

ADMINISTRATIVE PANEL DECISION

Hilldun Corporation v. Kurt Amen

Case No. D2025-2744

1. The Parties

The Complainant is Hilldun Corporation, United States of America ("United States"), represented by Otterbourg P.C., United States.

The Respondent is Kurt Amen, United States.

2. The Domain Name and Registrar

The disputed domain name <hlldun.com> 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 July 10, 2025. On July 11, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 11, 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, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 14, 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 16, 2025 and an amended Complaint on July 17, 2025.

The Center verified that the Complaint together with the amendment to the Complaint and 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 21, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 10, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 11, 2025.

The Center appointed Gregory N. Albright 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 Complainant has been in business as a financing company in the apparel industry since 1958. The Complainant provides traditional factoring services (credit and collection) and advances (loans) against accounts receivable, inventory, and orders. The Complainant is well known for working with brands including Tommy Hilfiger, Betsy Johnson, Marc Jacobs, Alexander Wang, A.L.C., Golden Goose, and Amiri, and offers a number of different services for its clients, including invoice financing, purchase order financing, chargeback management, and back-office services.

The Complainant owns service mark registration No. 7,061,415 for the HILLDUN mark, in Class 36, issued by the United States Patent & Trademark Office on May 23, 2023. The Complainant long held common law trademark rights in the HILLDUN mark even before registration. See *Hilldun Corporation v. Domain Administrator*, WIPO Case No. [DCO2023-0042](#) (finding the Complainant “established unregistered trademark or service mark rights for purposes of the Policy”).

The disputed domain name, registered on May 2, 2025, does not resolve to an active website.

5. Parties’ Contentions

A. Complainant

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

Notably, the Complainant contends the disputed domain name is virtually identical to the Complainant’s name and HILLDUN mark and is likely to cause confusion among consumers and employees.

The Respondent has no rights or legitimate interests in respect of the disputed domain name, the Complainant asserts, because the disputed domain name was not used in connection with a bona fide offering of goods or services before any notice of the dispute was given to the Respondent. The Respondent is not commonly known by the disputed domain name and has not acquired any trademark or service mark rights therein. Instead, the Respondent is attempting to commercially gain by misleading the Complainant’s customers into paying the Respondent for services that the Complainant provided.

The Complaint also asserts that the Respondent registered and is using the disputed domain name in bad faith with the intent of impersonating the Complainant and attempting to defraud its customers. Specifically, the Annexes to the Complaint include a May 5, 2025 email ostensibly sent by the Complainant’s Vice President of Client Relations, addressed to “Vendor,” asking for “a detailed statement including all past due, outstanding and current invoices as of 2025-05-05.” The Complainant’s Vice President neither sent the email nor authorized the Respondent to send an email on her behalf; the email therefore is an attempt by the Respondent to impersonate an agent of the Complainant to illegally obtain confidential financial information from the Complainant’s customer and/or its employees related to services provided by the Complainant to its customers.

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 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 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 disputed domain name consists of an obvious and apparently intentional misspelling of the Complainant's HILLDUN mark; specifically, the disputed domain name substitutes an "l" for the "i" in "hilldun," which at first glance may not be noticeable. The disputed domain name thus plainly contains sufficiently recognizable aspects of the relevant mark, and the Respondent's misspelling "signals an intention" to "confuse users seeking or expecting the complainant." [WIPO Overview 3.0](#), section 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 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.

In addition, Panels have held that the use of a domain name for impersonation or other types of fraud 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.

The disputed domain name was registered on May 5, 2025, after the Complainant obtained registration of its HILLDUN mark in the United States where the Respondent is located. The Complainant has also been using the mark in connection with its services since 1958. This evidence, together with the obvious misspelling of the disputed domain name for the purpose of creating confusion, shows that the disputed domain name was registered in bad faith.

Panels have held that the use of a domain name for impersonation or other types of fraud 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.

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 <hllldun.com> be transferred to the Complainant.

/Gregory N. Albright/

Gregory N. Albright

Sole Panelist

Date: August 28, 2025