

## **ADMINISTRATIVE PANEL DECISION**

Elecnor, S.A v. Michael Owen  
Case No. D2025-2664

### **1. The Parties**

The Complainant is Elecnor, S.A., Spain, represented by Clarke, Modet y Cia. S.L., Spain.

The Respondent is Michael Owen, Nigeria.

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

The disputed domain name <elecnorr.com> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 7, 2025. On July 8, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 8, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 9, 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 10, 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 July 31, 2025.

The Center appointed María Alejandra López García as the sole panelist in this matter on August 6, 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 part of the Elecnor Group, formed on June 6, 1958, which is a Spanish global corporation involved in the development, construction, and operation of projects and services. The Complainant is diversified through several activities, ranging from electricity and power generation to gas, railways, telecommunications, control systems, construction, water, environmental services, and maintenance of facilities.

The Complainant is present in five continents, including Africa, in more than 64 countries, and has over 24,000 employees.

The Complainant owns, among many others, the following trademarks:

- Spanish trademark for ELECNOR (and design mark), registration No. 2822835, filed on August 29, 1986, and in force until August 29, 2026; in International Classes (“ICs”) 35 and 39;

- European Union trademark for ELECNOR (and design mark), registration No. 009496746, filed on November 4, 2010, registered on April 4, 2011, and in force until November 4, 2030; in ICs 37, 40, and 42;

- United Kingdom trademark for ELECNOR (and design mark), registration No. UK00909496746, filed on November 4, 2010, registered on April 4, 2011, and in force until November 4, 2030; in ICs 37, 40, and 42.

The Complainant also owns, among others, the domain names: <elecnor.com> registered on May 19, 1997; <grupo-elecnor.com> registered on November 3, 2015; <grupoelecnor.com> registered on April 26, 2016; <elecnors.com> registered on August 6, 2017, and <grupoelecnor.eu> registered on April 26, 2006.

On June 16, 2025, and June 23, 2025, the Complainant sent a cease-and-desist letter (and reminder) to the Respondent via the publicly available privacy shield email address and the Registrar’s email address. Despite the Complainant’s efforts, the Respondent did not provide any response.

The Respondent is reportedly located in Nigeria, Africa.

The disputed domain name was registered on June 11, 2025, and resolves to a website with an Index and a Common Gateway Interface script folder (“cgi-bin”) with denied access.

#### **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 almost identical to the Complainant’s ELECNOR trademark; that the Respondent has selected the disputed domain name intending to confuse Internet users; and that the addition of an ‘r’ does not avoid confusion.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name, given that it is not commonly known by the disputed domain name; the Respondent has not acquired any trademark rights; that there is no or has ever been any relationship with the Complainant, nor has it given its permission to use its trademarks including as a domain name; that the Respondent has not provided any communication and/or response to the cease-and-desist letters sent by the Complainant; that the disputed domain name, which is almost identical to the Complainant’s trademark, carries a high risk of implied affiliation; that the composition of the disputed domain name cannot constitute fair use given that it seeks to impersonate or suggests sponsorship or endorsement by the trademark owner.

The Complainant contends that the disputed domain name has been registered and is being used in bad faith, given that the Complainant's trademark is well-known and enjoys a worldwide presence, including online, then, that it was unlikely that the Respondent at the time of the registration was not aware of it; that the disputed domain name, which resolves to a website with no active content on it, i.e., to a "cgi-bin", that it has been used to trade off the goodwill and reputation of the Complainant's trademark or otherwise create a false association, sponsorship or endorsement with or of the Complainant.

## **B. Respondent**

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

## **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, the Complainant must satisfy each of the three following elements:

- (i) the disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

To prevail, the Complainant must prove each of those requirements. No Response has been submitted by the Respondent, despite the opportunity to present its case. Therefore, this Panel shall analyze the evidence submitted by the Complainant and decide this dispute on that basis.

### **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. Concerning trademark registrations with design elements, such elements are largely disregarded for purposes of assessing identity or confusing similarity under the first element. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), sections 1.7. and 1.10.

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 Panel finds 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.

Although the addition of the "r" letter may bear on the assessment of the second and third elements, the Panel finds that the addition of such letter does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.9.

As for the applicable generic Top-Level Domain ("gTLD") ".com", it is well established that such element may typically be disregarded when assessing whether a domain name is identical or confusingly similar to a trademark, as it is a technical requirement of registration. [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.

Nothing in the record even slightly suggests that the Respondent has ever been commonly known by the disputed domain name, has acquired any trademark rights over the term ELECNOR, or has been authorized by the Complainant to use its well-known ELECNOR trademark, including as a domain name. Furthermore, the fact that the disputed domain name resolves to a “cgi-bin” website, where there is no active use but only a potential future use (imminent risk of brand damage), does not, in this Panel’s view, constitute a bona fide offering of goods or services, nor a fair use, under paragraphs 4(c)(i) and (iii) of the Policy.

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

### **C. Registered and Used 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.

Having reviewed the evidence submitted, where the Respondent has remained in absolute silence, despite the opportunities provided, the Complainant’s trademark rights established at a worldwide level with active online presence, significantly predate the disputed domain name registration. Concerning the disputed domain name’s nature and composition, where the Complainant’s well-known ELECNOR trademark is reproduced in its entirety with a misspelling consisting of the mere addition of an extra “r” letter, it is clear that the Respondent was well aware of its reputation and value and registered it with the Complainant’s in mind. See [WIPO Overview 3.0](#), sections 3.2.1. and 3.2.2.

Concerning the use of the disputed domain name, which resolves to a website displaying a “cgi-bin” directory with denied access, and not displaying dynamic content, this Panel finds that such use, represents “an unjustifiable threat hanging over the head of the Complainant” (see *Syngenta Participations AG v. gmod wizard*, WIPO Case No. [D2023-3010](#)).

Furthermore, in this case the Panel finds that this lack of activity or imminent use could be considered a similar approach under the passive holding doctrine (see [WIPO Overview 3.0](#), section 3.3) or “have the same negative result on the Complainant as active use of a disputing domain name, and amounts to bad faith use” (see *FIL Limited v. George Dyle*, WIPO Case No. [D2014-1418](#)). In any event, such non-use is typically regarded as bad faith use 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 <elecnorr.com> be transferred to the Complainant.

*/María Alejandra López García/*

**María Alejandra López García**

Sole Panelist

Date: August 18, 2025