

ADMINISTRATIVE PANEL DECISION

Golding Capital Partners GmbH v. Mike ELi
Case No. D2025-1235

1. The Parties

The Complainant is Golding Capital Partners GmbH, Germany, represented by Ampersand Partnerschaft von Rechtsanwälten mbB, Germany.

The Respondent is Mike ELi, United States of America.

2. The Domain Name and Registrar

The disputed domain name <goldingcapital.org> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 26, 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 26, 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 Complainant on March 27, 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 amendment to the Complaint on March 28, 2025.

The Center verified that the Complaint together with the amendment to 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 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 William A. Van Caenegem 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 Company registered as Golding Capital Partners GmbH in Germany and is an independent manager of private equity, private debt and infrastructure in Europe. The Complainant is the owner of registered European Union trademark No. 018249729 for the term GOLDING with application date June 5, 2020, and registration date October 30, 2020, for financial and monetary services and the like; United Kingdom trademark No. UK00918249729 for the term GOLDING, registered on October 30, 2020, for the services in class 36: and of Swiss trademark No. 769969 GOLDING, registered on September 28, 2021, for services in classes 35 and 36.

The Complainant's domain name <goldingcapital.com> was registered on April 18, 2001, and resolves to the Complainant's official website.

The disputed domain name was registered on March 7, 2025, and does not resolve to an active website. The Complainant provided evidence showing that the Respondent had access to the e-mail account of one of the Complainant's employees, via "Outlook on the Webb". In this context, the Respondent sent several e-mails from this e-mail account to the Complainant's customers in the name of the employee. In this correspondence, the Respondent copied email addresses connected to the disputed domain name.

5. Parties' Contentions

A. Complainant

The Complainant was established in 2000 as a specialist firm for alternative investments. It is headquartered in Munich, with offices in Luxembourg, Milano, Zurich and Tokyo.

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

Notably, the Complainant contends that the disputed domain name is confusingly similar to its GOLDING registered trademark. The Complainant points to the fact that the disputed domain name contains the entirety of the Complainant's trademark and contends that the addition of the term "capital" is only a descriptive element and is not to be taken into account when comparing the signs. In addition, the Complainant says that the term "capital" clearly refers to its own field of activity or to services related to its brand, tending to suggest sponsorship or endorsement by the Complainant. In the Complainant's contention, the descriptive term "capital" therefore reinforces the confusing similarity with the Complainant's trademark. The Complainant adds that the disputed domain name is identical to its rights in the terms "Golding Capital", where the only difference is the term "Partners" in the Complainant's name and it should be ignored in the comparison because it is purely descriptive. The Complainant also points out that the disputed domain name is identical to its own official domain name.

The Complainant points out that it has not licensed or otherwise permitted the Respondent to use any of its GOLDING trademarks, any variations or combinations thereof, or to register or use any domain name incorporating any of those marks, or variations or combinations thereof. The Complainant says that the Respondent has used the disputed domain name in a fraudulent way which the Complainant says, pointing to WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 2.13.1 and panelists' oft-expressed views, is not compatible with the kind of bona fide activities recognized in the Policy as giving rise to rights or legitimate interests. The Complainant

adds that the composition of the disputed domain name falsely suggests sponsorship or an official connection. The Complainant points out that the Respondent is not known by the disputed domain name either.

The Complainant asserts that the disputed domain name has been registered and is used in a fraudulent manner, as the Respondent had access to the email account of one of the Complainant's employees via "Outlook on the Webb". The Complainant then sent several emails from this email account to the Complainant's customers in the name of the employee. It copied in email addresses connected to the disputed domain name. It sent such emails to two customers of the Complainant, attempting to redirect a capital call from these customers to a new bank account. The customers alerted the Complainant, the latter says. The Complainant contends that the use of the disputed domain name in such an illegal scheme also demonstrates that the Respondent not only knew of the Complainant, its business and mark, but also attempted to pass itself off as the Complainant by using the name of an employee of the Complainant to solicit payments. The Complainant points out that panels have held that the use of a domain name for illegal activity (here impersonation/passing off, phishing, or other types of fraud) constitutes bad faith. Finally, the Complainant points out that the Respondent never answered its request to transfer the disputed domain name, and says that the fact that no use has been made of the disputed domain name to direct to an active website is also an indication of bad faith.

B. Respondent

The Respondent did not reply to the Complainant's 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 name. [WIPO Overview 3.0](#), section 1.7.

The 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 mark is reproduced and is thus recognizable 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 other terms, here "capital" 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.

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 disputed domain name does not resolve to an active website. However, the Complainant put material before the Panel that indicates that the disputed domain name was used in phishing exercises, which are further addressed below. Panels have held that the use of a domain name for such fraudulent activity can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 the Respondent, as demonstrated by the Complainant's account and material put before the Panel, has engaged in an elaborate phishing exercise. The disputed domain name was used to generate deceptive email addresses which were included in email correspondence with customers of the Complainant in an attempt to further reinforce the false impression that those emails emanated from the latter. The tendency of those emails was to persuade the customers concerned to disburse money for the Respondent's benefit.

The composition of the dispute domain name tends to indicate that the Respondent was perfectly aware of the Complainant, the nature of its business and its ownership of the GOLDING trademark at the time of registration of the disputed domain name. That inference is further supported by the subsequent use in a carefully crafted attempt at fraud that the Respondent engaged in reliance in part on the ability to generate deceptive email addresses.

Panels have held that the use of a domain name for phishing exercises, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Hence the disputed domain name was both registered and used in bad faith.

The Panel finds that the 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 <goldingcapital.org> be transferred to the Complainant.

/William A. Van Caenegem/

William A. Van Caenegem

Sole Panelist

Date: May 13, 2025