

ADMINISTRATIVE PANEL DECISION

Connaught (UK) Limited v. Adolfo Gonzalez Juarez, Scibttapi LLC.
Case No. D2024-4891

1. The Parties

The Complainant is Connaught (UK) Limited, United Kingdom, represented by Greer, Burns & Crain, Ltd., United States of America.

The Respondent is Adolfo Gonzalez Juarez, Scibttapi LLC., United States of America.

2. The Domain Names and Registrars

The disputed domain name <connaughtllc.com> is registered with Hostinger Operations, UAB.
The disputed domain name <connaughtusllc.com> is registered with PDR Ltd. d/b/a
PublicDomainRegistry.com (together, the “Registrars”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 26, 2024. On November 27, 2024, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On November 28, 2024, the Registrars transmitted by email to the Center their verification responses disclosing the registrant and contact information for the disputed domain names which differed from the named Respondents (UNAVAILABLE) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 29, 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 an amendment to the Complaint on December 3, 2024.

The Center verified that the Complaint together with the amendment to 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 December 5, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 25, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 27, 2024.

The Center appointed Ada L. Redondo Aguilera as the sole panelist in this matter on January 3, 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, Connaught Limited, legally established in the United Kingdom, together with its wholly owned subsidiary Connaught (U.S.) LLC, is one of the leading companies dedicated to financial services to venture capital, equity capital, cryptocurrency, and investment markets

The Complainant provided enough evidence of the ownership of the following trademarks:

a) United Kingdom registration No. UK00003322176 for CONNAUGHT in Classes 35 and 36 filed on July 3, 2018 and registered on October 26, 2018; and

b) the United States Patent and Trademark Office registration number 5,804,118 for CONNAUGHT in Classes 35 and 36 registered on July 16, 2019.

The Complainant also incorporates the CONNAUGHT trademark as part of its company name and operates a website at "www.connaught.com".

According to the information provided by the Registrars, both disputed domain names were registered by the person who appears to be the same Adolfo Gonzalez Juarez, Scibttapi LLC.

The disputed domain name <connaughtllc.com> was registered on November 11, 2024, and the disputed domain name <connaughtusllc.com> was registered on May 21, 2024.

Before the Complaint was filed, both disputed domain names resolved to identical websites, very similar to the Complainant's official website <connaught.com>, purportedly offering the same services as the Complainant and prominently reproducing the Complainant's trademark and logo. The Complainant also provided evidence that the disputed domain name <connaughtusllc.com> has been used to conduct fraudulent phishing activity. The other disputed domain name remains inactive.

In conclusion, both disputed domain names are currently inactive when accessing from a computer, while they are visible when accessing from a mobile device.

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 the Complainant's CONNAUGHT trademark since the disputed domain names incorporate in its entirety the Complainant's trademarks with the addition of the terms "llc" and "usllc", respectively, and the generic Top-Level Domain (gTLD) ".com".

The Complainant claims that the Respondent lacks any rights or legitimate interests with respect to the disputed domain names. The Complainant asserts that there is no fair or legitimate use of the disputed domain names.

The Complainant contends that the disputed domain names were registered and are being used in bad faith.

The Complainant requests transfer of the disputed domain names.

B. Respondent

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

6. Discussion and Findings

In order to succeed in its Complaint, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied: (i) the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights; (ii) the Respondent has no rights or legitimate interests with respect to the disputed domain names; and (iii) the disputed domain names have been registered and are 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 the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 1.7.

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 disputed domain names incorporate the entirety of the Complainant's CONNAUGHT trademark. Accordingly, the disputed domain names are confusingly similar to the trademark under the Policy. [WIPO Overview 3.0](#), section 1.7. In this case, the only differences in the disputed domain names are the terms "llc" and "usllc", which does not prevent a finding of confusing similarity.

Indeed, the Panel finds that the gTLD in the present case ".com", may typically be disregarded when assessing whether a domain name is identical or confusingly similar to a trademark, as it is, in this case, a technical requirement of registration. [WIPO Overview 3.0](#), section 1.11.1.

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 Complaint, the Complainant has not authorized or granted the Respondent to use its CONNAUGHT marks. Furthermore, the Respondent is not sponsored by or affiliated with the Complainant in any way. The Respondent is not commonly known by either of the disputed domain names.

