

## ADMINISTRATIVE PANEL DECISION

Rubrik, Inc. v. Name Redacted

Case No. D2025-2418

### 1. The Parties

Complainant is Rubrik, Inc., United States of America (“United States”), represented by MarkMonitor, Inc., United States.

Respondent is Name Redacted<sup>1</sup>.

### 2. The Domain Name and Registrar

The disputed domain name <rubrlk.com> is registered with Wild West Domains, LLC (“Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (“Center”) on June 18, 2025. On June 19, 2025, the Center transmitted by email to Registrar a request for registrar verification in connection with the disputed domain name. On June 20, 2025, Registrar transmitted by email to the Center its verification response, disclosing registrant and contact information for the disputed domain name that differed from those in the Complaint (e.g., the Complaint named Registration Private, Domains By Proxy, LLC as Respondent). The Center sent an email communication to Complainant on June 24, 2025, providing the registrant and contact information disclosed by Registrar and inviting Complainant to amend the Complaint. Complainant filed an amended Complaint on July 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 (“Policy”), the Rules for Uniform Domain Name Dispute Resolution Policy (“Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (“Supplemental Rules”).

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<sup>1</sup>It appears Respondent registered the disputed domain name using the name of a third party. The Panel finds that this potential identity theft constitutes exceptional circumstances and has redacted Respondent’s name from this Decision. Policy, paragraph 4(j); Rules, paragraph 16(b). The Panel has included Respondent’s name in Annex 1 to this Decision, which instructs Registrar regarding transfer of the disputed domain name, and has authorized the Center to transmit it to Registrar as part of the order in these proceedings, but not to publish Annex 1 due to the exceptional circumstances. Policy, paragraph 4(j); Rules, paragraph 16(b).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified Respondent of the Complaint, and the proceedings commenced on July 8, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 28, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on July 29, 2025.

The Center appointed Debra J. Stanek as the sole panelist in this matter on July 31, 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**

Complainant is a cybersecurity company that uses the mark RUBRIK in connection with its services. Complainant owns the following registrations for the RUBRIK mark for, among other things, computers and computer hardware, computer software, and related services:

- European Union (Reg. No. 013783841) registered June 11, 2015.
- United States (Reg. No. 5219685) registered June 6, 2017.

Complainant also owns and operates its website at the <rubrik.com> domain name.

The disputed domain name was registered on December 12, 2024. Both at the time the Complaint was filed and at the time of this Decision, it did not resolve to an active web page. According to the evidence provided in the Complaint, Respondent has used the disputed domain name to impersonate one of Complainant's executives by using her name in an email address using the disputed domain name and sending email messages purporting to be from her.

#### **5. Parties' Contentions**

##### **A. Complainant**

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

In particular:

- The disputed domain name intentionally substitutes the letter "i" in the RUBRIK mark with a lower case letter "l," making them visually remarkably similar.
- Respondent is not affiliated with Complainant in any way and has not been authorized by Complainant to use the RUBRIK mark.
- Respondent used the disputed domain name in connection with phishing and as part of a fraudulent scheme. Complainant provides a copy of an email apparently sent from an email address using the disputed domain name purporting to be from one of Complainant's employees, referring to setting up instructions for payment, which Complainant indicated is an attempt to intercept a payment to Complainant.
- Respondent used a privacy service and appears to have used false contact information. Respondent's name in the registration details is associated with one United States state, while Respondent's address is associated with another.

## **B. Respondent**

Respondent did not reply to Complainant's contentions.

## **6. Discussion and Findings**

To prevail under the Policy a complainant must prove, as to the domain name at issue, that: (a) it is identical or confusingly similar to a mark in which the complainant has rights, (b) respondent has no rights or legitimate interests in respect to it, and (c) it has been registered and is being used in bad faith. Policy, paragraph 4(a). A respondent's failure to respond does not automatically result in a finding for the complainant; the complainant continues to have the burden of establishing each element. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.3. The Panel may, however, draw appropriate inferences from the default. Rules, paragraph 14(b).

### **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 Complainant's trademark and the disputed domain name. See [WIPO Overview 3.0](#), section 1.7.

Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. See [WIPO Overview 3.0](#), section 1.2.1.

Complainant's mark is not identical to the disputed domain name because the letter "i" has been replaced with a lower case letter "l." 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 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 Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in proceedings under the Policy 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 remains on the complainant). If the respondent fails to come forward with relevant evidence, the complainant is deemed to have satisfied the second element. See [WIPO Overview 3.0](#), section 2.1.

The Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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. Further, Complainant has provided credible evidence that Respondent used the disputed domain name to impersonate Complainant's employee, apparently in an attempt to divert payments intended for Complainant. Consistent with determinations by other UDRP panels, the Panel finds that this use of the disputed domain name cannot confer rights or legitimate interests on 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 sets out specific circumstances that, if found by the Panel to be present, are evidence of registration and use of a domain name in bad faith. The list in paragraph 4(b) is not exhaustive; 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.

Complainant's rights in the RUBRIK mark predate registration of the disputed domain name. Respondent had to know of Complainant's mark to have combined it with the name of one of Complainant's employees in an email address. Complainant's evidence shows that Respondent used the disputed domain name intending that a third party would believe that Respondent's email communications were from Complainant and that the email communications were part of a phishing or other deceptive scheme. In addition, Respondent has failed to respond and used false information in connection with its registration. Under these circumstances, the Panel finds Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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

### **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 <rubrlk.com> be transferred to Complainant.

*/Debra J. Stanek/*

**Debra J. Stanek**

Sole Panelist

Date: August 6, 2025