

ADMINISTRATIVE PANEL DECISION

Lincoln Global, Inc., The Lincoln Electric Company v. Gearge Denn
Case No. D2025-0931

1. The Parties

Complainant is Lincoln Global, Inc., The Lincoln Electric Company, United States of America ("United States"), represented by CSC Digital Brand Services Group AB, Sweden.

Respondent is Gearge Denn, United States.

2. The Domain Name and Registrar

The disputed domain name <lincolnelectricciom.com> is registered with Gandi SAS (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 6, 2025. On March 7, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 7, 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 March 11, 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 March 14, 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 March 19, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 8, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on April 15, 2025.

The Center appointed Scott R. Austin as the sole panelist in this matter on April 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 following facts appear from the Complaint (as amended) and its attached Annexes, which have not been contested by Respondent, and provide evidence sufficient to support:

Founded in 1895, Complainants are sister companies owned by Lincoln Electric Holdings Inc. (collectively, “Complainant”) engaged in the design, development and manufacture of welding products, robotic arc welding systems and related equipment under the trademark LINCOLN ELECTRIC (the “LINCOLN ELECTRIC Mark”).

Selected pages from Complainant’s 2023 Annual Report submitted in the record show Complainant operates 71 manufacturing and automation system integration locations across 21 countries and maintains a worldwide network of distributors and sales offices serving customers in over 160 countries, employs over 12,000 employees worldwide and reported sales of USD 4.2 billion in 2023.

Complainant owns trademark registrations for the LINCOLN ELECTRIC Mark in the United States and around the world, including the following:

1. United States Trademark Registration No. 2,350,082, LINCOLN ELECTRIC, registered with the United States Patent and Trademark Office (“USPTO”) on May 16, 2000, for a range of welding and welding related products in International Class 9 and claiming a first use date of January 1, 1915;
2. United States Trademark Registration No. 2,420,805, LINCOLN ELECTRIC, registered on January 16, 2001, for distributorship services in the field of electric arc welders, plasma cutters and parts and components therefor in International Class 35, and claiming a first use date of January 4, 1956; and
3. European Union Trademark Registration No. 004725941, LINCOLN ELECTRIC, registered on November 27, 2006, for a range of welding related products and services in International Classes 6, 9 and 35.

Complainant is the owner of over 300 domain names which incorporate the LINCOLN ELECTRIC Mark, including its primary domain name <lincolnelectric.com> which Complainant registered on February 24, 1996. According to Similarweb.com, Complainant’s official website accessed through its primary domain name <lincolnelectric.com> (the “Official LINCOLN ELECTRIC Mark Website”) has received an average of 462,000 hits per month during the period from October 2024 – December 2024, and is ranked 8th in its industry. Complainant’s Facebook page has one million followers, its X (formerly Twitter) page has over 40,000 followers, and its YouTube page has over 78,000 subscribers.

The disputed domain name was created on February 12, 2025, and prior to Complainant’s representatives’ takedown initiatives was used by Respondent to send emails configured to impersonate Complainant’s Sales Specialist employee in furtherance of a phishing scheme to phish personal and financial information from Complainant’s customers. Currently Respondent is using the disputed domain name to redirect Internet users to a website that resolves to a blank page that lacks content.

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: that the disputed domain name is identical or confusingly similar to Complainant’s LINCOLN ELECTRIC Mark; that Respondent has no rights or legitimate interests in respect of the disputed domain name; and that the disputed domain name was registered and is being used in bad faith.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

There are no exceptional circumstances within paragraph 5(e) of the Rules to prevent this Panel from determining the present dispute based upon the Complaint (as amended), notwithstanding the failure of any person to lodge a substantive formal Response in compliance with the Rules. Under paragraph 14 of the Rules, where a party does not comply with any provision of the Rules, the Panel shall “draw such inferences therefrom as it considers appropriate”.

