

ADMINISTRATIVE PANEL DECISION

Keller Group plc v. Hoskins Felicia
Case No. D2025-1452

1. The Parties

The Complainant is Keller Group plc, United Kingdom ("UK"), represented by Barker Brettell LLP, UK.

The Respondent is Hoskins Felicia, United States of America ("US").

2. The Domain Name and Registrar

The disputed domain name <keller-na.team> is registered with NameSilo, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 9, 2025. On April 9, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 9, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 10, 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 amended Complaint on April 15, 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 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 7, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 8, 2025.

The Center appointed Martin Michaus Romero as the sole panelist in this matter on May 14, 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 stated that:

- 1) it is a company established in 1860 and is the world's largest independent ground engineering contractor, providing technically advanced and cost-effective foundation, retention and soil treatment solutions. It has operations in more than 40 countries across six continents;
- 2) it has used the Trademark KELLER since 1860 and through the use made of it, has acquired a substantial reputation in the trademark KELLER;
- 3) it owns a worldwide portfolio of trademark registrations for KELLER including:
 - A) UK trademark registration no. UK3190599, which was filed for on October 11, 2016, registered on March 17, 2017, and covers goods and services in classes 1,2,6,7, 9,12, 17, 19, 35, 37, 38, 39, 40, 41, 42 and 45;
 - B) European Union designation for international trademark registration no. 1413014 KELLER which was filed for on July 18, 2017, registered on June 21, 2021, and cover goods and services in classes 1, 2, 6, 7, 9, 12, 17, 19, 35, 37, 38, 39, 40, 41, 42 and 45; and
 - C) US designation of international trademark registration no. 1413014 KELLER (US registration no. 5809069) which was filed for on July 18, 2017, registered on July 23, 2019, and covers goods and services in classes 1, 2, 6, 7, 9, 12, 17, 19, 35, 37, 40, 41, 42 and 45;
- 4) it has unregistered rights in the KELLER trademark, which date back to 1860;
- 5) it has an active web page at the domain names <www.keller.com> and <keller-na.com>;
- 6) the disputed domain name was registered on March 19, 2025.

5. Parties' Contentions

A. Complainant

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 stated that:

- a) the disputed domain name is confusingly similar to its trademarks, since it contains the mark KELLER entirely;
- b) the disputed domain name resolves to a parked page, using Sedo Domain Parking. There is no content on the website;
- c) the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name;
- d) the Respondent is not commonly known by the disputed domain name; and
- e) the disputed domain name was registered on March 19, 2025, and UK Trademark KELLER, reg. no. UK3190599, was first registered on March 17, 2017.
- f) The disputed domain name has been used to impersonate the Complainant's North American recruitment team, who would use the domain name <keller-na.com>, in order to advertise a fake job vacancy to extract personal information from the misled applicants. This could lead to financial loss and damage to the Complainant's reputation.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

Under the Policy, the complainant is required to prove on the balance of probabilities 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 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 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 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 like "-na" may bear on assessment of the second and third elements, the Panel finds the addition of this 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 with 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.

Panels have held that the use of a domain name for illegal activities, such as, in this case, to impersonate the Complainant's North American recruitment team, who would use the disputed domain name, in order to advertise a fake job vacancy to extract personal information from the misled applicants, that could lead to financial loss and damage to the Complainant's reputation, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Respondent reproduces the KELLER trademark entirely in the disputed domain name together with the term "-na", that suggests a connection to the Complainant's activities. Furthermore, the Respondent is not using the disputed domain name for a bona fide offering of goods or services, nor is it making a legitimate noncommercial or fair use that might give rise to rights or legitimate interests in the disputed domain name. The use of the disputed domain name for impersonation and phishing 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, at the time of registering the disputed domain name, would have known that it had no legitimate rights in the trademark KELLER and therefore, no rights to use the trademark KELLER in the disputed domain name.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

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

In the present case, the Panel notes that:

- A) the Respondent must have been aware of the existence of the Complainant and its activity;
- B) the disputed domain name is confusingly similar to the trademark KELLER and domain name <keller-na.com>;
- C) the Complainant's KELLER trademark, domain names, and corporate name predate the registration of the disputed domain name; and
- D) the Respondent is using the disputed domain name to obtain private information from potential job applicants and to mislead, for commercial gain, these applicants by suggesting some form of connection with the Complainant.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <keller-na.team> be transferred to the Complainant

/Martin Michaus Romero/

Martin Michaus Romero

Sole Panelist

Date: May 21, 2025