

ADMINISTRATIVE PANEL DECISION

Lincoln Global, Inc., The Lincoln Electric Company v. Dan frank, Timax Inc
Case No. D2025-2337

1. The Parties

The Complainants are Lincoln Global, Inc. and The Lincoln Electric Company (“the Complainant”), United States of America (“U.S.” and “United States”), represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Dan frank, Timax Inc, U.S.

2. The Domain Name and Registrar

The disputed domain name <lincolnelectricorp.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 13, 2025. On June 16, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 16, 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 (Whois Agent (853457383), Whois Privacy Protection Service, Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 20, 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.

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 23, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 13, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 14, 2025.

The Center appointed Dennis A. Foster as the sole panelist in this matter on July 16, 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 prominent U.S. welding company founded in Cleveland, Ohio in 1895, always based there since that time, and now with commercial affiliates in some 21 countries. Robotics adapted to welding are now a strong point for the Complainant.

As to its Internet presence, the Complainant's primary website is at <lincolnelectric.com>, which domain name was registered on February 24, 1996. The Complainant also is active on Facebook, X/Twitter and YouTube.

The Complainant has multiple LINCOLN ELECTRIC trademark registrations in the U.S., the European Union ("EU") and Canada such as:

United States Patent and Trademark Office ("USPTO") registration no. 2350082, registration date May 16, 2000, International Class 9 for scientific research, navigation and measuring instruments; and

European Union Intellectual Property Office ("EUIPO") registration no. 004725941, registration date November 27, 2006, International Classes 6 for alloys of common metals, 9 for scientific research and measuring instruments, and 35 for business management of commercial enterprises.

The Respondent is an individual located in the U.S. who registered the disputed domain name on March 1, 2025. The disputed domain name resolves to a blank page, and apparently has not been used in any way thus far.

5. Parties' Contentions

A. Complainant

- The copies of the Complainant's LINCOLN ELECTRIC trademarks show that the Complainant has trademark rights in the disputed domain name.
- The Respondent's addition of the letters "orp" does not negate the confusing similarity between the Complainant's trademark and the disputed domain name.
- The Respondent is not sponsored by, nor affiliated with, the Complainant in any way. Furthermore, the Complainant has not given the Respondent permission to use the Complainant's trademark in any manner.
- The Respondent is not commonly known by the disputed domain name, which shows a lack of rights or legitimate interests.
- The Respondent is only using the disputed domain name to resolve to a blank page that lacks content, which shows a lack of rights or legitimate interests in the disputed domain name.
- At the time of registration of the disputed domain name, the Respondent knew or should have known of the existence of the Complainant's trademark and that registration of domain names containing well-known trademarks constitutes bad faith.

- Passively holding a domain name can constitute a factor in finding bad faith registration and use.
- It is more likely than not that the Respondent knew of and targeted the Complainant's trademark, and thus the Respondent should be found to have registered and to have used the disputed domain name in bad faith.

B. Respondent

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

6. Discussion and Findings

In accordance with paragraphs 4(a)(i) - (iii) of the Policy, the Panel may find for the Complainant and order a transfer of the disputed domain name provided the Complainant can show that:

- The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- The Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- The disputed domain name has been registered and is being used in bad faith

A. Identical or Confusingly Similar

The Complainant has annexed copies of its trademark registrations for LINCOLN ELECTRIC which the Panel noted in the Factual Background section above. The Panel finds this is proof that the Complainant has trademark rights in that name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.2.1.

As to whether the disputed domain name is identical or confusingly similar to the Complainant's trademark, the Panel observes that the Respondent has added the letters "orp" to the Complainant's LINCOLN ELECTRIC trademark. This gives the reader the impression that the Respondent is trying to convey "Lincoln Electric Corp" in the disputed domain name, which is almost the same as the Complainant's trademark. [WIPO Overview 3.0](#), section 1.7. And see a previous, similar case involving the Complainant: *Lincoln Global, Inc., The Lincoln Electric Company v. Daniel Moses*, WIPO Case No. [D2024-4326](#).

The Panel finds, then, that the disputed domain name is confusingly similar to the Complainant's trademark, and that the Complainant has carried its burden of proof under Policy paragraph 4(a)(i).

B. Rights or Legitimate Interests

Owing to the difficulty of the Complainant proving that the Respondent does not have rights or legitimate interests in the disputed domain name, i.e., proving a negative, it is the consensus under the Policy that the Complainant initially only needs to make a prima facie case. Thereafter, the burden of production shifts to the Respondent to come forward with evidence that might rebut the Complainant's prima facie case, although the overall burden of proof remains on the Complainant. [WIPO Overview 3.0](#), section 2.1.

In the present case, the Complainant asserts that it has not authorized the Respondent to use its trademark in the disputed domain name and that it is not affiliated with the Respondent in any way. This constitutes a prima facie case under the Policy. [WIPO Overview 3.0](#), section 2.1. Being in default, the Respondent did not come forward to try to rebut the Complainant's prima facie case. Nonetheless, the Panel will examine the case record with a view to assessing whether there are possible ways the Respondent could have shown rights or legitimate interests in the disputed domain name as allowed under Policy paragraph 4(c)(i), (ii) or (iii).

First, Policy paragraph 4(c)(i) allows the Respondent to show rights or legitimate interests in the disputed domain name if the Respondent can show that he is using the disputed domain name to make a bona fide offering of goods or services. As the disputed domain name web page has always been blank, the Respondent cannot satisfy this requirement.

Next, it is not apparent from the case record that the Respondent has ever been commonly known by the disputed domain name, and thus the Respondent cannot show rights or legitimate interests through Policy paragraph 4(c)(ii). Lastly, the record does not show that the Respondent has ever used the disputed domain name for a legitimate noncommercial or fair use, and thus the Respondent cannot show rights or legitimate interests per Policy paragraph 4(c)(iii).

The Panel concludes, then, that the Complainant has carried its burden of proof under Policy paragraph 4(a)(ii) to show that the Respondent does not have rights or legitimate interests in the disputed domain name.

C. Registered and Used in Bad Faith

The Policy at paragraph 4(b) provides four non-exhaustive ways in which the Complainant can show that the Respondent registered and is using the disputed domain name in bad faith. The Panel finds that the Respondent's conduct in this case does not quite mesh with the bad faith provisions of Policy paragraph 4(b), but that the doctrine of passive holding under the Policy does encapsulate what the Respondent has been up to in this case. [WIPO Overview 3.0](#), section 3.3.

First, the Panel finds it is clear that the Respondent targeted this particular Complainant when the Respondent registered the disputed domain name. The Complainant is well-known in a highly technical, specialized area of welding, and the Panel finds the Respondent either had prior knowledge of the Complainant, or did the necessary research to identify the Complainant.

Next, the Panel notes that the factors that combine to show bad faith by passively holding a disputed domain name typically include those in this case:

- The Complainant has a strong trademark, albeit in a niche field, that has come to the attention of the Respondent.
- The Respondent is not making use of the disputed domain name, and no bona fide use comes to mind when reviewing the case record as a whole.
- The Respondent has taken steps to hide its identity.

For the basics of the doctrine of passive holding, also see *Telstra Corp. Ltd. v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#).

In view of the above factors, the Panel finds that the Respondent has registered and is using the disputed domain name in bad faith, and that the Complainant has carried its burden of proof under Policy paragraph 4(a)(iii).

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 <lincolnelectricorp.com> be transferred to the Complainant.

/Dennis A. Foster/

Dennis A. Foster

Sole Panelist

Date: July 30, 2025