

## **ADMINISTRATIVE PANEL DECISION**

**Lomar Shipping Limited and Lomar Corporation Limited v. Roman Shrestha**  
**Case No. D2025-0915**

### **1. The Parties**

The Complainants are Lomar Shipping Limited and Lomar Corporation Limited, United Kingdom, represented by Wiggin LLP, United Kingdom.

The Respondent is Roman Shrestha, Nepal.

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

The disputed domain name <lomarshipping.com> is registered with OwnRegistrar, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 5, 2025. On March 6, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 6, 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 and contact information in the Complaint (WhoisSecure). The Center sent an email communication to the Complainant on March 7, 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 March 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 March 12, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 1, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 8, 2025.

The Center appointed Emre Kerim Yardimci as the sole panelist in this matter on April 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 ship owners and operators, and their fleet have moved tons of cargo and works globally with major organizations, from charterers to shipping professionals, regulatory authorities and governments. The Complainants are the owners of inter alia the following trademark registrations:

- United Kingdom registration No. UK00003468063 for LOMAR registered on August 9, 2020, covering goods in class 12 and services in classes 35, 37, 39 and 41
- International Trademark Registration No. 1582531 for LOMAR registered on August 19, 2020 covering services in class 35 and 39 designating EU, China, USA, Singapore, Japan and Korea.

The Complainants operate the domain name <lomarshipping.com>.

The disputed domain name was registered on March 23, 2024, and at the time of the filing of the Complaint, the disputed domain name was resolving to an active website impersonating the Complainants' website.

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

##### **A. Complainants**

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

Notably, the Complainants contend that the disputed domain name is identical or at least confusingly similar to the Complainants' trademark LOMAR and the addition of the term "shiping" which is a typo over the word "shipping" is not sufficient to distinguish the disputed domain name from the mark but on the contrary, such addition reinforces the association of the disputed domain name with the Complainants' mark.

The Complainants consider that the Respondent has no rights or legitimate interests in respect of the disputed domain name, mainly because the Complainants have neither licensed nor otherwise authorized the Respondent to use their marks or to apply for or use any domain name incorporating the trademarks of the Complainants and the Respondent does not appear to be known by the disputed domain name.

The Complainants contend that the Respondent has registered and is using the disputed domain name in bad faith. The Complainants assert that the Respondent was aware of the rights the Complainants have in the trademark at the time of its registration considering the use of the website linked to the disputed domain name.

The Complainants claim that the Respondent is using the disputed domain name with the aim to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's trademark and for the purpose of disrupting the Complainants' business and targeting the Complainants' trademarked products.

Doing that, the Respondent has used privacy shield in order to hide its identity, which together with other elements, reinforces the finding of bad faith.

## **B. Respondent**

The Respondent did not reply to the Complainants' contentions.

## **6. Discussion and Findings**

In accordance with paragraph 4(a) of the Policy, for this Complaint to succeed in relation to the disputed domain name, the Complainant must prove the followings:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered and is 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 3.0](#), section 1.7.

The Complainants have 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 name integrates the Complainant's LOMAR trademark in its entirety.

The disputed domain name differs from the registered LOMAR trademark by the additional descriptive word "shiping" with a missing "-p" letter which seems to be an intentional typo. The additional word "shiping" does not prevent a finding of confusing similarity under the first element.

Several UDRP panels have ruled that the mere addition of a descriptive element does not sufficiently differentiate a disputed domain name from a complainant's registered trademark.

As regards the gTLD, it is typically disregarded under the confusing similarity test.

Accordingly, the Complainants succeed in relation to the first element of the Policy.

### **B. Rights or Legitimate Interests**

The onus is on the Complainant to make out at least a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name, and it is then for the Respondent to rebut this case. See section 2.1 of the [WIPO Overview 3.0](#).

The Panel accepts the Complainants' submissions that the Respondent does not appear to be known by the disputed domain name, has not used, or made demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services, is not making a legitimate noncommercial or fair use of the disputed domain name, and has no consent from the Complainant to use its trademark.

The Respondent has not filed a Response. Furthermore, the Panel finds that the disputed domain name carries a risk of implied affiliation with the Complainants. See section 2.5.1 of the [WIPO Overview 3.0](#).

The Complainants have made out its prima facie case under this element of the Policy and the Respondent has failed to rebut it. Accordingly, the Complainants succeed in relation to the second element of the Policy.

### **C. Registered and Used in Bad Faith**

The Panel finds that the Respondent is using the disputed domain name to intentionally attempt to attract for commercial gain Internet users to its website by creating a likelihood of confusion with the Complainants' trademark.

As the Complainants submit, it is inconceivable that the Respondent would not have known of the Complainants' mark giving that:

- the disputed domain name differs from the Complainants' website "www.lomarshipping.com" with simple omission of the "-p" letter which is an intentional typo;
- the use of the Complainants' trademark and logo within the disputed domain name;
- the striking similarity of the photos on the Respondent's website to that of the Complainants;
- the use of the Complainants' logo and trademarks;
- the use of telephone number and address in UK, which is identical with the Complainants' address.

it is clear that the Respondent has targeted the Complainants and their trademark to benefit its own commercial activities.

The Respondent's registration of the disputed domain name incorporating the Complainants' mark that is resolving to a website impersonating the Complainants' website clearly constitutes bad faith use, and registration.

Therefore, the only reason for the registration of the disputed domain name by the Respondent must have been with bad faith intent to use it to exploit, for commercial gain, the Complainants' reputation. The Respondent has used the disputed domain name for precisely that purpose.

Lastly, the Panel observed that the Respondent used a privacy shield. While the Respondent's use of a privacy service will not in itself constitute bad faith under the Policy, the Panel may still take it into account and draw adverse inferences under certain circumstances.

The use of the privacy shield in this case together with other elements gives rise to the suspicion that the privacy shield was used to mask the identity of the underlying registrant, to give impression that the Complainant is behind the disputed domain name.

Given the Respondent's lack of participation in this proceeding, the lack of any credible good-faith use to which the confusingly similar disputed domain name could be put, and the Respondent's use of privacy service, the totality of circumstances supports an inference of bad faith.

Therefore, in the view of cumulative circumstances, the Panel finds that the requirement of registration and use in bad faith is satisfied, according to the Policy, paragraph 4(a)(iii).

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 <lomarshipping.com> be transferred to the Complainant Lomar Shipping Limited.

*/Emre Kerim Yardimci/*

**Emre Kerim Yardimci**

Sole Panelist

Date: April 30, 2025