

ADMINISTRATIVE PANEL DECISION

Lincoln Global, Inc. and The Lincoln Electric Company v. Chideral Winifred
Case No. D2025-1221

1. The Parties

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

Respondent is Chideral Winifred, Nigeria.

2. The Domain Name and Registrar

The disputed domain name <lincolnelectric-company.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 25, 2025. On March 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 27, 2025, the Registrar transmitted by email to the Center its verification response, confirming that Respondent is listed as the registrant and its contact details.

The Center verified that the 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 31, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 20, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on April 25, 2025.


The Center appointed Gabriel F. Leonardos 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

Complainants are sister companies engaged in the design, development and manufacture of arc welding products, robotic arc welding systems, plasma and oxy-fuel cutting equipment, being also present in the brazing and soldering alloys market (hereinafter collectively referred to as “Complainant”). 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.

Complainant claims it owns registrations throughout the world for the LINCOLN ELECTRIC trademark and has a large Internet presence, being the owner of over 325 domain names containing the trademark, including its primary domain name <lincolnelectric.com>. It also has a social media presence, with thousands of followers across Facebook, Twitter and YouTube.

Some examples of Complainant’s trademarks registrations for LINCOLN ELECTRIC can be found below:

Registration	Trademark	Jurisdictions	International Class	Registration Date
247806	LINCOLN ELECTRIC	Egypt	9	November 20, 2011
247805	LINCOLN ELECTRIC	Egypt	6	November 20, 2011
004725941	LINCOLN ELECTRIC	European Union	6, 9 and 35	November 27, 2006
004982468		European Union	6, 7, 9 and 35	January 15, 2008
2350082	LINCOLN ELECTRIC	United States	9	May 16, 2000
2420805	LINCOLN ELECTRIC	United States	35	January 16, 2001
3114157	LINCOLN ELECTRIC	United States	6	July 11, 2006
TMA573494	LINCOLN ELECTRIC	Canada	1	January 13, 2003

The disputed domain name was registered on March 1, 2025, and previously resolved to a website that used to impersonate Complainant’s business and to promote its products, all with the use of the trademark LINCOLN ELECTRIC. Currently, the disputed domain name is being used to resolve to a blank page.

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.

Notably, Complainant contends that the disputed domain name captures in its entirety the trademark LINCOLN ELECTRIC owned by Complainant, with the addition of the generic term “company” and of a hyphen, which does not prevent a finding of confusing similarity between Complainant’s prior rights to the LINCOLN ELECTRIC trademark and the disputed domain name.

Additionally, Complainant asserts that Respondent’s use of the disputed domain name contributed to confusion, since Respondent’s use represented an attempt at impersonating Complainant’s business.

Therefore, according to Complainant, the disputed domain name is confusingly similar with Complainant’s trademark LINCOLN ELECTRIC, fulfilling paragraph 4(a)(i) of the Policy and paragraphs 3(b)(viii) and 3(b)(ix)(1) of the Rules.

Complainant affirms that Respondent is not sponsored, nor affiliated and holds no relationship with Complainant and that no business or activities have ever been conducted between them. Also, Complainant states that has neither authorized nor given its consent to Respondent to use Complainant's trademarks in any manner, including in domain names.

Complainant highlights that Respondent's identity as "Chideral Winifred" does not resemble or has any relation to the disputed domain name. Thus, Respondent cannot be regarded as having acquired rights to or legitimate interests in the disputed domain name.

To Complainant, it is apparent that Respondent has not made a legitimate, noncommercial or fair use of the disputed domain name, but rather was using it with the intent for commercial gain to misleadingly divert consumers and/or to harm Complainant's business reputation, since the disputed domain name used to revert to a website that attempted to imitate Complainant's own business. Furthermore, even with the removal of the displayed content, Complainant argues that Respondent still makes no legitimate use of the disputed domain name.

In this manner, Complainant states that no legitimate use of the disputed domain name could be reasonably claimed by Respondent, fulfilling paragraph 4(a)(ii) of the Policy and paragraph 3(b)(ix)(2) of the Rules.

Finally, Complainant argues that the disputed domain name was registered and is being used in bad faith. Complainant contends that Respondent knew or should have known about the existence of Complainant's rights to the LINCOLN ELECTRIC trademark at the time of registration of the disputed domain name.

According to Complainant, the documented use of the website as an attempt to impersonate Complainant shows that it is not possible to conceive a plausible situation in which Respondent would have been unaware of Complainant's rights.

Complainant argues that Respondent was unfairly and intentionally taking advantage of, and exploiting without authorization, the reputation and distinctiveness of Complainant's trademark LINCOLN ELECTRIC to attract Internet users to the website related to the disputed domain name creating a likelihood of confusion since the disputed domain name used to resolve to a scam website, which imitated Complainant.

