

ADMINISTRATIVE PANEL DECISION

HAI Group v. Nenad Brkljaca

Case No. D2025-2499

1. The Parties

The Complainant is HAI Group, United States of America (“United States” or “US”), represented by ZeroFox, United States.

The Respondent is Nenad Brkljaca, Canada.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 26, 2025. On June 27, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 27, 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 (Registration Private) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 1, 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 amendment to the Complaint on July 7, 2025.

The Center verified that the Complaint together with the amendment to the 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 9, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 29, 2025. The Respondent sent email communications to the Center on July 2, 2025, and July 7, 2025. The Center notified the Respondent’s default on July 31, 2025. The Center appointed Jane Lambert as the sole panelist in this matter on August 8, 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 member-owned insurance organization that serves the public and affordable housing sectors. It was founded in 1987 and has served that community ever since. The Complainant's wholly owned subsidiary, Housing Authority Risk Retention Group, Inc., registered the words "hai group" and an embellished cross-shaped device with the US Patent and Trade Mark Office as a US service mark for various services in classes 36 and 41 on December 11, 2012, under registration number 4256911.

The Complaint states that the Complainant has an online presence through its official website "www.haigroup.com", which it registered in 2001. The Panel was unable to visit that website because the words "Access Denied" appeared on the Panel's screen in red characters, followed by "Your request has been blocked for security reasons. If you believe this is an error, please contact support". No link or email address to "support" was provided.

All that is known of the Respondent is the name and contact details that have been supplied by the Registrar. Someone purporting to be the Respondent has emailed the Center but has not discussed the substance of these proceedings.

The disputed domain name, which was registered on March 19, 2025, does not appear to have been used. It did not resolve to a web page when the Panel tried to visit "www.haigroup.net".

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 contends that the disputed domain name is confusingly similar to US service mark number 4256911 in its whole incorporation of the mark with no alterations to reasonably distinguish it from "HAI Group". The only difference is the Top-Level Domain ("TLD") ".net" in place of ".com", which does not change the underlying whole incorporation.

The Complainant contends that the disputed domain name has neither been used nor prepared for use for a bona fide offering of goods or services. It does not resolve and has no associated history of content on that page. However, the disputed domain name does have an active MX record which suggests preparations for or an intent to send emails, possibly unlawfully. There is no evidence that the Respondent has any rights or legitimate interests in the disputed domain name. The Complainant has not authorized, licensed the Respondent to use its service mark or to imply any connection between the parties. In its amended Complaint, the Complainant stated that it had carried out further investigation after learning the particulars of the Respondent that had been released by the Registrar, but could find "no connection between the registrant of the domain, the listed organization and any mention of 'HAI Group'".

The Complainant submits that the incorporation of the Complainant's mark in itself is enough to constitute bad faith at the time of registration. It adds that under the doctrine of "passive holding", bad faith can be established in its active use even if the disputed domain name does not resolve. The incorporation of the Complainant's trade mark in the disputed domain name and its association with an email server suggest a mischievous intent. Finally, the Respondent has concealed its activities by using a privacy service.

B. Respondent

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

6. Discussion and Findings

The agreement to register the disputed domain name incorporated paragraph 4 (a) of the Policy:

"Applicable Disputes. You are required to submit to a mandatory administrative proceeding in the event that a third party (a 'complainant') asserts to the applicable Provider, in compliance with the Rules of Procedure, that

- (i) your domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (ii) you have no rights or legitimate interests in respect of the domain name; and
- (iii) your domain name has been registered and is being used in bad faith.

In the administrative proceeding, the complainant must prove that each of these three elements are present."

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 trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the word component of the mark is reproduced 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 applicable TLD ".net" is a standard registration requirement and as such is disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

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 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.

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.

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. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trade mark, and the composition of the disputed domain name, and finds that in the circumstances of this case, the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

The Panel finds that the association of the disputed domain name with an email server presents a risk to householders in the public or affordable housing sectors, even if there was no nefarious intention. By definition, such householders are likely to have limited resources and less than average experience in evaluating even legitimate financial propositions. Because of the similarity of the disputed domain name to the Complainant's trade mark and the domain name of the Complainant's website, there is a risk of confusion of messages from the Respondent with messages from the Complainant. Recipients may enter transactions suggested by the Respondent in the belief that they are recommended by the Complainant.

The Panel finds that the Complainant has established the third element of 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 <haigroup.net> be transferred to the Complainant.

/Jane Lambert/

Jane Lambert

Sole Panelist

Date: August 22, 2025