

ADMINISTRATIVE PANEL DECISION

Lincoln Global, Inc. and The Lincoln Electric Company v. Allan Davis
Case No. D2025-1222

1. The Parties

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

The Respondent is Allan Davis, Netherlands (Kingdom of the).

2. The Domain Name and Registrar

The disputed domain name <lincoln-electrics.com> is registered with One.com A/S (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 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 the Complainants on March 27, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on March 28, 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 31, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 20, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 22, 2025.

The Center appointed Tao Sun as the sole panelist in this matter on April 30, 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 sister companies owned by Lincoln Electric Holdings Inc. The Complainants' major business is design, development and manufacture of arc welding products, robotic arc welding systems, plasma and oxy-fuel cutting equipment. The Complainants now operate 71 manufacturing and automation system integration locations across 21 countries and maintain a worldwide network of distributors and sales offices serving customers in over 160 countries. The Complainants employ over 12,000 employees worldwide. In 2023, the reported sales of the Complainants are USD 4.2 billion. In 2024, the Complainants were named one of "America's Best Mid-Size Companies" by Time Magazine, one of "America's Great Workplaces" by Newsweek, and one of the "World's Most Ethical Companies" by the Ethisphere Institute, as a sixth year honoree.

The Complainants own, among others, the following registered trademarks:

- (i) the European Union ("EU") registration No. 004725941 LINCOLN ELECTRIC in classes 6, 9 and 35, registered on November 27, 2006 by, Lincoln Global, Inc.;
- (ii) the EU registration No. 015346935 LINCOLN ELECTRIC in classes 1, 7 and 8, registered on August 31, 2016, by Lincoln Global, Inc.; and
- (iii) the United States of America registration No. 2350082 LINCOLN ELECTRIC in class 21, 23, 26 36 and 38, registered on May 16, 2000 by The Lincoln Electric Company.

The Complainants own over 325 domain names which incorporate the LINCOLN ELECTRIC trademarks, including its primary domain name <lincolnelectric.com>.

The disputed domain name was registered on November 6, 2024. It resolves to a webpage seemingly hosted by the Registrar with no content related to the Respondent and having links to the website of the Registrar. The Complainants have provided evidence that MX records have been set up for the disputed domain name.

The Respondent also registered the domain name <lincolnelectrics.co.uk> on November 5, 2024.

The Complainants' representative CSC Domain Recovery Team allegedly sent three notices to the Respondent's email [...]@proton.me on November 26, 2024 and December 30, 2024 respectively, demanding the Respondent to transfer the disputed domain name and <lincolnelectrics.co.uk> to The Lincoln Electric Company but received no response.

5. Parties' Contentions

A. Complainants

The Complainants contend that each of the elements required under the Policy for a transfer of the disputed domain name has been satisfied.

Notably, the Complainants contend that:

- (i) The disputed domain name varies from the Complainants' trademark by only one letter "s" to the end of the trademarks, which does nothing to distinguish the disputed domain name from the Complainants' trademarks.

(ii) The Respondent is not sponsored by or affiliated with the Complainants in any way. Neither have the Complainants given the Respondent permission to use the Complainants' trademarks in any manner, including in domain names. There is no evidence including the Whois record showing that the Respondent is commonly known by the disputed domain name. The use of the privacy service also prevents the finding of legitimate interest. Furthermore, the Respondent has failed to make use of this disputed domain name's website and has not demonstrated any attempt to make legitimate use of the disputed domain name and website. Additionally, the disputed domain name has been set up by the Respondent with an email enabling MX records and therefore is likely to be used to confuse Internet users into believing they are dealing with Complainants. As such, the Respondent has no rights or legitimate interests in respect of the disputed domain name.

(iii) The Respondent, by registering the disputed domain name which is mere pluralized version of the Complainants famous LINCOLN ELECTRIC trademarks, has demonstrated a knowledge of and familiarity with Complainants' brand and business. Typosquatting itself can also evidence the bad faith of the Respondent. The passive holding of the disputed domain name constitutes a factor in finding bad faith registration and use. The existence of active MX records further supports an inference of bad faith. The privacy service and the ignorance of the Complainants' notices are also factors in finding bad faith registration and use. Overall, the disputed domain name was registered and is being used in bad faith.

B. Respondent

The Respondent did not reply to the Complainants' contentions.

6. Discussion and Findings

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 names. (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[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 Complainants' LINCOLN ELECTRIC trademark is recognizable within the disputed domain name. Therefore, the disputed domain name should be considered confusingly similar with the Complainants' trademarks for purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The addition of "s" can be easily recognized as the pluralized version of the Complainants' trademarks and therefore 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.

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 Complainants have established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Complainants have asserted that the Respondent is not sponsored by or affiliated with the Complainants in any way, neither have the Complainants given the Respondent permission to use Complainants' trademarks in any manner. According to the evidence submitted by the Complainants, the disputed domain name is resolved to a website seemingly hosted by its Registrar with no content related to the Respondent but instead having links to the Registrar's website at <one.com>. Such uses of the disputed domain names to host a parked page by the Registrar instead of the Respondent do not represent a bona fide offering of goods or services under the circumstances of this case.

The Respondent has not rebutted the Complainants' 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 therefore 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 Complainants' LINCOLN ELECTRIC trademark is inherently distinctive and has become famous through use. The disputed domain name contains the entirety of the Complainants' trademarks with merely the addition of "s" and a dash. Therefore, the disputed domain name is confusingly similar to the Complainants' famous trademarks and was registered by the Respondent who has no relationship with the Complainants, which can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

Furthermore, the Respondent had registered other domain name <lincolnelectrics.co.uk> which also contains the Complainants' trademark, suggesting that the Respondent knew the Complainants' trademark and engaged in a pattern of bad faith.

In addition, the disputed domain name is resolved to a website seemingly hosted the Registrar with links to the website of the Registrar. Such passive holding would not prevent a finding of bad faith, especially considering the factors that (i) the disputed domain name is highly similar to the Complainants' famous trademark, (ii) the Respondent failed to file any response in this case, and (iii) the Respondent concealed its identity by adopting privacy service. [WIPO Overview 3.0](#), section 3.3.

The evidence provided by the Complainants shows that the Respondent has set up MX-records for the disputed domain name, indicating a risk that the disputed domain name may be used for email communications. Such use of the disputed domain name by the Respondent for email communication would carry a high risk of implied affiliation with the Complainants and therefore would constitute use in bad faith.

The Respondent's failure to actively respond the notices of the Complainants also supports a finding of bad faith.

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 <lincoln-electrics.com> be transferred to the Complainants.

/Tao Sun/

Tao Sun

Sole Panelist

Date: May 8, 2025