

## **ADMINISTRATIVE PANEL DECISION**

**Barrick Gold of North America, Inc., Barrick Gold Corporation v. Mads Aas and skdhk skd**

**Case No. D2025-1556**

### **1. The Parties**

The Complainants are Barrick Gold of North America, Inc., United States of America (“United States” or “U.S.”) and Barrick Gold Corporation, Canada, represented by Dorsey & Whitney, LLP, United States.

The Respondents are Mads Aas, United States and skdhk skd, Hong Kong, China.

### **2. The Domain Names and Registrar**

The disputed domain names <barrickab.cc>, <barrickab.com>, <barrickab.net>, <barrick.cc>, <barricke.cc>, <barricke.com>, <barricke.net>, <barrickex.cc>, <barrickex.com>, <barrickex.net>, <barrickkc.cc>, <barrickkc.com>, <barrickkc.net>, <barrickl.cc>, <barrickl.com>, <barrickl.net>, <barrickm.cc>, <barrickm.com>, <barrickm.net>, <barrickq.cc> and <barrickx.com> are registered with Gname.com Pte. Ltd. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 11, 2025. On April 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On April 30, 2025, the Registrar transmitted by email to the Center its verification response 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 Complainants on May 1, 2025, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, 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 domain names are under common control. The Complainants filed an amended Complaint on May 7, 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 Respondents of the Complaint, and the proceedings commenced on May 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 3, 2025. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on June 4, 2025.

The Center appointed Federica Togo as the sole panelist in this matter on June 11, 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 Complaint was filed by Barrick Gold of North America, Inc. and Barrick Gold Corporation. It results from the Complainants' undisputed allegations that they compose one of the largest gold mining groups in the world.

The Complainants have used the trademark BARRICK in connection with gold and copper mining and precious metal goods and services in over thirteen countries since many years.

The Complainants<sup>1</sup> are the owner of several trademarks worldwide for BARRICK (word), such as European Union trademark registration no. 008890386, registered on August 10, 2010, in classes 6, 14 and 37; U.S. Trademark Registration No. 4578245 BARRICK, registered on August 5, 2014, for services in class 37 and in class 42.

The Complainants use the domain name <barrick.com> (registered on October 6, 1995) to advertise and promote a variety of mining services, business initiatives, and other commercial endeavors involving the BARRICK marks.

The twenty-one disputed domain names were registered as follows: <barrick.cc> on October 2, 2024; <barrickkc.com> on November 26, 2024, <barrickl.cc> on October 29, 2024, <barrickex.cc> on October 29, 2024, <barricke.cc> on October 29, 2024, <barrickx.com> on October 29, 2024, <barrickl.com> on October 29, 2024, <barrickl.net> on October 29, 2024, <barrickex.com> on October 29, 2024, <barrickex.net> on October 29, 2024, <barricke.com> on October 29, 2024, <barricke.net> on October 29, 2024, <barrickm.net> on November 26, 2024, <barrickq.cc> on November 26, 2024, <barrickm.cc> on November 26, 2024, <barrickkc.cc> on November 26, 2024, <barrickab.cc> on November 26, 2024, <barrickm.com> on November 26, 2024, <barrickkc.net> on November 26, 2024, <barrickab.net> on November 26, 2024, <barrickab.com> on November 26, 2024.

All the disputed domain names (but <barrick.cc>) are registered by Mads Aas, United States of America. The disputed domain name <barrick.cc> is registered by skdhk skd, Hong Kong, China.

Furthermore, the undisputed evidence provided by the Complainants proves that twenty (out of twenty-one) disputed domain names redirect to the website at "web.barrick.cc", which is a cryptocurrency website displaying in a prominent way the Complainants' BARRICK mark and allegedly offering services in online gold investment and trading services.

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<sup>1</sup> The Panel notes that the trademarks are registered by Barrick Mining Corporation. Although the Complainants did not provide any explanation regarding their relationship to this company, the Panel found on the Complainants' website an announcement dated May 6, 2025, regarding the name change of the Complainant to Barrick Mining Corporation.

## **5. Parties' Contentions**

### **A. Complainants**

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

Notably, the Complainants contend that the disputed domain names are confusingly similar to the Complainants' BARRICK trademark since twenty of the twenty-one disputed domain names consist of Complainant's BARRICK mark, with additional consonants added at the end, e.g., BARRICK + L, BARRICK + E, BARRICK + X, etc. These additional letters do nothing to distinguish from the prominent use of the BARRICK mark. The last disputed domain name, <barrick.cc>, is identical to Complainants' BARRICK mark with no extraneous consonants added.

