

ADMINISTRATIVE PANEL DECISION

Soil & Building B.V. and Soil & Building Denmark ApS v. Jain Pankajn and Kumar Hiralal Shinde

Case No. D2025-1464

1. The Parties

The Complainants are Soil & Building B.V., Belgium, and Soil & Building Denmark ApS, Denmark, represented by Accura Advokataktieselskab, Denmark (referred to collectively as the “Complainant”).

The Respondents are Jain Pankajn, India and Kumar Hiralal Shinde, India (referred to collectively as the “Respondent”).

2. The Domain Names and Registrars

The disputed domain name <soilandbuilding.com> is registered with Wix.com Ltd.

The disputed domain name <soilndbuilding.com> is registered with Tucows Domains Inc. (the “Registrars”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 10, 2025. On April 10, 2025, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On April 10, 2025 and on April 15, 2025, the Registrars transmitted by email to the Center their verification responses disclosing registrant and contact information for the disputed domain names 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 April 15, 2025, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all the disputed domain names are under common control. The Complainant filed an amended Complaint on April 16, 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 23, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 13, 2025. The Respondent did not submit any formal response. The Respondent sent email communications to the Center on April 26, 2025 and on April 30, 2025. On April 30, 2025, the Center indicated to the Parties that if they would like to explore settlement options, the Complainant should submit a request for suspension. The Complainant requested the Center to continue the proceeding on May 1, 2025. The Respondent sent a further email communication to the Center on May 3, 2025. On May 14, 2025, the Center informed the Parties that it would proceed with panel appointment.

The Center appointed David Taylor as the sole panelist in this matter on May 22, 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

Established in Belgium in 2012, the Complainant Soil & Building B.V. is the parent company of the group. The Complainant Soil & Building Denmark ApS is a local entity in Denmark. The Complainant specializes in technical engineering and construction services. The Complainant provides solutions for infrastructure works, demolition, and soil remediation. The Complainant employs approximately 35 people and owns a range of its own equipment including cranes, trucks, and bulldozers. The Complainant's business includes operations in Belgium, Denmark, Luxembourg, and Sweden.

On December 12, 2024, the Complainant Soil & Building B.V. submitted a trademark application No. 019118838 for SB SOIL & BUILDING to the European Union Intellectual Property Office.

The Complainant is also the registrant of the domain name <soil-building.eu>, registered on February 1, 2013, and maintains a presence across a number of social media platforms.

The disputed domain name <soilandbuilding.com> was registered on March 27, 2024. The disputed domain name <soilandbuilding.com> resolves to a website that purports to be that of the Complainant Soil & Building Denmark ApS, displaying information about the Complainant's business operations, referring to projects completed by the Complainant, and providing information about the Complainant's CEO (the "Respondent's website").

The disputed domain name <soilndbuilding.com> was registered on June 19, 2024. The disputed domain name <soilndbuilding.com> does not resolve to an active web page. The disputed domain name <soilndbuilding.com> has been used to create an email address that has in turn been used in the furtherance of a fraudulent employment phishing scheme.

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 names.

The Complainant asserts unregistered trademark rights in SOIL & BUILDING and SB SOIL & BUILDING dating back to 2014. The Complainant submits that the disputed domain names are confusingly similar to its trademarks.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain names. The Complainant asserts that the Respondent has no relationship with the Complainant, nor has the Respondent been authorized to use the Complainant's name or trademarks. The Complainant submits that the Respondent is using the disputed domain names in an effort to impersonate the

Complainant in furtherance of a fraudulent employment phishing scheme whereby potential foreign workers are attracted with job offers and are instructed to make advance payments for travel to an unauthorized third party.

The Complainant submits that the disputed domain names were registered and are being used in bad faith. The Complainant submits that the Respondent registered the disputed domain names with a view to misleading Internet users into believing the disputed domain names and the Respondent's website are associated with the Complainant. Specifically, the Respondent is using the disputed domain name <soilandbuilding.com> to impersonate the Complainant. Although the disputed domain name <soilndbuilding.com> does not resolve to an active website, that disputed domain name has been used in connection with an employment phishing scheme.

The Complainant requests the transfer of the disputed domain names.

B. Respondent

The Respondent did not submit a formal reply to the Complaint.

In an email communication dated April 26, 2025, the Respondent wrote:

"We have noticed that someone has hacked into our database to communicate to this person, and we have found the problems. Now, we have agreed to settle with this person."

On April 30, 2025, the Respondent wrote:

"We are ready for the settlement, can you give us the contact and email of the acknowledge person to settle with."

And on May 3, 2025, the Respondent wrote:

"what do you want me to provide to clear my concern.?"

