

## **ADMINISTRATIVE PANEL DECISION**

**Barrick Gold of North America, Inc., Barrick Gold Corporation v. Loka King  
Case No. D2025-1574**

### **1. The Parties**

The Complainants are Barrick Gold of North America, Inc., United States of America (“US”) and Barrick Gold Corporation, Canada, (collectively herein, together referred to as “the Complainant”) represented by Dorsey & Whitney, LLP, US.

The Respondent is Loka King, India.

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

The disputed domain name <barrick.org> is registered with MainReg Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 17, 2025. On April 22, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 28, 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 (Not disclosed) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 2, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant did not file an amendment to the Complaint.

The Center verified that 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 May 12, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 1, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 10, 2025.

The Center appointed Pablo A. Palazzi as the sole panelist in this matter on June 19, 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 engaged in the business of gold mining operations in the world under its trademark BARRICK.

The Complainant owns a large portfolio of BARRICK marks around the world, including US, Canada, and the European Union ("EU"). Details of a few such trademark registrations is as below:

- BARRICK – US Registration No. 6225225 registered on December 22, 2020 in classes 6, 14, 37, and 42;
- BARRICK & Design mark – US Registration No. 6592636 registered on December 21, 2021 in classes 14, 37, and 42;
- BARRICK – EU Trade Mark No. 008890386 registered on August 10, 2010 in classes 6, 14, and 37; and
- BARRICK & Design mark – US Registration No. 4578245 registered on August 5, 2014 in classes 37, and 42.

The Complainant's main business website is "www.barrick.com" and this domain name has been registered since the year 1995.

The disputed domain name was registered on November 9, 2024. It is currently not active. However, at the time of filing the Complaint, it resolved to a website that offered services related to crypto currency investment.

#### **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.

##### **B. Respondent**

The Respondent did not reply to the Complainant's contentions

#### **6. Discussion and Findings**

Paragraph 4(a) of the Policy provides that the Complainant must prove each of the following elements with respect to each disputed domain name:

- (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 burden of proof of each element is borne by the Complainant. The Respondent's default does not by

itself mean that the Complainant is deemed to have prevailed. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 4.3.

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

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.

Furthermore, the composition of the disputed domain name, comprising the Complainant's trademarks in its entirety and the content related to investment in crypto currency while the Complainant's activities are related to gold, carries a high risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5.1.

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 Complainant has been using its trademarks for several decades;
- the Complainant's domain name <barrick.com> has been registered since the year 1995;
- the Respondent registered the disputed domain name on November 9, 2024;

- the disputed domain name is identical to the Complainant's trademark;
- the disputed domain name initially resolved to a website that offered services related to crypto currency investment under the name "Barrick", which services can be considered as relatively similar to those of the Complainant's;
- after the Complaint was filed the disputed domain name is not active; and
- the Respondent is in default.

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 light of the foregoing, the Panel finds that the Respondent has intentionally attempted to cause confusion with the Complainant's trademarks thus misleading Internet users into believing that the inherently misleading disputed domain name belongs to or is associated with the Complainant.

The Panel notes that the use of the disputed domain name has now changed and that it no longer resolves to any active website. This change in use does not alter the Panel's conclusion; if anything, it may be a further indication of bad faith in this case.

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 <barrick.org> be transferred to the Complainant.

*/Pablo A. Palazzi/*

**Pablo A. Palazzi**

Sole Panelist

Date: July 6, 2025