

## **ADMINISTRATIVE PANEL DECISION**

Mantu Group SA v. James Hudson  
Case No. D2025-0098

### **1. The Parties**

Complainant is Mantu Group SA, Switzerland, represented by KALLIOPE Law Firm, France.

Respondent is James Hudson, United States of America.

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

The disputed domain name <amariscareers.com> is registered with Nicenic International Group Co., Limited (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 10, 2025. On January 13, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 14, 2025, 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) and contact information in the Complaint. The Center sent an email communication to Complainant on January 17, 2025, 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 January 20, 2025.

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 January 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 11, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on February 13, 2025.

The Center appointed Gabriel F. Leonardos as the sole panelist in this matter on February 25, 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 Swiss company acting as an independent global consulting company. Complainant acts in business development strategy and business services, including the field of information systems and technologies, biotechnology and engineering consulting in Europe.

The Mantu business group, which Complainant takes part in, is well known in the international market established in 60 countries and employing more than 11,000 employees. One of the companies that is affiliated with the Mantu business group is named Amaris Consulting.

Complainant is the owner of numerous registrations for the AMARIS trademark, and also, through the Mantu business group, operates numerous domain names containing said trademark, such as <amaris.com> and <careers.amaris.com>.

Some examples of Complainant's trademark registrations for AMARIS can be found below:

Registration	Trademark	Jurisdictions	International Class	Registration Date
016138869	AMARIS	European Union	9, 35, 38, 41, and 42	March 17, 2017
001195429	AMARIS	European Union	9, 16, and 42	June 30, 2004
007417447		European Union	9, 35, 38, 41, and 42	May 27, 2009
018234643		European Union	9, 35, 38, 41, and 42	August 19, 2020
018063637	AMARIS CONSULTING	European Union	9, 35, 38, 41, and 42	September 3, 2019

The disputed domain name was registered on August 26, 2024, and resolves to a website offering job openings to join the company Amaris Consulting.

#### 5. Parties' Contentions

##### A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, Complainant contends that the disputed domain name is identical to the trademark AMARIS owned by Complainant, arguing that the disputed domain name is composed by the exact reproduction of the AMARIS trademark with the addition of the suffix "careers" and the extension ".com". Complainant notes that the addition of the term "careers" would not prevent the possibility of confusion with Complainant's trademark registrations. Moreover, Complainant claims that the disputed domain name is also confusingly similar to domain names owned by Complainant, such as <amaris.com> and <careers.amaris.com>.

Therefore, according to Complainant, the disputed domain name is confusingly similar with Complainant's trademark AMARIS and owned domain names, fulfilling paragraph 4(a)(i) of the Policy and paragraphs 3(b)(viii) and (b)(ix)(1) of the Rules.

Complainant asserts that Respondent owns no registrations for the trademark AMARIS and states that it has neither authorized, nor somehow given its consent to Respondent to register or use the disputed domain name. To Complainant, it is apparent that Respondent is not making a legitimate, noncommercial or fair use of the disputed domain name without the intent for commercial gain misleadingly to divert consumers and/or to harm Complainant's business reputation, since the disputed domain name reverts to a website that seems to be used for phishing purposes with the creation of a fraudulent website.

In this manner, Complainant states that no legitimate use of the disputed domain name could be reasonably claimed by Respondent, fulfilling paragraph 4(a)(ii) of the Policy and paragraph 3(b)(ix)(2) of the Rules.

Finally, Complainant urges that the disputed domain name was registered and is being used in bad faith. Complainant contends that Respondent knew or should have known about the existence of Complainant's rights to the AMARIS trademark at the time of the registration of the disputed domain name. Consequently, Complainant pledges that Respondent was necessarily aware of Complainant's worldwide reputation when registering the disputed domain name; and that Respondent intentionally tried to create confusion with Complainant's rights and reputation to attract users to their websites to obtain undue commercial gain.

Also, Complainant highlights that Respondent registered the disputed domain name with Mail Exchanger record (MX record), which allows the creation of an email address using the disputed domain name, a resource that would prove useful for fraudulent emails resulting in phishing attacks.

Moreover, Complainant argues that the fact that Respondent's willingness to keep its anonymity demonstrates his bad faith.

Thus, according to Complainant, the requirements of bad faith registration and use of the disputed domain name have been fulfilled, pursuant to paragraphs 4(a)(iii) and 4(b) of the Policy and paragraph 3(b)(ix)(3) of the Rules.

Accordingly, Complainant requests to transfer of the disputed domain name to Complainant.

## **B. Respondent**

Respondent did not reply to Complainant's contentions.

## **6. Discussion and Findings**

To succeed in a UDRP complaint, Complainant must demonstrate that all the elements listed in paragraph 4(a) of the Policy have been satisfied, as following:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The burden of proving these elements is upon Complainant.