6. Discussion and Findings

6.1. Consolidation: Multiple Complainants

The present dispute involves two Complainants. In assessing whether a complaint filed by multiple complainants may be brought, UDRP panels look at whether (i) the complainants have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants in a similar fashion, and (ii) it would be equitable and procedurally efficient to permit the consolidation. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 4.11.1.

The Complainant Soil & Building B.V. is the parent company of the group and is the owner of the trademarks upon which the Complaint is based. The Complainant Soil & Building Denmark ApS is a local licensee of the trademarks, and has been targeted by the Respondent through the Respondent's use of the disputed domain names as described above.

The Panel finds that both Complainants have a common grievance against the Respondent, and further notes that the Respondent has engaged in activity that has affected both Complainants in a similar manner. In the circumstances, the Panel is of the view that it would be equitable and procedurally efficient to permit consolidation of the Complainants in the present proceeding. Accordingly, the Panel has determined to allow the filing of the Complaint by multiple Complainants. Unless specified otherwise, the Complainants are referred to throughout jointly as the "Complainant".

6.2. Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request for consolidation.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. [WIPO Overview 3.0](#), section 4.11.2.

As regards common control, the Panel notes that both disputed domain names have been used in an effort to impersonate the Complainant, albeit in slightly different ways. The disputed domain name <soilandbuilding.com> resolves to a website that purports to be the official website of the Complainant Soil & Building Denmark ApS, while the disputed domain name <soilndbuilding.com> has been used to send emails purporting to originate from the same Complainant. The Panel notes that attachments to email communications sent using the disputed domain name <soilndbuilding.com> refer to the disputed domain name <soilandbuilding.com>. The Panel further observes that both disputed domain names follow a similar naming pattern consisting of the Second-Level strings "soilandbuidling" and "soilndbuilding" under the generic Top-Level Domain ("gTLD") ".com", and that both disputed domain names were registered by the registrants apparently located in India.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to collectively throughout as the "Respondent") in a single proceeding.

6.3. Substantive Matters

In order to prevail, the Complainant must demonstrate that it has satisfied the requirements of paragraph 4(a) of the Policy:

- (i) The disputed domain names are 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 names; and
- (iii) The disputed domain names were registered and are being used in bad faith.

A. Identical or Confusingly Similar

As noted above, the Complainant asserts unregistered trademark rights in SOIL & BUILDING and SB SOIL & BUILDING.

To establish unregistered trademark rights for purposes of the UDRP, a complainant must show that its mark has become a distinctive identifier that consumers associate with the complainant's goods and/or services. [WIPO Overview 3.0](#), section 1.3.

The Complainant has produced evidence of its use of SOIL & BUILDING and SB SOIL & BUILDING in the context of its construction and engineering activities, including as displayed on heavy machinery, as signwriting at its commercial premises, in the context of company events, on invoices to clients, on various social media platforms, and on its own website. The Panel finds that as a result of its use of SOIL &

BUILDING and SB SOIL & BUILDING in connection with its construction and engineering operations, the Complainant has established unregistered trademarks in the same for purposes of the present UDRP proceeding.

The disputed domain names comprise the Complainant's SOIL & BUILDING trademark, altered only by the replacement of the ampersand with "and" or "nd" and the omission of the spaces between the elements making up the Complainant's mark. The Panel finds the Complainant's SOIL & BUILDING trademark to be recognizable in the disputed domain names and further finds that such alterations and omissions do not prevent a finding of confusing similarity with the Complainant's mark. [WIPO Overview 3.0](#), section 1.7.

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

B. Rights or Legitimate Interests

As noted above, the Complainant has provided evidence showing that the disputed domain names have been used in an effort to impersonate the Complainant. In the case of the disputed domain name <soilandbuilding.com>, the disputed domain name resolves to a website that falsely purports to be the website of the Complainant's Danish entity, Soil & Building Denmark ApS, while the disputed domain name <soilndbuilding.com> has been used in furtherance of a fraudulent employment phishing scheme aimed at misleading Internet users into making advance payments to an unauthorized third party. Prior UDRP panels have held that the use of a domain name for illegal activity, such as phishing, impersonation/passing off, or other types of fraud, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Therefore, the Panel finds that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names, to which the Respondent has not rebutted. [WIPO Overview 3.0](#), section 2.1.

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

C. Registered and Used in Bad Faith

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.

Here, the disputed domain names have been used in an effort to impersonate the Complainant and to operate a fraudulent employment phishing scheme. Prior UDRP panels have held that the use of a domain name for illegal activity, including phishing, impersonation/passing off, or other types of fraud, 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 names 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 names <soilandbuilding.com> and <soilndbuilding.com> be transferred to the Complainant, Soil & Building B.V.

/David Taylor/
David Taylor
Sole Panelist
Date: June 18, 2025