

ADMINISTRATIVE PANEL DECISION

Fisher Asset Management, LLC v. HuangYing
Case No. D2025-1758

1. The Parties

The Complainant is Fisher Asset Management, LLC, United States of America ("United States"), represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is HuangYing, China.

2. The Domain Names and Registrar

The disputed domain names <institutionalfisherinvestments.cc>, <institutionalfisherinvestments.com> and <institutionalfisherinvestments.net> are registered with 22net, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on May 1, 2025. On May 1, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On May 6, 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 (Registrant Information Redacted) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 7, 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 in English on May 12, 2025.

On May 7, 2025, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain names is Chinese. On May 12, 2025, the Complainant requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant's submission.

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 in Chinese and English 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 12, 2025.

The Center appointed Douglas Clark as the sole panelist in this matter on June 26, 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 globally recognized investment advisory firm established in 1979 by its founder Ken Fisher. Over the decades, the Complainant has grown to manage over USD 299 billion in assets for more than 170,000 clients worldwide. The firm serves a diverse global clientele, from corporations, governments, institutional investors and pension funds to high-net-worth families.

The Complainant also maintains an online presence through its primary domain names <fisherinvestments.com> and <fisherinvestments.org>, whereby the former received 2.9 million visits from November 2024 to January 2025, and through social media platforms such as LinkedIn, Facebook, and YouTube, where it has more than 450,000 followers combined.

The Complainant, alone and through its subsidiaries, is the owner of numerous trademark registrations across various jurisdictions.

Trademark	Jurisdiction	Registration No.	Registration Date	Nice classification
FISHER INVESTMENTS	United States	3103881	June 13, 2006	36
FISHER INVESTMENTS	China	59477328	April 7, 2023	36
FISHER INVESTMENTS	European Union	013338595	February 5, 2015	16, 36, 41
FISHER INVESTMENTS JAPAN	Japan	6068796	August 3, 2018	36

The Respondent appears to be an individual based in China.

The Respondent registered the three disputed domain names <institutionalfisherinvestments.cc>, <institutionalfisherinvestments.com> and <institutionalfisherinvestments.net> on March 10, 2025.

At the time the Complainant became aware of the disputed domain names, they all resolved to websites with login pages in Japanese which displayed the Complainant's trademark "Fisher Investments Japan" and logo, without any disclaimer provided as to the lack of affiliation between the Respondent's websites and the Complainant.

On March 12, 2025, the Complainant through a brand and internet monitoring company, sent the Respondent a cease-and-desist letter in an attempt to resolve the dispute. No response has been received from the Respondent.

The disputed domain names now resolve to inactive websites and are not accessible. Such was the case at the date of this Decision.

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 names.

Notably, the Complainant contends that:

- a) The disputed domain names are confusing similar to the Complainant's trademarks in which the Complainant has rights.
- b) The Respondent has no rights or legitimate interests in respect of the disputed domain names.
- c) The disputed domain names were registered and is being used in bad faith.

The Complainant requests that if the Panel finds in its favour the disputed domain names be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

Language of the Proceeding

The language of the Registration Agreement for the disputed domain names is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceedings shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that (i) the Complainant is unable to communicate in Chinese and having to arrange and pay for the translation of the Complaint would unfairly disadvantage and burden the Complainant and delay the adjudication of the matter; (ii) the disputed domain names are comprised of Latin characters, and the websites previously found at the disputed domain names featured the English phrase "Fisher Investments Japan", all of which do not carry any specific meaning in the Chinese language; and (iii) the Complainant previously sent a cease-and-desist letter in English to the Respondent, providing it with ample time and opportunity to respond and request that communications continue in Chinese. However, the Respondent did not do so.

The Respondent did not make any specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

Having considered all the matters above, noting in particular the lack of reaction from the Respondent after having been given a fair chance to comment, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

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 Panel finds the mark in its entirety is recognizable within the 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 the general, descriptive term "institutional" and the use of the suffixes ".com" and ".cc" and ".net" may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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.

Moreover, the term "institutional" is closely associated with the Complainant's brand and its services targeted at institutional investors. Notably, the Complainant has a pending trademark application in the United States for "FISHER INVESTMENTS INSTITUTIONAL" (no. 98542604, class 36) which predates the registration of the disputed domain names. The Respondent is also demonstrating a clear attempt to imitate the Complainant's website at "www.institutional.fisherinvestments.com/ja-jp". This reinforces the finding of confusing similarity between the disputed domain names and the Complainant's trademark.

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.

First, the Complainant's registrations for the FISHER INVESTMENTS trademark across multiple jurisdictions including the United States, Japan, and China constitute prima facie evidence of its rights to the trademark. Whereas the Respondent has no connection or affiliation with the Complainant and has not received any license or consent, express or implied, to use the FISHER INVESTMENTS marks in a domain name or in any other manner.

Second, there is no evidence suggesting that the Respondent is commonly known by the name "fisher investments" or the disputed domain names, which suggests a lack of legitimate rights and interests in the disputed domain names.

Third, the Respondent's registration of the disputed domain names on March 10, 2025 came significantly after the Complainant's registration of its FISHER INVESTMENTS mark in multiple jurisdictions and particularly in the United States, China and Japan, and significantly after the Complainant's first use in commerce of its name in 1979. The Respondent's registrations are also significantly after the Complainant acquired its primary domain names, <fisherinvestments.com>, on November 6, 2013, and <fisherinvestments.net>, on May 25, 2002, respectively. Prior to the Respondent's registration of the disputed domain names, the Complainant's trademarks have already been enjoying a high degree of fame and reputation which the Respondent was not authorized to use.

Panels have held that the use of a domain name for impersonation and passing off can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

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.

As stated above, the Panel notes that the disputed domain names were registered well after the Complainant's registrations internationally of the trademark FISHER INVESTMENTS, which has wide recognition across the investment advisory industry. The fact that the FISHER INVESTMENTS mark and logo was displayed on the Respondent's commercial websites demonstrated a knowledge of a familiarity with the Complainant's brand and business. The use of the disputed domain names, incorporating the Complainant's trademark and the term "institutional", appears to deliberately create a misleading association with the Complainant and its legitimate institutional platform at "www.institutional.fisherinvestments.com". Such use is likely to mislead Internet users into believing that the disputed domain names are affiliated with or endorsed by the Complainant, increasing the risk that users may be deceived into supplying personal or financial information. Further, the Respondent's failure to respond or engage with the Complainant's efforts to resolve the matter amicably further supports an inference of bad faith, consistent with established UDRP practice.

Panels have held that the use of a domain name for impersonation and passing off constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain names 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 names <institutionalfisherinvestments.cc>, <institutionalfisherinvestments.com> and <institutionalfisherinvestments.net> be transferred to the Complainant.

/Douglas Clark/

Douglas Clark

Sole Panelist

Date: July 15, 2025