Where no substantive Response is filed, however, Complainant must still make out its case in all respects under paragraph 4(a) of the Policy. To succeed, Complainant must demonstrate that the requirements for each of the elements listed in paragraph 4(a) of the Policy have been satisfied.

The Panel will address its findings on each of these elements in more detail below.

The standard of proof under the Policy is often expressed as the “balance of the probabilities” or “preponderance of the evidence” standard. Under this standard, an asserting party needs to establish that it is more likely than not that the claimed fact is true. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 4.2. See, e.g., *Tudor Games, Inc. v. Domain Hostmaster, Customer ID No. 09382953107339 dba Whois Privacy Services Pty Ltd/ Domain Administrator, Vertical Axis Inc.*, WIPO Case No. [D2014-1754](#).

A. Identical or Confusingly Similar

Ownership of a trademark registration is generally sufficient evidence that a complainant has the requisite rights in a mark for purposes of paragraph 4(a)(i) of the Policy. [WIPO Overview 3.0](#), section 1.2.1. Complainant has demonstrated its rights because it has shown that it is the holder of multiple valid and subsisting trademark registrations for the LINCOLN ELECTRIC Mark, including many which are incontestable under United States trademark law and one registered almost 25 years prior to registration of the disputed domain name. See *Advance Magazine Publishers Inc., Les Publications Conde Nast S.A. v. Voguechen*, WIPO Case No. [D2014-0657](#); see also, *Ralph Maltby Enters., Inc. v. Women With Balls*, WIPO Case No. [D2004-0917](#).

With Complainant's rights in the LINCOLN ELECTRIC Mark established, the remaining question under the first element of the Policy is whether the disputed domain name is identical or confusingly similar to Complainant's LINCOLN ELECTRIC Mark.

Prior UDRP panels have held that the incorporation of the entirety of a trademark in a domain name is sufficient to establish identity or confusing similarity for purposes of the Policy. See [WIPO Overview 3.0](#), sections 1.7 and 1.8 (“Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element”); see also *United Talent Agency, LLC v. Lianxin Zhou*, WIPO Case No. [D2024-1160](#); and *Carrefour SA v. yuri eros*, מ"מ ביתן בע"מ, WIPO Case No. [D2022-1277](#).

The disputed domain name incorporates Complainant's LINCOLN ELECTRIC Mark in its entirety followed by the appended term “ciom” and the generic Top-Level Domain (“gTLD”) “.com”. The addition of the term “ciom” does not prevent a finding of confusing similarity between the disputed domain name and Complainant's LINCOLN ELECTRIC Mark. A consensus of prior UDRP panels have found the gTLD “.com” irrelevant in determining whether the disputed domain name is identical or confusingly similar for purposes of

the first element. See, *Research in Motion Limited v. Thamer Ahmed Alfarshooti*, WIPO Case No. [D2012-1146](#); [WIPO Overview 3.0](#), section 1.11.1.

Accordingly, the Panel finds that Complainant has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Under the second element of the Policy, a complainant is first required to make out a prima facie case that the respondent lacks rights or legitimate interests in the disputed domain name. If a complainant makes that showing, the burden of production on this element shifts to the respondent to come forward with relevant evidence of such rights or legitimate interests in the domain name. If the respondent fails to come forward with such evidence, a complainant is generally deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1. See also, *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. [D2008-1393](#).

Based on the record, Complainant has established, prima facie, that Respondent lacks rights or legitimate interests in the disputed domain name. First, Complainant asserts that it has not licensed, or otherwise authorized Respondent to use the LINCOLN ELECTRIC Mark in any manner, nor is Complainant in any way or manner associated with or related to Respondent. Complainant has also claimed with persuasive evidence submitted that Respondent is not commonly known by the disputed domain name because Respondent's name, "Gearge Denn", clearly bears no resemblance to the term "Lincoln Electric", the LINCOLN ELECTRIC Mark, or the disputed domain name. The Panel finds that Respondent is not commonly known by the disputed domain name for purposes of the Policy.

