

## **ADMINISTRATIVE PANEL DECISION**

ECOLAB USA INC. v. Erica Little

Case No. D2025-1604

### **1. The Parties**

The Complainant is ECOLAB USA INC., United States of America ("United States"), represented by Greenberg Traurig, LLP, United States.

The Respondent is Erica Little, United States.

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

The disputed domain name <ecolabhr.com> is registered with GoDaddy.com, LLC (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 22, 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 22, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 24, 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 28, 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 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 19, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 21, 2025.

The Center appointed Angela Fox as the sole panelist in this matter on June 2, 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 a company based in the United States but trading globally in water, cleaning, hygiene, and infection prevention products and services that promote food safety, maintain clean and safe environments, and optimize water and energy use in the food, energy, healthcare, life sciences, industrial, hospitality, and retail markets. It has annual sales over USD 15 billion and is active in more than 170 countries. All its activities are carried out under the name and trademark ECOLAB brand.

The Complainant owns over 1,300 trademark registrations worldwide for its ECOLAB trademark and marks incorporating ECOLAB. In particular, the Complainant owns the following trademark registrations, details of which were annexed to the Complaint:

- United States trademark registration No. 3,965,037 for ECOLAB in Class 1 registered on May 24, 2011;
- United States trademark registration No. 3,937,674 for ECOLAB in Class 2 registered on March 29, 2011; and
- United States trademark registration No. 4,005,070 for ECOLAB in Class 3 registered on August 2, 2011.

Since 1996, the Complainant has proposed and offered its services through its website at the domain name <ecolab.com>. This website also has a section dedicated to employment and career opportunities at the Complainant's company.

The disputed domain name was registered on November 11, 2024. It is in use for a page simply with an image of what appears to be job applicants waiting for interviews, with the legend ECOLAB HR at the top and the slogan "Empowering Your Workforce" in the middle. At the bottom is an option to "Subscribe", inviting visitors to input their contact details to "Sign up to be the first to get updates".

#### **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 disputed domain name is confusingly similar to its registered trademark, ECOLAB, differing only in the addition of the generic abbreviation "HR", denoting "Human Resources" and the top-level domain ".com".

The Complainant further contends that the Respondent has no legitimate rights or interests in the disputed domain name. The Complainant says that the Respondent has not used or made preparations to use the disputed domain name in connection with a bona fide offering of goods or services, and that it has not been authorized, licensed, or otherwise permitted by the Complainant to register and/or use the disputed domain name. Moreover, the Respondent does not appear to be commonly known by reference to the disputed domain name and holds no known trademark rights in it. Rather, the Complainant submits that the Respondent has been using the disputed domain name to host a website that impersonates and purports to be the Complainant's own HR portal in order to collect personal information from unsuspecting potential employees of the Complainant.

Finally, the Complainant submits that the disputed domain name was registered and has been used in bad faith, in order to impersonate the Complainant for the presumed purpose of phishing. The Complainant contends that the Respondent had actual knowledge of the Complainant's trademark and targeted the Complainant in its registration and use of the disputed domain name. The Complainant notes in this regard that the disputed domain name has active MX (mail exchange) records, which indicate use for email, which it says evidences a likelihood of use to engage in fraudulent email or phishing communications. The Complainant says that the MX records were provided by Microsoft, rather than by the Registrar, which it says demonstrates that the Respondent took active and intentional steps to configure the disputed domain name, and that the MX records were not just set up by default by the Registrar.

## **B. Respondent**

The Respondent did not reply to the Complainant's contentions and is in default. No exceptional circumstances explaining the default have been put forward. Therefore, in accordance with paragraphs 14 (a) and (b) of the Rules, the Panel will decide on the Complaint and shall draw such inferences as it considers appropriate from the Respondent's default.

## **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, a complainant can only succeed in an administrative proceeding under the Policy if the panel finds 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 or is being used in bad faith.

All three elements must be present before a complainant can succeed in an administrative proceeding under the Policy.

### **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 entirety of the Complainant's ECOLAB 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.

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 Respondent's use of the disputed domain name to date has been for a generic holding page which holds itself out as "Ecolab HR" and seeks personal data from visitors to the site, by creating the false impression that it is a jobs-related site for Ecolab. The Respondent has not sought to explain this conduct or to show why this activity should be regarded as a bona fide offering of goods or services or a legitimate noncommercial or fair use, without intent for commercial gain to misleadingly divert consumers or to tarnish the Complainant's trademark.

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.

In the present case, the Panel notes that the Respondent has been using the disputed domain name in a manner capable of being interpreted as a jobs-related website for a business trading as ECOLAB. The Complainant has demonstrated that its business under its ECOLAB trademark is very substantial, with annual sales over USD 15 billion and activity in more than 170 countries internationally, including in the United States, where the Respondent is also based. Indeed, the Whois information for the disputed domain name confirmed by the Registrar indicates that the Respondent is based in the same state, Minnesota, as the Complainant. ECOLAB has no generic meaning in respect of HR or other jobs-related services. Taking all of this into account, the Panel concludes that in registering the disputed domain name, the Respondent was targeting the Complainant, and that the Respondent has been using the disputed domain name in order to attract Internet users by creating a likelihood of confusion with the Complainant's mark. Once those users are at the Respondent's site, the Respondent invites them to "subscribe" and thereby to divulge personal details under the mistaken impression that the site relates to job opportunities at the Complainant's company and that they are at a site controlled by the Complainant.

The circumstances amounting to bad faith that are listed in the Policy are expressly non-exhaustive, and the Panel may take the totality of the circumstances into account in assessing whether the domain name was registered and has been used in bad faith. [WIPO Overview 3.0](#), section 3.2.1. In this case, taking into account the confusingly similar nature of the disputed domain name, the lack of any connection between the Respondent and the Complainant, the Respondent's likely knowledge of the Complainant, the existence of MX records which reflect a configuration of the disputed domain name for email, and the Respondent's failure to provide any good faith explanation for its conduct, the Panel agrees with the Complainant that the disputed domain name was registered and has been used in bad faith.

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 <ecolabhr.com> be transferred to the Complainant.

*/Angela Fox/*

**Angela Fox**

Sole Panelist

Date: June 22, 2025