

## **ADMINISTRATIVE PANEL DECISION**

Lincoln Global, Inc. and The Lincoln Electric Company v. Daniel Moses  
Case No. D2025-0387

### **1. The Parties**

The Complainants are Lincoln Global, Inc. and The Lincoln Electric Company, United States of America (the “United States”), represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Daniel Moses, United States.

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

The disputed domain name <lincoln-electriccorp.com> is registered with eNom, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 31, 2025. On January 31, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 31, 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 (Whois Agent (660293383), Whois Privacy Protection Service, Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainants on February 3, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on February 7, 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 February 11, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 3, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 10, 2025.

The Center appointed Michelle Brownlee as the sole panelist in this matter on March 14, 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 Complainants are affiliated United States corporations that are both owned by Lincoln Electric Holdings, Inc. The Complainants' business was founded in 1895. The Complainants are in the business of design, development and manufacture of arc welding products, robotic arc welding systems, plasma and oxy-fuel cutting equipment.

The Complainants own numerous trademark registrations throughout the world for the trademark LINCOLN ELECTRIC, including the following:

United States Registration No. 2350082, registered May 16, 2000, for goods in international class 9;

United States Registration No. 2420805, registered January 16, 2001, for services in international class 35; and

United States Registration No. 3114157, registered July 11, 2006, for goods in international class 6.

The Complainants and their affiliated companies own more than 300 domain names that incorporate the words "lincoln electric", including the domain name <lincolnelectric.com>, which is used to operate the Complainants' website.

The disputed domain name was registered by the Respondent on September 22, 2024. The Complainants presented evidence that the Respondent used the disputed domain name to send a procurement request to a supplier of the Complainants through the supplier's web portal that used an email address that included the name of an employee of the Complainants. The disputed domain name also resolved to a website that used the LINCOLN ELECTRIC trademark and the Complainants' copyrighted images. The Complainants sent three cease and desist letters to the email address listed in the Whois record for the Respondent and received no response.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainants contend that the disputed domain name is confusingly similar to the Complainants' LINCOLN ELECTRIC mark, that the Respondent has no rights or legitimate interests in respect of the disputed domain name and that the Respondent registered and is using the disputed domain name in bad faith by sending fraudulent communications that misrepresent that the communications originate from the Complainants and by operating a website using the disputed domain name that displays the LINCOLN ELECTRIC trademark and the Complainants' copyrighted images to give the false impression that the website is associated with the Complainants.

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

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

## **6. Discussion and Findings**

### **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 entirety of the 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.

Although the addition of other terms, here, "corp", 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 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 Complainants have established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainants' 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.

Panels have held that the use of a domain name for illegal activity, here, claimed impersonation/passing off, 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 Respondent used the disputed domain name to send a communication that appeared to be from an employee of the Complainants for the apparent purpose of

phishing or otherwise defrauding the recipient of the communication. The Respondent also operated a web site at the disputed domain name that used the Complainants' trademark and copyrighted image to give the false impression that the website originated from the Complainants. The Panel finds that this is a bad faith under paragraph 4(b)(iv) of the Policy in that the Respondent used the disputed domain name to create a likelihood of confusion with the Complainants' mark for the purpose of commercial gain.

Panels have held that the use of a domain name for illegal activity, here, claimed impersonation of an employee of the Complainants for the likely purpose of fraud or phishing constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds that the Complainants have 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 <lincoln-electriccorp.com> be transferred to the Complainants.

*/Michelle Brownlee/*

**Michelle Brownlee**

Sole Panelist

Date: March 29, 2025