

ADMINISTRATIVE PANEL DECISION

Linde Plc v. Clint Entwistle
Case No. D2025-0389

1. The Parties

The Complainant is Linde Plc, Ireland, represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Clint Entwistle, United Kingdom.

2. The Domain Names and Registrar

The disputed domain names <lindegasdirect.com> and <lindegasgroup.com> are registered with IONOS SE (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 three disputed domain names. On February 3, 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 Domain Administrator, See PrivacyGuardian.org) and contact information in the Complaint.

The Center sent an email communication to the Complainant on February 4, 2024 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaints for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on February 7, 2025, deleting one of the domain names originally included in the Complaint.

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 sent three emails to the Center on February 12, 2024, but did not submit any formal response. Accordingly, the Center notified the commencement of panel appointment process on March 4, 2025.

The Center appointed Wilson Pinheiro Jabur as the sole panelist in this matter on March 6, 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 an industrial gas and chemical engineering company with an operating profit of nearly USD 5 billion (EUR 4 billion) and sales of USD 31 billion (EUR 26 billion) declared in 2021, currently employing 72,000 people globally and serving customers in more than 100 countries worldwide.

The Complainant's official websites are available at the domain names <linde.com> and <lindeplc.com>. The Complainant is the owner, amongst several others, of the following trademark registrations (Annex 1 to the Complaint):

- International Trademark Registration No. 220883 for the word mark LINDE, registered on June 12, 1959, successively renewed, covering products in classes 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 19, 20, 21, and 30;
- European Union Trademark Registration No. 000136671 for the word and device mark LINDE, filed on April 1, 1996, registered on November 23, 1999, successively renewed, covering products and services in classes 1, 4, 5, 6, 7, 9, 10, 11, 12, 20, 37, 39, 41, and 42; and
- United States of America ("United States") Trademark Registration No. 434,784 for the word and device mark LINDE, filed on July 31, 1945, registered on December 9, 1947, successively renewed, covering products in class 1.

The disputed domain name <lindegasdirect.com> was registered on April 8, 2024. The disputed domain name <lindegasgroup.com> was registered on August 28, 2024. Currently, no active webpages resolve from the disputed domain names.

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 asserts to have been founded by Carl von Linde in 1879 in Wiesbaden, Germany, having delivered a wide spectrum of industrial, medical and specialty gases and gas mixtures in innovative, increasingly digitized, packages over decades and having become the world's largest industrial gas company by market share and revenue, presently serving customers in the healthcare, petroleum refining, manufacturing, food, beverage carbonation, fiber-optics, steel making, aerospace, material handling equipment (MHE), chemicals, electronics and water treatment industries, where it has received several awards and recognitions.

According to the Complainant, the disputed domain names fully incorporate the Complainant's trademark with the addition of the generic, descriptive terms "gas direct" and "gas group", thereby making the disputed domain names closely linked and associated with the Complainant's trademark given that the Complainant is a leading provider of industrial and specialty gases ranging from medical gases to bulk liquid oxygen, also owning and managing the domain names <the-linde-group.com> and <linde-gas.com> resolving to the Complainant's website for its Global Industrial gases activities.

As to the absence of rights or legitimate interests, the Complainant argues that:

- i. the Respondent is not commonly known by the disputed domain names;
- ii. the Respondent has used the disputed domain names for the sole purpose of sending emails which have the appearance of coming from a Complainant's actual employee, a Buyer at Linde Group, having sought to engage the Complainant's vendors, presumably with the intent to make fraudulent purchases and/or obtain financial information (Annex 9 of the Complaint); and
- iii. the Respondent is not making a bona fide offering of goods or services or legitimate, or noncommercial fair uses of the disputed domain names.

In what it relates to the bad faith registration and use of the disputed domain names, the Complainant asserts that the Respondent's knowledge of the Complainant's trademark is evident given the phishing attacks perpetrated via emails associated with the disputed domain names. Furthermore, the choice to retain a privacy protection service to hide the true identities of the Respondent is a further indicative of its bad faith, as well as the inactive websites associated with the disputed domain names now being passively held by the Respondent.

B. Respondent

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

On February 12, 2025, the Respondent sent three emails to the Center -from the Registrar-confirmed registrant email- claiming not to be aware of the disputed domain names or the Complainant, stating that "Hi I think you have been given the wrong contact information regarding this domain name I don't know anything about Lindegas direct I don't have a this domain name may I suggest you contact the host and check the contact details my domain name is with ionis and it is [...], has far has I am concerned who ever is complaining can have the domain name".

6. Discussion and Findings

Paragraph 4(a) of the Policy sets forth the following three requirements which have to be met for this Panel to order the transfer of the disputed domain names to the Complainant:

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

The Complainant must prove in this administrative proceeding that each of the aforesaid three elements is present in order to obtain the transfer of the disputed domain names.

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 Panel finds the LINDE mark is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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.

Panels have held that the use of a domain name for illegal activity, such as 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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive 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 this case, both the registration and use of the disputed domain names in bad faith can be found in view of the reproduction of the fraudulent emails sent impersonating the Complainant and its employee. The Respondent's use of the disputed domain names not only clearly indicates full knowledge of the Complainant's trademark but also an attempt of misleadingly diverting consumers for their own commercial gain.

The current inactive use of the disputed domain names does not prevent a finding of bad faith.

For the reasons above, the Respondent's conduct has to be considered, in this Panel's view, as bad faith registration and use of the disputed domain names pursuant to paragraph 4(b)(iv) of 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 <lindegasdirect.com> and <lindegasgroup.com> be transferred to the Complainant.

/Wilson Pinheiro Jabur/

Wilson Pinheiro Jabur

Sole Panelist

Date: March 20, 2025