

## **ADMINISTRATIVE PANEL DECISION**

Lincoln Global, Inc. and the Lincoln Electric Company v. Daniel Moses  
Case No. D2025-2228

### **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 Daniel Moses, United States.

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

The Disputed Domain Name <lincolnelectric-inc.com> is registered with eNom, LLC (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 6, 2025. On June 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On June 10, 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 (i.e., Redacted for privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 11, 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 June 13, 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 June 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 7, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 8, 2025.

The Center appointed Purvi Patel Albers as the sole panelist in this matter on July 14, 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. Founded in 1895 and headquartered in Cleveland, Ohio, the Complainant specializes in the design, development, and manufacture of arc welding products, robotic arc welding systems, and plasma and oxyfuel cutting equipment. The Complainant is a global leader in the brazing and soldering market, and its solutions are used in over 160 countries.

The Complainant has used LINCOLN ELECTRIC mark (the “Mark”) as early as 1915 and has several registered trademarks in multiple jurisdictions, including the United States, the European Union, and Canada. The Complaint includes evidence of ownership of various trademark registrations for LINCOLN ELECTRIC, including the following U.S. registrations:

- U.S. Registration No. 2350082 for LINCOLN ELECTRIC (registered May 16, 2000; Class 9) for use in connection with “electrical apparatus, namely, welders, welding heads, transformers, power supplies and controllers for electrical arc welders, and structural parts therefor; welding electrodes”;
- U.S. Registration No. 2420805 for LINCOLN ELECTRIC (registered January 16, 2001; Class 35) for use in connection with “distributorship services in the field of electric arc welders, plasma cutters and parts and components therefor”; and
- U.S. Registration No. 3114157 for LINCOLN ELECTRIC (registered July 11, 2006; Class 6) for use in connection with “welding consumables, namely, metal welding wire and metal welding rods.”

The Complainant has a large Internet presence with over 325 domain names that incorporate the LINCOLN ELECTRIC trademark, including its primary domain name <lincolnelectric.com>, which was registered on February 24, 1996.

The Disputed Domain Name, <lincolnelectric-inc.com>, was registered on March 11, 2025, and resolved to a page that lacked any content. As of the time of writing this decision, the Disputed Domain Name is no longer active.

#### **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 asserts that it has rights to the LINCOLN ELECTRIC mark due to the registrations cited above. The Complainant contends that the Disputed Domain Name is identical or confusingly similar to its mark because the Disputed Domain Name incorporates the mark in its entirety, and the mere addition of a hyphen and the wording “inc” does not negate the confusing similarity.

The Complainant also contends that the Respondent has no rights or legitimate interests in the Disputed Domain Name. The Complainant claims that the Respondent is not commonly known by the Disputed Domain Name, nor has it licensed or authorized the Respondent to use or register the Disputed Domain Name. Moreover, since the Disputed Domain Name resolved to a blank page, the Respondent failed to make legitimate use of the Disputed Domain Name.

Finally, the Complainant contends that the Disputed Domain Name was registered and used in bad faith because, among other things, the Respondent was passively holding the Disputed Domain Name. The Complainant further asserts that due to its international presence, trademark rights in multiple jurisdictions, and use dating back to 1915, the Respondent knew, or at least should have known, of the Complainant's rights in the mark. Finally, the Complainant asserts the Respondent has a demonstrated pattern of conduct that evidences bad faith.

## **B. Respondent**

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

## **6. Discussion and Findings**

In accordance with paragraph 4(a) of the Policy, to succeed in this dispute, the Complainant must establish that:

- i. the Disputed Domain Name is identical or confusingly similar to a trademark 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 through the trademark registrations cited above. Thus, the Complainant has provided prima facie evidence of trademark rights. [WIPO Overview 3.0](#), section 1.2.1.

The Panel also finds that the Disputed Domain Name is confusingly similar to the Complainant's LINCOLN ELECTRIC mark. Where a domain name incorporates the entirety of a trademark, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing. [WIPO Overview 3.0](#), section 1.7. Here, the entirety of the LINCOLN ELECTRIC mark is reproduced within the Disputed Domain Name. The Disputed Domain Name merely adds a hyphen and the term "inc." The Panel finds that the Mark is clearly recognizable within the Disputed Domain Name, and the Disputed Domain Name is thus confusingly similar to the Mark.

Although the addition of the other term "inc" may bear on the assessment of the second and third elements, the Panel finds the addition of such a term does not prevent a finding of confusing similarity between the Disputed Domain Name and the LINCOLN ELECTRIC mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8 ("Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element").

Further, UDRP panel decisions have held that "punctuation marks such as hyphens cannot on their own avoid a finding of confusing similarity." See *Di El Industrie-Electronic GmbH and TR Electronic v. E-Orderdesk*, WIPO Case No. [D2007-0961](#) ("the use or absence of punctuation marks such as hyphens does not alter the fact that the domain name at issue is identical or confusingly similar to the trademark at issue").

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 Disputed Domain Name was registered 25 years after the Complainant received its first U.S. registration for the LINCOLN ELECTRIC mark and more than 110 years after the Complainant began using the mark. The Complainant has not authorized the Respondent to use said mark or register a domain name incorporating it. There is also no evidence showing that the Respondent is, or has been known as “Lincoln Electric” or similar.

