

## **ADMINISTRATIVE PANEL DECISION**

Lincoln Global, Inc. and The Lincoln Electric Company v. Rares Pitu  
Case No. D2025-2565

### **1. The Parties**

The Complainants are Lincoln Global, Inc. and The Lincoln Electric Company, United States of America ("United States" or "US"), represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Rares Pitu, Türkiye.

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

The Disputed Domain Name <linconelectrics.com> is registered with Name SRS AB (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 1, 2025. On July 1, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 2, 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 (Protected Protected Shield Whois) and contact information in the Complaint. The Center sent an email communication to the Complainants on July 2, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants 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 (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 August 4, 2025.

The Center appointed Edward C. Chiasson K.C. as the sole panelist in this matter on August 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. and are the owner of trademark registrations across various jurisdictions. The Complainant has spent a considerable amount of time and money protecting its intellectual property rights. The trademarks relevant to this instant matter are:

Trademark	Jurisdiction	Registration number	Registration date	Class (es)
LINCOLN ELECTRIC	European Union (EU)	004725941	November 27, 2006	6, 9, 35
LINCOLN ELECTRIC	EU	015346935	August 31, 2016	1, 7, 8
LINCOLN ELECTRIC	EU	004982468	January 15, 2008	6, 7, 9, 35
LINCOLN ELECTRIC	US	2350082	May 16, 2000	9
LINCOLN ELECTRIC	US	2420805	January 16, 2001	35
LINCOLN ELECTRIC	US	3114157	July 11, 2006	6
LINCOLN ELECTRIC	Canada (CA)	TMA573494	January 13, 2003	1
LINCOLN ELECTRIC	CA	TMA574202	January 22, 2003	7, 9

The Complainant has become the world leader in the design, development and manufacture of arc-welding products, robotic arc- welding systems, plasma and oxy-fuel cutting equipment and has a leading global position in the brazing and soldering alloys market. Known as The Welding Experts®, the Complainant’s solutions are used across diverse industry sectors in over 160 countries.

In 2024, the Complainant was named one of “America’s Best Mid-Size Companies” by Time Magazine, one of “America’s Great Workplaces” by Newsweek, and one of the “World’s Most Ethical Companies” by the Ethisphere Institute, as a sixth-year honoree.

Headquartered in Cleveland, Ohio, the Complainant has manufacturing and automation system integration locations across 21 countries and maintains a worldwide network of distributors and sales offices serving customers in over 160 countries. In 2023, it reported sales of USD 4.2 billion.

The Complainant employs over 12,000 employees worldwide.

The Complainant has a large Internet presence and is the owner of over 325 domain names which incorporate the LINCOLN ELECTRIC trademark. According to “similarweb.com”, the Complainant’s website at its primary domain name has received an average of 462,000 hits per month in the period October 2024 – December 2024 and is ranked 8th in its industry. In addition to its many domain names and websites, the Complainant has a strong social media presence through the use of its Facebook, Twitter and YouTube pages. Its Facebook page has 1 million followers, while its X (formerly known as Twitter) page has over 40,000 followers, and its YouTube page has over 78,000 subscribers.

The Disputed Domain Name was registered on June 7, 2025, and resolves to a Registrar parking website with no active content and Mail Exchanger (MX) servers associated with the Disputed Domain Name have been configured.

## 5. Parties' Contentions

### A. Complainant

The Complainant contends that the Disputed Domain Name is confusingly similar to its trademark, in which the Complainant has rights.

It owns trademarks using the words "Lincoln Electric". The Disputed Domain Name differs from its marks only by misspellings. The Respondent has removed the second letter "L" from LINCOLN and pluralized ELECTRIC by adding the letter "S".

The Complainant states that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.

The Respondent is not sponsored by or affiliated with the Complainant in any way and has not been given permission to use the Complainant's trademarks in any manner, including in a domain name (see *Sportswear Company S.P.A. v. Tang Hong*, WIPO Case No. [D2014-1875](#)).