The Complainants further contend that the Respondents have no rights or legitimate interests in the disputed domain names. According to the Complainants, the Complainants' use of the BARRICK marks date back to at least as early as 1983 and its earliest registration for the BARRICK marks issued on September 18, 2013, and they have been using the domain name <barrick.com> since its registration on October 6, 1995. The Complainants' trademark registrations provide the Respondents with constructive knowledge of the Complainants' ownership of the BARRICK marks. The Respondents are not licensees of the Complainants, nor has the Complainants otherwise authorized the Respondents to register the disputed domain names or otherwise use Complainants' BARRICK marks. All twenty-one disputed domain names redirect to the URL, "www.web.barrick.cc" which features a webpage displaying the Complainants' BARRICK mark at the top of the page in connection with a webpage that offers online gold investment and trading services. The tabs and the top of the page of the disputed domain names prompt consumers to login, which requires the input of confidential username and password information. The Respondents' intention with the webpage is clearly to induce Internet users into entering their personal and financial information to obtain this information for fraudulent purposes. The Respondents' use of the disputed domain names is clearly attempting to pass off as the Complainant itself or at least an affiliate of the Complainant, by inducing actual customers of the Complainants to enter their confidential login information with the belief they are logging into the Complainants' actual, or at least an affiliated, website.

Finally, the Complainants contend that the disputed domain names were registered and are being used in bad faith. According to the Complainants, the Respondents registered the disputed domain names without any bona fide basis for such registration in an attempt to capitalize unfairly on the goodwill of the Complainants' widely recognized BARRICK marks. In addition, it is inconceivable that the Respondents registered twenty-one separate domain names containing the Complainants well-known and distinctive BARRICK trademark without the intent of capitalizing on the goodwill the Complainants own in the BARRICK marks. The disputed domain names feature the Complainants' marks in each domain name, as well as at the top of the page, with a login screen, creating the impression that users can login to access their Barrick accounts. Based on this evidence, it is clear the Respondents are using the BARRICK Mark, and registered the disputed domain names, in bad faith to pass itself off as the Complainants, or at the very least, create an improper affiliation.

### **B. Respondent**

The Respondents did not reply to the Complainants' contentions.

## 6. Discussion and Findings

### 6.1. Procedural issues

#### Consolidation of the Complainants

The Complaint was filed by both Barrick Gold of North America, Inc. and Barrick Gold Corporation, related corporate entities.

As set forth in section 4.11.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"): "In assessing whether a complaint filed by multiple complainants may be brought against a single respondent, 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."

In the light of the above, the Panel finds that the Complainants have a specific common grievance against the Respondent because they allege a corporate connection. Against this background, the Panel does not see reasons why a consolidated Complaint brought by the Complainants against a single Respondent would not be fair and equitable. Moreover, the Respondents failed to come forward with any allegations or evidence to object to the consolidation. For reasons of procedural efficiency, fairness, and equity the Panel therefore accepts the joint Complaint. Therefore, throughout the remainder of the current Decision, the Panel will refer to both the Complainants as "the Complainant".

#### 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.

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. See [WIPO Overview 3.0](#), section 4.11.2.

As regards common control, the Panel notes that the Complainant submitted sufficient evidence to justify the consolidation in terms of common control of the domain names or corresponding websites.

As set forth in section 4.11.2 of [WIPO Overview 3.0](#): "Panels have considered a range of factors, typically present in some combination, as useful to determining whether such consolidation is appropriate, such as similarities in or relevant aspects of (i) the registrants' identity(ies) including pseudonyms, (ii) the registrants' contact information including email address(es), postal address(es), or phone number(s), including any pattern of irregularities, (iii) relevant IP addresses, name servers, or webhost(s), (iv) the content or layout of websites corresponding to the disputed domain names, (v) the nature of the marks at issue (e.g., where a registrant targets a specific sector), (vi) any naming patterns in the disputed domain names (e.g., <mark-country> or <mark-goods>), (vii) the relevant language/scripts of the disputed domain names particularly where they are the same as the mark(s) at issue, (viii) any changes by the respondent relating to any of the above items following communications regarding the disputed domain name(s), (ix) any evidence of respondent affiliation with respect to the ability to control the disputed domain name(s), (x) any (prior)

pattern of similar respondent behavior, or (xi) other arguments made by the complainant and/or disclosures by the respondent(s).”

