

## **ADMINISTRATIVE PANEL DECISION**

BAE Systems Plc v. Nikis Technologies

Case No. D2025-1735

### **1. The Parties**

The Complainant is BAE Systems Plc, United Kingdom, represented by CMS Cameron McKenna Nabarro Olswang LLP, United Kingdom.

The Respondent is Nikis Technologies, India.

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

The disputed domain name <baesystemsuk.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 30, 2025. On April 30, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 30, 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 (NameCheap, Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 3, 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 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 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 7, 2025.

The Center appointed Olga Zalomiy as the sole panelist in this matter on June 13, 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 global defense, aerospace and security company based in the United Kingdom, which offers a wide range of products and services covering the air, land and naval forces, as well as advanced electronics, aviation security, information technology, and support services. The Complainant owns numerous trademark registrations for the BAE and BAE SYSTEMS marks (the "Trademarks") :

- the United Kingdom registration No. UK00001542823 for the BAE mark, registered on June 2, 1995.
- the United States registration No. 4464895 for the BAE SYSTEMS mark, registered on January 14, 2014.
- the United States registration No. 5332303 for the BAE SYSTEMS mark, registered on November 14, 2017.

The Complainant owns a domain name <baesystems.com> that directs to its official website.

The Respondent is an Indian entity that registered the disputed domain name on December 21, 2023. The disputed domain name resolves to a website that appears to be a near-identical copy of the Complainant's official website. It features the Complainant's trademarks, as well as photographs and text taken directly from the Complainant's original site.

#### **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 the disputed domain name is confusingly similar to its Trademarks, as it incorporates the Trademarks in their entirety.

The Complainant submits that the Respondent has no rights or legitimate interests in the disputed domain name because (i) the Respondent is not related to the Complainant in any way and has not been authorized to use the Complainant's Trademarks; (ii) the Respondent has been using the disputed domain name for deceptive or fraudulent activities; (iii) the website under the disputed domain name is a copy of the Complainant's official website, so the Respondent has not acquired any legitimate rights or interests in the disputed domain name, and (iv) the Respondent is not using the disputed domain name for a bona fide offering of goods or services or for a legitimate noncommercial purposes.

The Complainant contends that the Respondent registered and is using the disputed domain name in bad faith, arguing that it is implausible the Respondent was unaware of the Complainant's well-known trademarks when registered the disputed domain name. According to the Complainant, the replication of the Complainant's website content on the site associated with the disputed domain name further demonstrates the Respondent's bad faith. The Complainant argues that, given the well-known nature of its Trademarks, any use of the disputed domain name is likely to cause confusion among users. The Complainant further asserts that the Respondent registered the disputed domain name primarily to disrupt the Complainant's business, as preventing the Complainant from reflecting its Trademarks in a corresponding domain name interferes with its commercial activities.

## **B. Respondent**

The Respondent did not reply to the Complainant's contentions.

## **6. Discussion and Findings**

Pursuant to paragraph 4(a) of the Policy, to succeed in this proceeding, the Complainant must prove each of the following elements with respect to the 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;
- (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.

### **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 entirety of the 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.

Although the addition of other terms here, the geographical abbreviation "uk", 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 name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8. The inclusion of the generic Top-Level Domain ".com" is typically disregarded in the context of the confusing similarity assessment, being a technical requirement for registration. [WIPO Overview 3.0](#), section 1.11.1.

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 evidence on record shows that the Respondent is not commonly known by the disputed domain name. The Respondent has not been authorized by the Complainant to use the Complainant's trademark in a domain name. Nor is the Respondent making a legitimate noncommercial or fair use of the disputed domain name or uses it for bona fide offering of goods or services, because the disputed domain name directs to a website which poses for a Complainant's affiliate. The website under the disputed domain name displays the Complainant's trademark, as well as photographs and text from the Complainant's official website.

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 Respondent registered the disputed domain name incorporating the Complainant's BAE and BAE SYSTEMS trademarks and the geographical abbreviation for the United Kingdom many years after the Complainant's first trademark registration. The Respondent's lack of rights or legitimate interests in the disputed domain name, the absence of a credible explanation for choosing the disputed domain name, and the Respondent's use of the Complainant's trademarks on its website, which replicates look and feel of the Complainant's website, all indicate that the disputed domain name was registered in bad faith.

The UDRP establishes that, for purposes of paragraph 4(a)(iii), "bad faith" registration and use of a domain name can be established by a showing of circumstances indicating that the respondent is using the domain name to intentionally attempt to attract, for commercial gain, Internet users to the respondent's website or other online location, by creating a likelihood of confusion with the complainant's mark as to source, sponsorship, affiliation or endorsement of the respondent's website or location, or of a product or service on the respondent's website or location. See Policy, paragraph 4(b)(iv).

Prior UDRP panels have found "the following types of evidence to support a finding that a respondent has registered a domain name to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark: (i) actual confusion, (ii) seeking to cause confusion (including by technical means beyond the domain name itself) for the respondent's commercial benefit, even if unsuccessful, (iii) the lack of a respondent's own rights to or legitimate interests in a domain name, [...], and (vi) absence of any conceivable good faith use". [WIPO Overview 3.0](#), section 3.1.4.

Here, the website at the disputed domain name is designed to look like a website of an official or authorized representative of the Complainant. The Respondent's website prominently displays the Complainant's BAE SYSTEMS trademark, as well as photographs and text from the Complainant's website, including the word "affiliate". As discussed, the Respondent has no rights or legitimate interests in the disputed domain name. The Panel concludes that the Respondent registered and is using the disputed domain name to intentionally attempt to attract, for commercial gain, the Internet users to the Respondent's 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 the Respondent's website or location, or of a product or service on the Respondent's website or location.

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 <baesystemsuk.com> be transferred to the Complainant.

*/Olga Zalomiy/*

**Olga Zalomiy**

Sole Panelist

Date: June 18, 2025