

## **ADMINISTRATIVE PANEL DECISION**

Lincoln Global, Inc., The Lincoln Electric Company v. Susan Becker, Debby and Jones

Case No. D2025-1590

### **1. The Parties**

The Complainants are Lincoln Global, Inc., United States of America ("United States"), and The Lincoln Electric Company, United States, represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Susan Becker, Debby and Jones, United States.

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

The disputed domain name <lincolnselectrlcs.com> is registered with NameCheap, Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 18, 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 23, 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, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainants on April 25, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on April 29, 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 May 1, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 21, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 22, 2025.

The Center appointed Martin Schwimmer as the sole panelist in this matter on May 28, 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 Lincoln Electric Company and Lincoln Global, Inc. (collectively known as “Lincoln Electric” or “Complainant”) are sister companies owned by Lincoln Electric Holdings Inc.

The Complainant owns the following registered trademarks, among many others:

- LINCOLN ELECTRIC, United States Reg. 2350082, May 16, 2000, class 9;
- LINCOLN ELECTRIC, United States Reg. 2420805, January 16, 2001, class 35; and
- LINCOLN ELECTRIC, United States Reg. 3114157, July 11, 2006, class 6.

The Complainant also owns the domain name <lincolnelectric.com>, and maintains an extensive portfolio of over 325 domain names consisting of country-code Top-Level Domains and generic Top-Level Domains, many of them variations of the trademark LINCOLN ELECTRIC.

The Complainant was founded in 1895 and designed and sold electric motors. The company's product line later expanded to include battery chargers for electric automobiles, welding machines, and other products in the United States. Today, the Complainant engages in world-wide design, development and manufacture of arc welding products, robotic arc welding systems, plasma and oxy-fuel cutting equipment, and other markets.

Headquartered in Cleveland, Ohio, United States, the Complainant has 71 manufacturing locations, including operations and joint ventures in 20 countries and a worldwide network of distributors and sales offices covering more than 160 countries. The Complainant employs over 12,000 employees worldwide. In 2023, Lincoln Electric (NASDAQ: LECO) reported sales of USD 4.2 billion.

The disputed domain name was registered on March 13, 2025. The disputed domain name resolved to a website displaying pay-per-click (“PPC”) links. The disputed domain name has been configured with MX records, allowing it to send and receive email.

#### **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.

Notably, the Complainant contends that the Respondent has demonstrated a nefarious intent to capitalize on the fame and goodwill of the Complainant's trademarks in order to increase traffic to the Respondent's website for his own pecuniary gain, as evidenced by the presence of multiple PPC links posted to the Respondent's website, and that the Respondent is likely to use or intends to use the email addresses hosted by the disputed domain name to confuse Internet users into believing they are dealing with the Complainant when they are not. The Complainant alleges that the Respondent's likely intent to use email from the disputed domain name to pass itself off as Complainant for fraudulent purposes is neither a bona fide offering of goods or services, nor a legitimate noncommercial or fair use per Policy, paragraph 4(c)(i) or (iii).

## **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 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 Panel finds the mark is 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.

The misspelling of the Complainant's LINCOLN ELECTRIC trademark in the disputed domain name does not prevent a finding of confusing similarity. [WIPO Overview 3.0](#), section 1.9.

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 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 disputed domain name, which misspells the Complainant's trademark, previously resolved to a website displaying PPC links and currently does not resolve to any website. It also notes the Complainant's unrebutted evidence of long-time use of its distinctive trademark. As such, the Panel finds that the registration and use of the disputed domain name constitute bad faith under paragraph 4(b)(iv) of the Policy. The current non-use of the disputed domain name does not prevent a finding of bad faith under the circumstances of the case. [WIPO Overview 3.0](#), section 3.3.

The Panel also notes that as the disputed domain name is confusingly similar to the Complainant's distinctive trademark, the Respondent's configuration of the disputed domain name with MX records for email, suggests an intention to take advantage of the Complainant's reputation. 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 <lincolnselectrlcs.com> be transferred to the Complainant.

*/Martin Schwimmer/*

**Martin Schwimmer**

Sole Panelist

Date: June 28, 2025