The Respondent is not using the disputed domain names in connection with a bona fide offering of goods or services. Furthermore, in the present case, no evidence demonstrated that the Respondent is in preparations to use the disputed domain names corresponding to it in connection with a bona fide offering of goods or services prior to receiving notice of the dispute. The Respondent is also not making any legitimate noncommercial or fair use of the disputed domain names, without intent for commercial gain to misleadingly divert consumers or to tarnish the Complainant's CONNAUGHT marks.

The evidence shows that one of the disputed domain names has been linked to phishing activities, due to the fact that the disputed domain name <connaughtusllc.com> has been used for sending fraudulent emails requesting financial information from clients or Internet users. This disputed domain name has been linked to fraudulent activities such as phishing. Panels have established that the use of a domain name for an illegitimate or illegal activity, including phishing or impersonation/passing off, or other types of fraud, can never confer rights or legitimate interests on a respondent. Based on the evidence provided, the other disputed domain name has not been used for phishing activities and is not currently in use.

Also, as of the date of this decision, neither of the disputed domain names resolved to active websites. However, passive holding does not constitute a bona fide use of the disputed domain names under the circumstances presented in the present case.

Panels have held that the use of both disputed domain names for an illegitimate or illegal activity, here claimed as phishing, impersonation/passing off, or other types of fraud can never confer rights or legitimate interests on a respondent. [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 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.

In the present case, the Panel notes that the disputed domain names are confusingly similar with the Complainant's trademark, which was registered prior to the registration of both disputed domain names. Given the well-established reputation of the Complainant's CONNAUGHT marks in respect of financial services and its international financial activities, it is unlikely that the Respondent selected the disputed domain names by chance. Therefore, the Panel finds that it is inconceivable that the Respondent was unaware of the existence of the Complainant, its trademark, and the Complainant's domain names at the time of registering the disputed domain names. The Complainant provided direct and compelling evidence that establishes the Respondent's fraudulent impersonation scheme. The disputed domain names were connected to websites impersonating the Complainant. According to the evidence presented by the Complainant, both disputed domain names displayed websites that, when active, mimicked the Complainant's website, used the Complainant's trademarks, and offered financial services in the Complainant's name – which included stock trading services, an activity for which the Complainant is not authorized or licensed to perform. In particular, one of the disputed domain names was used to impersonate the Complainant's employees and to communicate with its consumers in an attempt to obtain sensitive

financial information. It was also used in connection with contracts purportedly in the Complainant's name with forged signatures. At all times, the Respondent took steps to conceal its scheme by using the Complainant's real address and phone number, but using a false email. This is significant evidence of bad faith. *Lilly ICOS LLC v. Dan Eccles*, WIPO Case No. [D2004-0750](#); *Prada S.A. v. Domains For Life*, WIPO Case No. [D2004-1019](#). "Bad faith exists where the respondent attempts to trade on the goodwill associated with a mark in which the complainant has rights." See *Quixtar Investments, Inc. v. Dennis Hoffman*, WIPO Case No. [D2000-0253](#); *Legacy Health System v. Nijat Hassanov*, WIPO Case No. [D2008-1708](#).

Paragraph 4(b) of the Policy sets out a non-exhaustive list of 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.

In the present case, the Panel has reviewed the evidence presented by the Complainant where the disputed domain names are currently inactive and one of the disputed domain names has been used for phishing activities. If one of the disputed domain names was indeed used in connection with fraudulent activities such as phishing, it has been determined by panels that the use of a domain name for illegitimate activity or illegal activity including phishing, impersonation/passing off, or other types of fraud constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. The other disputed domain name does not escape from the bad faith, due to the fact that it is inactive and has been used for impersonating the Complainant in the past, according to the evidence presented in the present case.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademark, and the composition of the disputed domain names targeting the Complainant, and finds that in the circumstances of this case, the current passive holding of the disputed domain names also does not prevent a finding of bad faith under the Policy.

Having reviewed the record, the Panel has determined that the Respondent's registration and use of the disputed domain names constitutes bad faith under the Policy.

For all the foregoing reasons, the Panel finds that the disputed domain names were registered and have been used in bad faith.

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 <connaughtllc.com> and <connaughtusllc.com> be transferred to the Complainant.

/Ada L. Redondo Aguilera/

Ada L. Redondo Aguilera

Sole Panelist

Date: January 17, 2025