The Panel finds Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services, so as to confer rights or legitimate interests in it in accordance with paragraph 4(c)(i) of the Policy given the composition of the disputed domain name being configured to be confusingly similar to both Complainant's LINCOLN ELECTRIC Mark and Complainant's official domain name associated with Complainant's Official LINCOLN ELECTRIC Mark Website. The record shows through copies of detailed emails sent from servers attached to the disputed domain name that prior to Complainant's takedown efforts, Respondent configured the disputed domain name to target Complainant's Mark for the purpose of impersonating Complainant. Specifically, Respondent's emails were configured to mislead recipients into believing an employee of Complainant was the sender, to further Respondent's fraudulent email phishing scheme. The emails stated that Complainant's bank details had changed, and requested that payments be made to a new bank account for Respondent's commercial gain.

Prior UDRP panels have categorically held that the use of a domain name for illegal activity including, phishing, distributing malware, 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. See also *Auchan Holding v. Nat Medy*, WIPO Case No. [D2018-0549](#).

Complainant also shows that subsequent to Complainant's takedown efforts Respondent is not currently using the disputed domain name in connection with a bona fide offering of goods and services because Respondent is now using the disputed domain name to redirect Internet users to a website that resolves to a blank page and lacks content, so it is therefore not offering any goods or services. Prior UDRP panels have held that the inactive status of a disputed domain name does not comprise a bona fide offering of goods or services under the Policy and evinces a lack of rights or legitimate interests in the disputed domain name. See *Accenture Global Services Limited v. Marc Diks*, WIPO Case No. [D2021-1383](#); see also *Philip Morris USA Inc. v. Muhammad Faisal*, WIPO Case No. [D2016-0621](#).

In addition, Respondent's use of a patently false postal address, providing purportedly a United States city but no state, as disclosed by the Registrar, is evidence of Respondent providing false contact information as registration data which would also negate Respondent's ability to claim legitimate noncommercial or fair use of the disputed domain name under paragraph 4(c)(iii) of the Policy. [WIPO Overview 3.0](#), section 2.5.3.

Complainant also contends that when presented with an opportunity to address the matter prior to the filing of the subject proceeding, Respondent has opted not to respond to Complainant's allegations and concerns raised in Complainant's cease-and-desist correspondence it sent to Respondent on February 11, 2025. Respondent never replied. Prior UDRP panels have held that failure to respond to a cease-and-desist letter can be evidence from which it is reasonable to conclude that the respondent was aware that it has no rights or legitimate interests in the domain name at issue. See, *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#); *Alcoholics Anonymous World Services, Inc. v Raymond*, WIPO Case No. [D2000-0007](#).

These facts establish Complainant's prima facie showing. Respondent has not provided any basis on which that showing may be overcome. Complainant has successfully met its burden under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Finally, Complainant must prove, by a preponderance of the evidence, that the disputed domain name has been registered and used in bad faith under paragraph 4(a)(iii) of the Policy. See, e.g., *Hallmark Licensing, LLC v. EWebMall, Inc.*, WIPO Case No. [D2015-2202](#).

Paragraph 4(b) of the Policy sets out a non-exhaustive list of circumstances that point to bad faith conduct on the part of a respondent. The panel may, however, consider the totality of the circumstances when analyzing bad faith under Policy, paragraph 4(a)(iii) and may make a finding of bad faith that is not limited to the enumerated factors in Policy, paragraph 4(b). See *Do the Hustle, LLC v. Tropic Web*, WIPO Case No. [D2000-0624](#).

