

ADMINISTRATIVE PANEL DECISION

Ares Management LLC v. Mayang Mayang
Case No. D2025-0286

1. The Parties

The Complainant is Ares Management LLC, United States of America ("United States"), represented by Greenberg Traurig LLP, United States.

The Respondent is Mayang Mayang, Malaysia.

2. The Domain Names and Registrar

The disputed domain names <arescapitalgropu.com>, <ares8a.com>, <ares8a.shop>, <ares8a.vip>, <ares8b.com>, and <ares8b.vip> are registered with Gname.com Pte. Ltd. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 24, 2025. On January 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On January 27, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Redacted for privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 27, 2025, 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 amended Complaint on January 29, 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 the Respondent of the Complaint, and the proceedings commenced on January 30, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 19, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 20, 2025.

The Center appointed Zoltán Takács 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

The Complainant is a subsidiary of Ares Management, L.P., a publicly traded global alternative asset manager with USD 464 billion of assets under management and over 3,100 employees.

The Complainant is headquartered in Los Angeles with over 40 global offices in the United States, Europe, Asia, the Middle East and Australia.

The Complainant's extensive trademark portfolio includes among others:

- United States Trademark Registration No. 3014171 for the word mark ARES, registered since November 8, 2005; and United States Trademark Registration No. 3925364 for the word mark ARES CAPITAL, registered since March 1, 2011.

The Complainant is also owner of the domain name <arescapitalcorp.com> which was registered on April 13, 2005, and resolves to its corporate website "www.arescapitalcorp.com".

The disputed domain names were registered on the following dates: <arescapitalgropu.com> on October 16, 2024; <ares8a.com>, <ares8a.shop>, <ares8a.vip>, <ares8b.com>, and <ares8b.vip> on October 23, 2024.

The disputed domain name <ares8a.com> is currently inactive, but was used for hosting a website that prominently displayed the Complainant's mark and signature logo, passing itself off as the Complainant's website inclusive of a fake login page attempting to get unsuspected users to provide personal information and login credentials. The Complainant claims that the disputed domain name <ares8a.vip> was used for a similar website, however, has provided no evidence showing the active use of the disputed domain name. According to the evidence <ares8a.vip> resolves to an inactive website. The disputed domain names <arescapitalgropu.com>, <ares8a.shop>, <ares8b.com>, and <ares8b.vip> appear to have been inactive since registration.

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 that incorporate the Complainant's marks in full with the addition of the number "8" with letters "a" or "b", and the term "gropu", a misspelling of the word "group" are confusingly similar to the Complainant's marks;
- the Respondent has no rights or legitimate interests in respect of the disputed domain names since it is unable to rely on any of the circumstances set out in paragraphs 4(c)(i), (ii), or (iii) of the Policy; and
- the Respondent's use of the disputed domain names <ares8a.com> and <ares8a.vip> in connection with websites attempting to impersonate the Complainant and phish for personal information is evidence of the

Respondent's actual knowledge of the Complainant and its mark prior to registration of the disputed domain names and indicative of bad faith registration and use.

- the Complainant just completed a successful UDRP proceeding against the Respondent in connection with the domain name <arescapitalgrop.com>, in which the resolving website contained the exact same content as the disputed domain names <ares8a.com> and <ares8a.vip>. Hence, the Respondent engaged in a pattern of conduct giving rise to bad faith.

The Complainant requests that the disputed domain names be transferred from the Respondent to the Complainant.

B. Respondent

The Respondent did not reply to the Complainant's contentions

6. Discussion and Findings

A. Multiple Domain Names

The Complaint was filed in relation to six domain names.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

The disputed domain names were registered by the same Respondent and the Panel finds that this requirement is fulfilled.

B. 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.

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 entirety of the ARES mark is reproduced and is recognizable within the disputed domain names <ares8a.com>, <ares8a.shop>, <ares8a.vip>, <ares8b.com>, and <ares8b.vip>. The entirety of the ARES CAPITAL mark is reproduced and is recognizable within the disputed domain name <arescapitalgropu.com>. Accordingly, the disputed domain names are confusingly similar to the marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The addition of other terms, here the number "8" and the letters "a" and "b" to the ARES mark in the disputed domain names <ares8a.com>, <ares8a.shop>, <ares8a.vip>, <ares8b.com>, and <ares8b.vip>, and the term "gropu" (a misspelling of the word "group") to the ARES CAPITAL mark in the disputed domain name <arescapitalgropu.com> does not prevent a finding of confusing similarity between the disputed domain names and the Complainant's marks.

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

C. 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.

The Complainant has not authorized, licensed, or allowed the Respondent or any third party to use its marks through the disputed domain names or in any other way that would confer rights or legitimate interests upon the Respondent.

According to the documentary evidence submitted by the Complainant, the Respondent has used the disputed domain name <ares8a.com> in connection with a website attempting to impersonate the Complainant and phish for personal information of unsuspected users. Panels have held that the use of a domain name for illegal activity, here impersonation/passing off and phishing can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The disputed domain names <arescapitalgropu.com>, <ares8a.shop>, <ares8b.com>, <ares8a.vip> and <ares8b.vip> appear to have been inactive. However, the mere passive holding of domain names does not establish rights or legitimate interests. See *Viceroy Hotels, LLC and Viceroy International Hotel Management LLC v. Lucille Echohawk*, WIPO Case No. [D2024-1239](#).

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

D. 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.

Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain names constitutes bad faith under the Policy.

In the present case, the Panel notes that the Complainant’s marks are inherently distinctive and predate the registration of the disputed domain names.

As mentioned above, the web pages at the disputed domain name <ares8a.com> was used to attempt to impersonate the Complainant and phish for personal information of unsuspected users. In view of the Panel, this shows that the Respondent had actual knowledge of the Complainant and its marks and registered the disputed domain names to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant’s mark in order to gain illegitimate profit. Paragraph 4(b)(iv) of the Policy.

UDRP panels have also held that the use of a domain name for illegal activity, in this case impersonation/passing off and phishing constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

In addition, the Complainant has recently recovered from the Respondent the domain name <arescapitalgrop.com>, *Ares Management LLC v. Mayang Mayang*, WIPO Case No. [D2024-4444](#). Here the Respondent registered the corresponding domain name on October 11, 2024, shortly before registration of the disputed domain names concerning this proceeding, which is further indication of the Respondent's actual knowledge of the Complainant and its marks, and the Respondent's intent to target the Complainant.

Currently the disputed domain name <ares8a.com> does not resolve to active website, while the disputed domain names <arescapitalgropu.com>, <ares8a.shop>, <ares8b.com>, <ares8a.vip> and <ares8b.vip> appear to have been inactive. However, panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. In this context, the Panel notes the reputation of the Complainant's marks, the composition of the disputed domain names as well as the previous use of the disputed domain name <ares8a.com>, the fact that the Respondent has engaged in a pattern of conduct targeting the Complainant's trademarks, and finds that in the circumstances of this case the passive holding of the disputed domain names does not prevent a finding of bad faith under the Policy.

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 <arescapitalgropu.com>, <ares8a.com>, <ares8a.shop>, <ares8a.vip>, <ares8b.com>, and <ares8b.vip> be transferred to the Complainant.

/Zoltán Takács/

Zoltán Takács

Sole Panelist

Date: March 4, 2025