

## **ADMINISTRATIVE PANEL DECISION**

MDU Resources Group Inc v. Nguyễn Văn Lữ  
Case No. D2025-2278

### **1. The Parties**

The Complainant is MDU Resources Group Inc, United States of America (“United States”), represented by PhishFort, Singapore.

The Respondent is Nguyễn Văn Lữ, Viet Nam.

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

The disputed domain name <wwwintgas.com> is registered with April Sea Information Technology Corporation (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 11, 2025. On June 11, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 17, 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 (April Sea Information Technology Company Limited) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 18, 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 20, 2025.

On June 18, 2025, the Center informed the parties in Vietnamese and English, that the language of the registration agreement for the disputed domain name is Vietnamese. On June 20, 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 of the Complaint, and the proceedings commenced on July 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 30, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 31, 2025.

The Center appointed John Swinson as the sole panelist in this matter on August 5, 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 the parent company of Intermountain Gas Company, a public utility gas company located in Idaho in the United States. Intermountain Gas Company has a website located at "www.intgas.com". That website states that Intermountain Gas Company connected its first customers in 1955.

The Complainant owns a United States trademark registration for INTERMOUNTAIN GAS COMPANY, being Registration No. 3669249 that was filed on February 6, 2009, and registered on August 18, 2009. The Complainant's trademark registration certificate indicates that the mark was first used in commerce in 1955.

The disputed domain name was registered on August 18, 2006.

The Respondent did not file a Response, so little information is known about the Respondent. According to the Registrar's records, the Respondent has an address in Viet Nam.

At the present time, the website at the disputed domain name is a pay-per-click ("PPC") website that has links advertising electricity and gas tariff comparison websites.

#### **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.

The Complaint was brief. In summary, the Complainant makes the following submissions.

The disputed domain name contains the term "intgas" and is, therefore, confusingly similar to the trademark, business name or service mark in which the Complainant has rights. The disputed domain name is identical and/or confusingly similar to the website domain in which the Complainant uses the trademark or service mark and from which the Complainant conducts its business.

The Respondent is not commonly known by the disputed domain name.

The Complainant has a good faith belief that the Respondent intended to transfer the disputed domain name to the Complainant for valuable consideration in excess of the Respondent's out-of-pocket costs directly related to the disputed domain name. Additionally, the disputed domain name has active mail exchange ("MX") and Sender Policy Framework ("SPF") records, which, in combination with the typosquatting, might be used to perform a phishing attack against the Complainant via email distribution.

##### **B. Respondent**

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

## 6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

- (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.

The onus of proving these elements is on the Complainant.

### A. Language of the Proceedings

The language of the Registration Agreement for the disputed domain name is Vietnamese. 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 proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant mistakenly stated that the language of the Registration Agreement for the disputed domain name is English.

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 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).

The website at the disputed domain name includes PPC advertisements in English.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

### B. 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, 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 disputed domain name includes key parts of the Complainant's trademark.

Although the addition of other terms (here, "www") 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. In specific limited instances, while not a replacement as such for the typical side-by-side comparison, where

a panel would benefit from affirmation as to confusing similarity with the complainant's mark, the broader case context may support a finding of confusing similarity. In this case, the fact that apart from "www" the disputed domain name is identical to the Complainant's domain name supports a finding of confusing similarity as it appears that the Respondent seeks to target the Complainant's trademark through the disputed domain name.

The Panel finds the first element of the Policy has been established.

### **C. 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.

There is no evidence that the Respondent is commonly known by the disputed domain name.

The disputed domain name is being used to host a website with PPC links related to the Complainant's activities.

Use of a domain name to resolve to a PPC advertising page, where the advertising is relevant to the trademark value of the domain name, does not establish rights or legitimate interests in respect of the disputed domain name. *UnitedHealth Group Incorporated v. Privacy Protection / Domain Administrator*, WIPO Case No. [D2021-4334](#).

None of the circumstances listed in paragraph 4(c) of the Policy apply in the present circumstances.

Also, the Panel considers that the composition of the disputed domain name, which apart from "www" is identical to the Complainant's domain name <intgas.com>, creates a risk of Internet user confusion.

The Panel finds the second element of the Policy has been established.

### **D. 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.

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the respondent in question has registered and is using the disputed domain name to take advantage of its significance as a trademark (usually) owned by the complainant.

The disputed domain name was registered before the Complainant registered its trademarks referred to above. However, the Complainant's trademark registration certificate shows that its first use in commerce dates back to 1955. The Complainant referencing the Intermountain Gas Company website located at "www.intgas.com" in the Complaint, and this website including detailed history and other information about the Intermountain Gas Company, which has been in operation for 75 years, supports the information contained in the trademark registration.

The Respondent's conduct demonstrates the Respondent's likely knowledge of the Complainant and the Complainant's trademark. By registering the disputed domain name after the Complainant started to use and advertise its similar domain name, and then by using the disputed domain name to generate PPC traffic that advertised services in the same field as the Complainant, demonstrates that the Respondent specifically knew of and targeted the Complainant. See *Fédération Française de Tennis (FFT) v. Daniel Hall, dotCHAT, Inc.*, WIPO Case No. [D2016-1941](#).

The only sensible reading of the disputed domain name is of the letters "www" and the term "intgas" in combination with the ".com" generic Top Level Domain ("gTLD"). Further, the letters "www" are most likely to be understood as a reference to the abbreviation for the "world wide web", which is frequently used (albeit increasingly historically) together with a "full stop" or "period" in a URL to indicate that the rest of the URL identifies a webpage or website. The Panel is satisfied that the disputed domain name was registered and held with knowledge of the Complainant's brand, domain name or business, with the intention to take advantage of Internet users who missed out the "full stop" or "period" when intending to type the website "www.intgas.com" into a search engine or browser, and this is most likely in order to gain some form of financial advantage. *PN II, Inc. v. Quan Zhongjun, Juanita Co.*, WIPO Case No. [D2025-0224](#).

It follows that the Respondent's activities fall within the scope of the example of circumstances, indicating bad faith registration and use set out in paragraph 4(b)(iv) of the Policy. Further, the Panel accepts that this is an example of typosquatting (albeit not a typosquatting variant of a trademark, but instead a typosquatting variant of a common URL, which is also indicative of bad faith (see in this respect the [WIPO Overview 3.0](#), section 3.2).

See also *Green Island LLC and Stratos Global Services, LLC v. 钱梦聃 (Meng Dan Qian)*, WIPO Case No. [D2024-1660](#).

Additionally, the Complainant has alleged (without providing evidence) that the MX records for the disputed domain name have been activated for email functionality. In the present case, this is circumstantial evidence that the disputed domain name could have been registered to conduct email scams.

The Respondent has not filed a Response and hence has not availed itself of the opportunity to present any case of good faith that it might have. The Panel infers that none exists.

The Panel finds that the Respondent has intentionally attempted to attract for commercial gain Internet users to its website by creating likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the website under paragraph 4(b)(iv) of the Policy. This also could disrupt the business of the Complainant.

The Panel finds that the Respondent has both registered and used the disputed domain name 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 <wwwintgas.com> be transferred to the Complainant.

*/John Swinson/*

**John Swinson**

Sole Panelist

Date: August 19, 2025