First, Complainant contends, and this Panel has found in Section 6B above from the record submitted and its own independent investigation as permitted under the Policy, that the LINCOLN ELECTRIC Mark is registered in the United States where Respondent is purportedly located. Based on the uncontested record, considering that the LINCOLN ELECTRIC Mark is recognized and advertised online and operates at offices headquartered in the United States, which Respondent has submitted as its address in its registration data, Complainant's trademark registration predates by almost twenty-five years Respondent's registration of the disputed domain name, and the disputed domain name incorporates the LINCOLN ELECTRIC Mark in its entirety, Respondent has no credible argument that it was unaware of the LINCOLN ELECTRIC Mark. See, e.g., *Alstom v. Domain Investments LLC*, WIPO Case No. [D2008-0287](#); see also *Accor S.A. v. Kristen Hoerl*, WIPO Case No. [D2007-1722](#).

A consensus of prior UDRP panels have found that the mere registration of a domain name that is identical or confusingly similar to a widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. See [WIPO Overview 3.0](#), section 3.1.4. See *Parfums Christian Dior v. Javier Garcia Quintas*, WIPO Case No. [D2000-0226](#).

Prior UDRP panels have also found that where, as here, it would be implausible to believe that Respondent selected and was using the disputed domain name for any other purpose than to trade on Complainant's trademark rights and reputation, it establishes a fact pattern that repeatedly has been held to constitute bad faith registration. See *Houghton Mifflin Co. v. Weathermen, Inc.*, WIPO Case No. [D2001-0211](#); see also *Philip Morris Incorporated v. Alex Tsyarkin*, WIPO Case No. [D2002-0946](#). The Panel finds, therefore, that Respondent had actual knowledge of the LINCOLN ELECTRIC Mark, and that Respondent has targeted Complainant's LINCOLN ELECTRIC Mark in registering the disputed domain name in bad faith. See *Tudor Games, Inc. v. Domain Hostmaster, Customer ID No. 09382953107339 dba Whois Privacy Services Pty Ltd / Domain Administrator, Vertical Axis Inc.*, WIPO Case No. [D2014-1754](#).

As noted above in Section 6 B., Respondent used the disputed domain name to impersonate a specific employee of Complainant whom Respondent selected as the sender of emails used to further Respondent's fraudulent email phishing scheme. Panels have held that the use of a domain name for illegal activity including, phishing, distributing malware, impersonation/passing off, or other types of fraud constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Moreover, Complainant contends that the disputed domain name has remained inactive since Complainant's initial takedown efforts. 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. Prior UDRP panels have found under the doctrine of passive holding that that the word bad faith "use" in the context of paragraph 4(a)(iii) does not require a positive act on the part of respondent – instead, passively holding a domain name can constitute a factor in finding bad faith registration and use pursuant to Policy paragraph 4(a)(iii). See *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#); see also *Alitalia Linee Aeree Italiane S.p.A v. Colour Digital*, WIPO Case No. [D2000-1260](#).

Having reviewed the record, the Panel finds Respondent's current non-use of the disputed domain name following its initial use in support of an illegal phishing scheme, does not prevent a finding of bad faith in the circumstances of this proceeding. While panelists will look at the totality of the circumstances in each case, factors that are present here which have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of Complainant's mark, registered almost 25 years prior to registration of the disputed domain name (ii) initial use of the disputed domain name for an illegitimate phishing scheme (iii) the failure of Respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, especially considering this Respondent has failed to avail itself of its opportunity to respond to Complainant's pre complaint cease and desist correspondence (iii) Respondent concealing its identity and use of false contact details, and (iv) the implausibility of any good faith use to which the disputed domain name may be put. [WIPO Overview 3.0](#), section 3.3. See "*Dr. Martens*" *International Trading GmbH and "Dr. Maertens" Marketing GmbH v. Godaddy.com, Inc.*, WIPO Case No. [D2017-0246](#).

The Panel finds Complainant's arguments and evidence persuasive and has received no arguments or evidence from Respondent to the contrary. Considering all the circumstances, the Panel concludes that Respondent has registered and used the disputed domain name in bad faith and Complainant has satisfied paragraph 4(a)(iii) 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 <lincolnelectricciom.com> be transferred to Complainant.

/Scott R. Austin/

Scott R. Austin

Sole Panelist

Date: May 14, 2025