Moreover, Complainant states that the fact that the disputed domain name currently resolves to an inactive website does not prevent a finding of bad faith in the case.

Thus, according to Complainant, the requirements for finding bad faith registration and use of the disputed domain name have been fulfilled, pursuant to paragraphs 4(a)(iii) and 4(b) of the Policy and paragraph 3(b)(ix)(3) of the Rules.

Accordingly, Complainant requests a transfer of the disputed domain name.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

To succeed in a UDRP complaint, Complainant must demonstrate that all the elements listed in paragraph 4(a) of the Policy have been satisfied, as follows:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) 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.

The burden of proving these elements is upon Complainant.

Respondent had 20 days to submit a response in accordance with paragraph 5(a) of the Rules and failed to do so. Paragraph 5(f) of the Rules establishes that if a respondent does not respond to the complaint, in the absence of exceptional circumstances, the Panel's decision shall be based upon the complaint.

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 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.

Based on the available record, the Panel finds 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 trademark LINCOLN ELECTRIC 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 the term "company" and of a hyphen 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.

Therefore, based on the available record, 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 Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on 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 respondent. As such, where a complainant makes out a prima facie case that respondent lacks rights or legitimate interests, the burden of production on this element shifts to respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on complainant). If respondent fails to come forward with such relevant evidence, complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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.

Panels have held that the use of a domain name for illegitimate activity, here claimed as impersonating/passing off, can never confer rights or legitimate interests on a respondent. Here the disputed domain name used to resolve to a website which attempted to imitate Complainant and falsely create a confusion as to possible association to Complainant, including through displaying Complainant's logo and a copyright notice "2024 Created with Lincoln Electric" and referencing Complainant in the "About" section. [WIPO Overview 3.0](#), section 2.13.1.

Based on the available record, Respondent is not entitled to any trademark, trade name, or any other right associated with the disputed domain name. Additionally, Respondent has not been authorized by Complainant to use the LINCOLN ELECTRIC trademark, and there is no commercial relationship between the Parties. Furthermore, Respondent is not commonly known by the disputed domain name, and the Panel notes that Respondent the previous use of the disputed domain name does not qualify as bona fide or legitimate noncommercial or fair use. In light of these circumstances, the Panel finds that no rights or legitimate interests can be found on behalf of Respondent.

Accordingly, 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 Respondent has registered the disputed domain name that is confusingly similar to Complainant's trademark LINCOLN ELECTRIC, as explained above in section 6.A. Also, based on the available record, it is established that Respondent has no affiliation with Complainant and the trademark LINCOLN ELECTRIC, nor has it sought authorization or a license to utilize the referred trademark. Respondent also does not own any trademarks containing the term "lincoln electric" or showed any rights over the disputed domain name or any related terms.

Furthermore, considering Complainant's significant worldwide reputation in the welding products market, Respondent evidently knew or should have known the existence of Complainant's prior trademark rights and domain names, which were matters of public record, before registering the disputed domain name. Other than this, the disputed domain name used to resolve to a website, which attempted to pass itself off as Complainant, Respondent must have had knowledge of Complainant's pre-existing rights to the LINCOLN ELECTRIC trademark and likely also knew about Complainant's domain names such as <lincolnelectric.com>.

The registration of the disputed domain name was carried out by Respondent, who had the responsibility to verify the existence of the referred to trademarks. Therefore, considering the use of the disputed domain name, it may be inferred that the registration of the disputed domain name was intentionally done with hopes of profiting from the reputation of Complainant's trademarks and the likelihood of confusion among Internet users, specially taking into consideration Respondent's use of the disputed domain name.

On the website previously linked to the disputed domain name, Respondent showcased Complainant's trademarks and a logo, included a copyright notice and referenced Complainant in the "About" section, and advertised Complainant's products. Therefore, the Panel finds that said use by Respondent, according to evidence brought by Complainant, indicates Respondent's intention to impersonate Complainant's business to try to obtain undue commercial advantage.

Panels have held that the use of a domain name for illegal activity (i.e., impersonation/passing off), constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

Therefore, the Panel finds that the circumstances of the present case allow for a finding of bad faith in the registration and use of the disputed domain name, considering that (i) Respondent registered and used the disputed domain name to take unfair advantage of Complainant's trademark; and, (ii) Respondent was most likely aware of Complainant's rights in the trademark LINCOLN ELECTRIC, considering especially Respondent's previous use of the websites under the disputed domain name, which aimed to create a likelihood of confusion within Internet users as to the source of the website.

Lastly, the Panel finds it is relevant that Respondent has not provided any evidence of good faith registration or use or otherwise participated in these proceedings.

Based on the available record, the Panel finds that 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 name <lincolnelectric-company.com> be transferred to Complainant.

/Gabriel F. Leonardos/

Gabriel F. Leonardos

Sole Panelist

Date: May 15, 2025