Moreover, the Respondent’s non-use, or passive holding of the Disputed Domain Name is further evidence that the Respondent is not using the Disputed Domain Name in connection with a bona fide offering. See, e.g., *Bayerische Motoren Werke AG v. David Weiss, Weiss Ent*, WIPO Case No. [D2017-2145](#) (“The Panel agrees that the use of the disputed domain name in connection with a ‘coming soon’ website is analogous to non-use or passive holding, which does not constitute a bona fide offering of goods or services nor a legitimate noncommercial or fair use.”)

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. When the Respondent has not disputed the facts as presented by the Complainant, the Respondent’s failure to submit a Response does not automatically result in a decision in favor of the Complainant. See [WIPO Overview 3.0](#), section 4.3. Failure to respond, however, may result in the Panel drawing certain inferences from the Complainant’s evidence. See e.g., *Entertainment Shopping AG v. Nischal Soni, Sonik Technologies*, WIPO Case No. [D2009-1437](#). In addition, the Panel may accept all reasonable supported allegations and inferences flowing from the Complaint as true. See *MCI GROUP HOLDING SA v. vendo chocolate, xny*, WIPO Case No. [D2024-4567](#); *Charles Jourdan Holding AG v. AAIM*, WIPO Case No. [D2000-0403](#).

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. Other circumstances may also 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 Respondent registered the Disputed Domain Name more than 100 years after the Complainant began using the LINCOLN ELECTRIC mark and 25 years after it received its first U.S. registration. Given the Complainant’s extensive prior use and registration of the LINCOLN ELECTRIC mark, the Panel finds it implausible that the Respondent was unaware of the Complainant’s rights in the mark when registering the Disputed Domain Name. At the very least, the Respondent should have known the Disputed Domain Name would be confusingly similar to the Complainant’s mark. See e.g., *Yves Saint Laurent, SAS v.*

*shenxingyu*, WIPO Case No. [D2018-2589](#); see also [WIPO Overview 3.0](#), section 3.2.2 (“[P]articularly in circumstances where the complainant’s mark is widely known (including in its sector) or highly specific and a respondent cannot credibly claim to have been unaware of the mark..., panels have been prepared to infer that the respondent knew, or have found that the respondent should have known, that its registration would be identical or confusingly similar to a complainant’s mark.”).

Further, the Panel notes there appears to be at least five prior domain name decisions against the Respondent for registration of domain names incorporating the Complainant’s mark and resulting in a finding of registration and use in bad faith under paragraph 4(b)(iv). See *Lincoln Global, Inc., The Lincoln Electric Company v. Daniel Moses*, WIPO Case No. [D2024-3362](#); *Lincoln Global, Inc., The Lincoln Electric Company v. Daniel Moses*, Name Redacted, WIPO Case No. [D2024-3643](#); *Lincoln Global, Inc., The Lincoln Electric Company v. Daniel Moses*, WIPO Case No. [D2024-4326](#); *Lincoln Global, Inc., The Lincoln Electric Company v. Daniel Moses*, WIPO Case No. [D2024-4414](#); *Lincoln Global, Inc. and The Lincoln Electric Company v. Agu Tech, AguTec, Mark Tra, southernco.com, Daniel Moses and Tara Ryan*, WIPO Case. No. [D2025-1411](#). This evidence is sufficient to show a pattern of conduct that is evidence of bad faith under paragraph (4)(b) of the Policy. See, e.g., *Crescent Point Energy Corp. v. Adex Adex*, WIPO Case No. [D2017-1980](#) (“UDRP panels have held that establishing a pattern of bad faith conduct requires more than one, but as few as two instances of abusive domain name registration.”).

Finally, Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. When evaluating passive holding of a domain name, the following factors are considered relevant: “(i) the degree of distinctiveness or reputation of the complainant’s mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent’s concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put.”

The Panel, noting the distinctiveness and reputation of the mark and the incorporation of the mark entirely within the Disputed Domain Name, finds that the passive holding doctrine does not prevent a finding of bad faith under the Policy. The Respondent, when registering the Disputed Domain Name, employed a privacy service to hide its identity. The Respondent also did not file any response or provide any evidence of actual or contemplated good faith use. Further, the Respondent has registered several domain names incorporating the Complainant’s mark, as noted above, and used those domain names in connection with phishing schemes, blatant copying of or redirection to the Complainant’s website, and impersonation of the Complainant’s employees. See *Lincoln Global, Inc., The Lincoln Electric Company v. Daniel Moses*, WIPO Case No. [D2024-3362](#); *Lincoln Global, Inc., The Lincoln Electric Company v. Daniel Moses*, Name Redacted, WIPO Case No. [D2024-3643](#); *Lincoln Global, Inc., The Lincoln Electric Company v. Daniel Moses*, WIPO Case No. [D2024-4326](#); *Lincoln Global, Inc., The Lincoln Electric Company v. Daniel Moses*, WIPO Case No. [D2024-4414](#); *Lincoln Global, Inc. and The Lincoln Electric Company v. Agu Tech, AguTec, Mark Tra, southernco.com, Daniel Moses and Tara Ryan*, WIPO Case. No. [D2025-1411](#). As such, any good faith use by the Respondent seems implausible.

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 <lincolnelectric-inc.com> be transferred to the Complainant.

/Purvi Patel Albers/

**Purvi Patel Albers**

Sole Panelist

Date: July 29, 2025