The Panel considers the consolidation as appropriate, taking into consideration the following factors: 1) all disputed domain names redirect or resolve to the same website that used the BARRICK mark and logo; in particular, twenty (out of twenty-one) disputed domain names redirect to the remaining disputed domain name <barrick.cc>; 2) all the disputed domain names have the same Registrar; 3) additionally, all disputed domain names follow the same naming pattern by incorporating the Complainant’s trademark. All these elements give evidence of a common control of the disputed domain names.

On the balance of probabilities and taking into account the above circumstances of the present case, the Panel finds that the disputed domain names are under common control.

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 below as “the Respondent”) in a single proceeding.

## **6.2 Substantive issues**

Paragraph 15(a) of the Rules instructs this Panel to “decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”. Paragraph 4(a) of the Policy requires a complainant to prove each of the following three elements in order to obtain an order that each disputed domain name be transferred or cancelled:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the 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 Panel will therefore proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied.

### **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 BARRICK is reproduced within the disputed domain name <barrick.cc>. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Furthermore, the Panel finds the mark is recognizable within the remaining twenty disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms/letters, here “ab”, “e”, “ex”, “kc”, “l”, “m”, “q” and x” respectively, 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 names 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 names. 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 names such as those enumerated in the Policy or otherwise.

Moreover, the Panel notes that the nature of the disputed domain name <barrick.cc> carries a high risk of implied affiliation, since the disputed domain name is identical to the Complainant’s trademark BARRICK. Generally speaking, previous UDRP panels have found that domain names identical to a complainant’s trademark carry a high risk of implied affiliation (see [WIPO Overview 3.0](#), section 2.5.1). The Panel shares this view.

Regarding the remaining twenty domain names, the Panel notes that the disputed domain names contain the Complainant’s registered trademark BARRICK. Furthermore, the addition of the letters “ab”, “e”, “ex”, “kc”, “l”, “m”, “q” and x” respectively in the disputed domain names is likely to go unnoticed by Internet users, so that this Panel finds it most likely that the composition of the disputed domain names signals an intention on the part of the Respondent to confuse Internet users seeking or expecting the Complainant. This is corroborated by the content of the website to which the disputed domain names resolved or redirected, displaying in a prominent way the Complainant’s BARRICK mark and allegedly offering services in the Complainant’s area of activity.

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.

One of these circumstances is that the Respondent by using the disputed domain names, has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location (paragraph 4(b)(iv) of the Policy).

In the present case, the Panel notes that it results from the Complainant's documented allegations that the disputed domain names redirected or resolved to a website displaying without authorization the Complainant's registered trademark, logo and allegedly offering services in the Complainant's area of activity.

By the time the disputed domain names were registered, the Panel considers it to be unlikely that the Respondent did not have knowledge of the Complainant and its marks, which are entirely included in the disputed domain names, and which had existed for many years at the time the disputed domain names were registered. Consequently, and in the absence of any evidence to the contrary, the Panel is convinced that the Respondent also knew that the disputed domain names included the Complainant's trademark when it registered the disputed domain names.

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.

In this regard, the further circumstances surrounding the disputed domain names' registration and use confirm the Panel's finding that the Respondent has registered and is using the disputed domain names in bad faith:

- (i) the nature of the disputed domain names (wholly incorporating the Complainant's mark);
- (ii) the content of the website to which the disputed domain names resolved (i.e. displaying without authorization the Complainant's registered trademark, logo and allegedly offering services in the Complainant's area of activity);
- (iii) a clear absence of rights or legitimate interests coupled with no response justifying the Respondent's choice of the disputed domain names;
- (iv) the Respondent concealing its identity through a privacy service;

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 <barrickab.cc>, <barrickab.com>, <barrickab.net>, <barrick.cc>, <barricke.cc>, <barricke.com>, <barricke.net>, <barrickex.cc>, <barrickex.com>, <barrickex.net>, <barrickkc.cc>, <barrickkc.com>, <barrickkc.net>, <barrickl.cc>, <barrickl.com>, <barrickl.net>, <barrickm.cc>, <barrickm.com>, <barrickm.net>, <barrickq.cc> and <barrickx.com> be transferred to the Complainant

*/Federica Togo/*

**Federica Togo**

Sole Panelist

Date: June 26, 2025