Respondent had 20 days to submit a response in accordance with paragraph 5(a) of the Rules and failed to do so. Paragraph 5(f) of the Rules establishes that if a respondent does not respond to the complaint, in the absence of exceptional circumstances, the panel's decision shall be based upon the complaint.

## **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 disputed domain name. 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 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 trademark AMARIS is reproduced within the disputed domain names. Accordingly, the disputed domain name is confusingly similar to the trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of the term "careers" may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The same conclusion has been reached by panels such as in *Bayer AG v. Melissa Solis, Bayer / Melissa Solis, Bayer Careers / Melissa Solis, bayer careers / Melissa Solis, Bayer*, WIPO Case No. [D2022-4127](#): "The disputed domain names incorporate the Complainant's trademark BAYER in its entirety. The addition of the terms "career/careers" does not avoid a finding of confusing similarity between the disputed domain names and the Complainant's trademark".

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 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 disputed 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 disputed domain name such as those enumerated in the Policy or otherwise.

The Panel notes that Complainant argues that Respondent is using the disputed domain name to create confusion among Internet users and create the impression that Respondent's website is affiliated with or endorsed by Complainant. Respondent has failed to refute said claim. Moreover, the composition of the disputed domain name by itself carries a risk of implied affiliation with Complainant and/or its affiliated company, and as such, cannot constitute fair use. [WIPO Overview 3.0](#), section 2.5.1.

Based on the available record, Respondent is not entitled to any trademark, trade name, or any other right associated with the disputed domain name. Additionally, Respondent has not been authorized by

Complainant to use the AMARIS trademark, and there is no commercial relationship between the Parties. Respondent is not commonly known by the disputed domain name, and the Panel notes that the disputed domain name resolves to a website on which Respondent presents itself as Amaris Consulting (the same company name as one of Complainant's business groups' company name) to offer job opportunities to work with Amaris Consulting. The color scheme and design of the website at the disputed domain name look similar to those of Complainant's website at "https://careers.amaris.com/". In light of these circumstances, the Panel finds that no rights or legitimate interests can be found on behalf of Respondent.

Also, panels have held that the use of a domain name for illegal activity (e.g., 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 Respondent has registered a disputed domain name that is confusingly similar to Complainant's trademark AMARIS, as explained above in section 6.A. Also, based on the available record, Respondent has no affiliation with Complainant and the trademark AMARIS, nor has it sought authorization or a license to utilize the referred trademarks. Respondent also does not own any trademarks containing the term AMARIS or any relating terms.

Furthermore, considering Complainant's worldwide reputation in connection with business consulting services, Respondent knew or should have known of the existence of Complainant's prior trademark rights and domain names, which were matters of public record, before registering the disputed domain name. Thus, Respondent likely had knowledge of Complainant's pre-existing rights in the AMARIS trademark and should also have known about Complainant's domain names such as <amaris.com> and <careers.amaris.com>.

The registration of the disputed domain name was carried out by Respondent, who had the responsibility to verify its registration will not infringe upon or otherwise violate the rights of any third party. Therefore, it may be inferred that the registration of the disputed domain name was intentionally done with the aim of profiting from the reputation of Complainant's trademarks in question. This action creates a likelihood of confusion among Internet users, considering especially Respondent's use of the disputed domain name for a website offering job opportunities to work for Amaris Consulting, suggesting an association with Complainant's affiliated company and implying that the disputed domain name may be associated with or may belong to Complainant and/or its affiliated company.

On the website which resolves from the disputed domain name, Respondent showcases the AMARIS trademark while also displaying job offers to work for Amaris Consulting company, which is affiliated with Complainant's business group. Therefore, the Panel finds that according to evidence brought by Complainant, the use of the disputed domain name by Respondent indicate its intention to impersonate Complainant and/or its affiliated company to try to obtain undue commercial advantage.

Panels have held that the use of a domain name for illegal activity (e.g., 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 disputed domain name constitutes bad faith under the Policy.

Furthermore, the fact that Respondent registered the disputed domain name with MX record activated, which suggests the intention of phishing, also indicates Respondent's bad faith.

The Panel finds that the circumstances of the present case allow for a finding of bad faith in the registration and use of the disputed domain name, considering that (i) Respondent was most likely aware of Complainant's rights in the trademark AMARIS, considering especially Respondent's use of the website under the disputed domain name, which aims to create a likelihood of confusion among Internet users as it suggests an affiliation with Complainant and/or its affiliated company; and (ii) the registration of the disputed domain name with MX record activated, which allows the creation of an email address with the disputed domain name that is confusingly similar to the AMARIS trademark, suggests the intention of Respondent to engage in phishing.

Lastly, the Panel finds it is relevant that Respondent has not provided any evidence of good faith registration or use, or otherwise participated in this dispute.

Based on the available record, 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 <amariscareers.com> be transferred to Complainant.

*/Gabriel F. Leonardos/*

**Gabriel F. Leonardos**

Sole Panelist

Date: March 12, 2025