

ADMINISTRATIVE PANEL DECISION

NORKORZ CAPITAL v. Francis Ail

Case No. D2025-1172

1. The Parties

The Complainant is NORKORZ CAPITAL, Luxembourg, represented by LAIDEBEUR & PARTNERS, Luxembourg.

The Respondent is Francis Ail, France.

2. The Domain Name and Registrar

The disputed domain name <norkorzcapital.com> is registered with Hostinger Operations, UAB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 21, 2025. On March 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 25, 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 (Unknown, Privacy Protect, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on the same day, 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 27, 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 April 2, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 22, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 24, 2025.

The Center appointed Steven A. Maier as the sole panelist in this matter on May 1, 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 limited company registered in Luxembourg. It is a provider of financial and investment services.

The Complainant is the owner of Benelux trademark registration number 1520367 for the word mark NORKORZ CAPITAL, registered on March 3, 2025 (with a filing date of February 28, 2025) in International Class 36.

The disputed domain name was registered on February 10, 2025.

The disputed domain name has resolved to a parking page provided by the Registrar.

5. Parties' Contentions

A. Complainant

The Complainant states that it was founded in 2017 and formed two affiliated companies, Norkorz Real Estate and Norkorz Private Equity, in 2021. It asserts that it enjoys a solid reputation within the Luxembourg financial sector and has never needed to operate a website or otherwise promote its business. However, it provides no further information concerning the scale or profile of its business operations.

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

The Complainant submits that the disputed domain name is identical to its trademark NORKORZ CAPITAL.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It states that it has no relationship with the Respondent and has never authorized it to use its NORKORZ CAPITAL trademark, that the Respondent has not commonly been known by the disputed domain name, and that the Respondent has made no substantive use of the disputed domain name.

The Complainant submits that the disputed domain name was registered and is being used in bad faith. It asserts that the Respondent's registration of the disputed domain name cannot be coincidental and can only represent an attempt at identity theft. It adds that the Respondent has provided what appears to be an invented name (the surname translating as "garlic") and that the address and telephone number referenced in the relevant Whois search cannot be connected to the Respondent. It further submits that the postal address provided by the Respondent to the Registrar is non-existent.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

The Respondent did not reply to the Complainant's contentions

6. Discussion and Findings

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) 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 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 the trademark NORKORZ CAPITAL 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 identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

It is irrelevant for the purposes of the first element (although it may be material to the second and/or third elements) that the Complainant's trademark was registered after the date of registration of the disputed domain name.

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 name. 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 name such as those enumerated in the Policy or otherwise.

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

C. Registered and Used in Bad Faith

The disputed domain name is identical to the Complainant's name and trademark NORKORZ CAPITAL, which the Panel finds to be distinctive in nature. The Panel further accepts that the Complainant has traded in financial services Luxembourg since 2017, although it is regrettable that it has failed to provide any evidence of its trading profile or the reputation of its trademark.

The Panel notes that the disputed domain name was registered prior to the date of registration (or indeed filing) of the Complainant's trademark. Nevertheless, the Panel finds it impossible in this case to conceive of any reason why the Respondent could have registered the disputed domain name other than to impersonate the Complainant. The Panel infers in all the circumstances that the Respondent was aware of the Complainant and its business under the NORKORZ CAPITAL name before the Complainant filed any trademark application and did so in anticipation of the Complainant's nascent trademark rights (see e.g., section 3.8.2 of [WIPO Overview 3.0](#)).

Noting also that no active use has been made of the disputed domain name, the Panel makes the following findings in respect of the criteria set out in *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#), which inform considerations of bad faith registration and use in cases of passive holding. The Panel finds in particular that the disputed domain name is identical to the Complainant's distinctive trademark, that the Respondent has failed to respond to the proceedings or to provide any explanation for its registration and use of the disputed domain name, and that the Respondent has not disputed the Complainant's submission that it provided false contact details to the Registrar. Further, the Panel finds it impossible to conceive of any bona fide use which the Respondent could make of the disputed domain name, which Internet users will inevitably assume to be owned or operated by, or otherwise legitimately affiliated with, the Complainant.

The Panel finds that the third element has been established.

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 <norkorzcapital.com> be transferred to the Complainant.

/Steven A. Maier/

Steven A. Maier

Sole Panelist

Date: May 16, 2025