rights or legitimate interests. [WIPO Overview 3.0](#), section 2.13.1.

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

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

The Panel is convinced that the disputed domain name was deliberately registered for the purpose of unfairly taking advantage of the Complainant and its trademark, which justifies a finding of registration of the disputed domain name in bad faith, and the Panel so finds.

It is well-established in prior decisions under the Policy that the use of a disputed domain name for the purpose of impersonating the Complainant constitutes use of the disputed domain name in bad faith. This is clearly the case in the circumstances of the present case, where the Respondent intentionally impersonated the Complainant in order to elicit undue payments, and the Panel finds that the disputed domain name is being used in bad faith.

The Panel finds that the third element of the Policy has been established.

## **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 <keller-ma.com> be transferred to the Complainant

*/George R. F. Souter/*

**George R. F. Souter**

Sole Panelist

Date: January 22, 2025.