

ADMINISTRATIVE PANEL DECISION

Ares Management LLC v. Xueyou Zhang
Case No. D2025-2572

1. The Parties

The Complainant is Ares Management LLC, United States of America (“United States”), represented by Greenberg Traurig, LLP, United States.

The Respondent is Xueyou Zhang, United States.

2. The Domain Name and Registrar

The disputed domain name <ares-capital.net> is registered with Hostinger Operations, UAB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 1, 2025. On July 2, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 3, 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 (Domain Admin, Privacy Protect LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 3, 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 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 9, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 29, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 30, 2025.

The Center appointed Nels T. Lippert 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, Ares Management LLC is a subsidiary of Ares Management, L.P. which is a publicly traded, leading global alternative asset manager with USD 446 billion of assets under management and over 4,100 employees. The Complainant is headquartered in Los Angeles, United States, with over 40 global offices, in the United States, Mexico, Europe, Asia, the Middle East, and Australia. Since 2004, the Complainant has operated and managed a subsidiary Ares Capital Corporation, a business development company delivering comprehensive financing solutions to the middle market.

The Complainant is the owner of ARES formative trademarks and trademark registrations in over 57 countries including the following:

ARES, United States Registration No. 3,014,171, registered November 8, 2005;
ARES CAPITAL, United States Registration No. 3,925,364, registered March 1, 2011;
ARES MANAGEMENT, United States Registration No. 3,925,366, registered March 1, 2011; and
ARES CAPITAL MANAGEMENT, United States Registration No. 3,925,365, registered March 1, 2011.

Since 2002, the Complainant has owned the domain name <aresmgmt.com>, which, since 2007, has resolved to a website at which the Complainant has promoted and offered its services. Since 2005, the Complainant has also owned the domain name <arescapitalcorp.com> which resolves to a website at which Ares Capital promotes and offers its services. In addition, the Complainant owns other domain names that incorporate the ARES trademark as well as social media platforms that promote the ARES trademark.

The disputed domain name was registered on April 21, 2025. The Respondent is an individual, Xueyou Zhang, and a privacy service was used to register the disputed domain name. The disputed domain name originally resolved to a website that impersonated the Complainant's Ares Capital business in Mexico.

On May 14, 2025, the Complainant sent a cease-and-desist letter to the Respondent asserting its trademark rights and requesting transfer of the disputed domain name. The Respondent did not respond to this demand. Thereafter, the Complainant sent an abuse complaint to the Registrar which responded that the disputed domain name was suspended. At the time of the Complaint, the disputed domain name did not resolve to an active website.

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 the Complainant's ARES and ARES CAPITAL trademarks because it incorporates those marks and adds only a hyphen between ARES and CAPITAL and the generic Top-Level Domain ".net". The Complainant further alleges that it has not authorized, licensed, or consented to the Respondent's use of its trademarks nor is the Respondent commonly known by the disputed domain name.

The Complainant additionally contends that the Respondent has never operated a bona fide or legitimate business under the disputed domain name. Rather the Respondent is using the disputed domain name to impersonate the Complainant's Ares Capital business in Mexico and to steal personal and financial information from consumers. The Complainant notes that the disputed domain name has active MX (mail exchange) records which indicate use of email to engage in fraudulent email or phishing communications.

The Complainant further alleges that the Respondent's use of a privacy registration service to shield its identity and elude enforcement efforts demonstrates the Respondent's bad faith. In this regard, the

Complainant notes that the Respondent has utilized false contact information to register the disputed domain name which further evidence bad faith registration and use of the disputed domain name.

Finally, the Complainant contends that by registering the disputed domain name, the Respondent is preventing the Complainant from registering or using the disputed domain name.

B. Respondent

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

6. Discussion and Findings

As noted above, the Respondent did not respond to the Complainant's allegations. Under the Rules, paragraphs 5(f) and 14(a), the effect of a default by the Respondent is that, in the absence of exceptional circumstances, the Panel shall proceed to a decision on the basis of the Complaint. The Panel does not find any exceptional circumstance in this case.

Paragraph 4(a) of the Policy provides that in order to divest a respondent of a domain name, a complainant must demonstrate each of the following:

(i) the domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and

(ii) the respondent has no rights or legitimate interests in respect of the domain name; and

(iii) the domain name has been registered and is being used in bad faith.

Under paragraph 15(a) of the Rules, "[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable".

In this case, the Panel finds that as a result of the default, the Respondent has failed to rebut any of the reasonable factual assertions that are made and supported by evidence submitted by the Complainant. By defaulting and failing to respond, the Respondent has failed to offer the Panel any of the types of evidence set forth in paragraph 4(c) of the Policy or otherwise, from which the Panel might conclude that the Respondent has any rights or legitimate interests in the disputed domain name.

Moreover, the Respondent failed to provide any information or reasoning that might rebut the Complainant's arguments that the Respondent has acted in bad faith.

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

The entirety of the Complainant's ARES and ARES CAPITAL marks are reproduced within the disputed domain name. Accordingly, the disputed domain name is identical or confusingly similar to the marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Furthermore, it is well established that the applicable Top-Level Domain in a domain name is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.

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.

Panels have held that the use of a domain name for illegal activity, here, claimed impersonation/passing off, can never confer rights or legitimate interests on a 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 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 Respondent registered and used the disputed domain name to attempt to impersonate the Complainant and attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant’s marks.

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 held that the use of a domain name for illegal activity, here, claimed impersonation/passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain name constitute bad faith under the Policy.

In addition, the Panel notes that the Respondent registered the disputed domain name using false contact information and the use of a privacy registration service further evidence bad faith registration and use of the disputed domain name.

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 <ares-capital.net> be transferred to the Complainant.

/Nels T. Lippert/

Nels T. Lippert

Sole Panelist

Date: August 19, 2025