The Respondent is not commonly known by the Disputed Domain Name (see *World Natural Bodybuilding Federation, Inc. v. Daniel Jones TheDotCafe*, WIPO Case No. [D2008-0642](#)). In the instant case, the Notice of Registrant information identifies the Registrant as "Rares Pitu", which does not resemble the Disputed Domain Name in any manner. At the time of filing the Complaint, the Respondent was using a privacy Whols service, which past panels have found to equate to a lack of legitimate interest (see *Jackson National Life Insurance Company v. Private Whols. www.jacksonnationallife.com N4892*, WIPO Case No. [D2011-1855](#)).

The Respondent is using the Disputed Domain Name to redirect Internet users to a parked website that lacks any active content. The Respondent has failed to make use of the Disputed Domain Name's website and has not demonstrated any attempt to make legitimate use of the Disputed Domain Name and website, which evinces a lack of rights or legitimate interests in the Disputed Domain Name, as confirmed by numerous past Panels (see *Washington Mutual, Inc. v. Ashley Khong*, WIPO Case No. [D2005-0740](#)).

The Respondent registered the Disputed Domain Name on June 7, 2025, which is significantly after the Complainant filed for registration of its LINCOLN ELECTRIC trademark with the European Union Intellectual Property Office (EUIPO), United States Patent and Trademark Office (USPTO), and Canadian Intellectual Property Office (CIPO) and also significantly after the Complainant's first use in commerce of its trademark in 1915. The registration of the Disputed Domain Name also falls significantly after the Complainant's registration of its domain name on February 24, 1996.

The Complainant asserts that The Disputed Domain Name was registered and is being used in bad faith.

The Complainant and its LINCOLN ELECTRIC trademark are known internationally, with trademark registrations in Europe, the United States and Canada. The Complainant has marketed and sold its goods and services using this trademark since 1915.

The composition of the Disputed Domain Name makes it illogical to believe that the Respondent registered the Disputed Domain Name without specifically targeting the Complainant.

The Disputed Domain Name is a typosquatted version of the Complainant's LINCOLN ELECTRIC trademark and was intentionally designed to mimic the Complainant's trademark. This is evidence of bad faith registration and use.

The Disputed Domain Name currently resolves to an inactive site and is not being used. Although past Panels have noted that the word bad faith "use" in the context of 4(a)(iii) does not require a positive act on the part of a respondent, but, passively holding a domain name can constitute a factor in finding bad faith registration and use (see *Telstra Corp. v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#)).

Although the Disputed Domain Name is not used to host active content, it has been set up with MX records. This shows that the Disputed Domain Name may be used actively for email purposes. Emails emanating from the Disputed Domain Name could not reasonably be used for any good faith purpose. It is likely that the Disputed Domain Name may be used to facilitate fraudulent activity such as phishing, impersonating or passing off as the Complainant.

Where a disputed domain name is comprised of an intentional misspelling of a complainant's trademark, there is no plausible good-faith reason or logic for the domain name to have been registered (see *Telstra Corp. Ltd. v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#)).

## **B. Respondent**

The Respondent did not reply to the Complainant's contentions

## **6. Discussion and Findings**

### **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 a complainant's trademark and a 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 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. The Disputed Domain Name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7 and 1.9.

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 a 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.

In the present case, the Panel notes that the Complainant and its mark were well known generally and most likely known to the Respondent as is evidenced by the Respondent registering a domain name that essentially replicates the Complainant's trademarked name, but simply misspells it.

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.

Moreover, the Complainant has provided evidence that MX servers associated with the Disputed Domain Name have been configured to allow email to be sent from the Disputed Domain Name, thereby potentially enabling the Respondent to mislead or deceive potential recipients. This presents an implied ongoing threat to the Complainant and further supports a finding of bad faith under these circumstances.

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 of the Complainant's trademark, the composition of the Disputed Domain Name, and the implausibility of any good-faith use the Disputed Domain Name may be put, 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 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 <linconelectrics.com> be transferred to the Complainant.

*/Edward C. Chiasson K.C./*

**Edward C. Chiasson K.C.**

Sole Panelist

Date: August 28, 2025