

ADMINISTRATIVE PANEL DECISION

Stichting BDO v. Kenesh James

Case No. D2025-2783

1. The Parties

The Complainant is Stichting BDO, Netherlands (Kingdom of the), represented by CSC Digital Brand Services Group AB , Sweden.

The Respondent is Kenesh James, South Africa.

2. The Domain Name and Registrar

The disputed domain name <bdoglobalforensics.com> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 15, 2025. On July 15, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 15, 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 16, 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 18, 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 25, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 14, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 15, 2025.

The Center appointed Angelica Lodigiani as the sole panelist in this matter on August 20, 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 an international network of independent public accounting, tax, consulting and business advisory firms, which are members of BDO International Limited and perform professional services under the name BDO. The Complainant provides professional services in 165 countries with over 1750 offices. As such, the Complainant is a global entity known as “BDO Global”. Among its services, the Complainant also runs “BDO Global Forensics” practice, which helps organizations identify and mitigate risks associated with fraud and corruption through customized services.

For the fiscal year ended on September 30, 2024, the Complainant announced a total combined fee income of USD 15 billion. In South Africa, where the Respondent is apparently located, the Complainant holds 7 offices with over 2100 employees.

The Complainant owns trademark registrations for the word and figurative BDO marks in various jurisdictions, among which are the following:

- BDO (word), International Trademark registration No. 770374, registered on October 30, 2001, designating various countries worldwide, for goods and services in classes 9, 16, 35, 36, 41 and 42; and
- BDO (figurative), United States of America Trademark registration No. 2699812, registered on March 25, 2003, for goods and services in classes 9, 16, 35, 36, 41 and 42.

Finally, the Complainant is the owner of over 200 domain names containing the BDO mark. In particular, the Complainant is the owner of the domain name <bdo.global>, registered on August 25, 2014, which is used to access the Complainant’s primary website, and other domain names including the string “bdoglobal”, such as <bdoglobal.com>, registered on July 31, 2003.

The disputed domain name was registered on April 29, 2025.

The disputed domain name resolves to a website featuring the BDO trademark in a slightly different version from the BDO figurative mark, featuring the same blue and red colors adopted by the Complainant on its official website, and displaying similar contents related to the “BDO Global Forensics” service and referring to “BDO Global Forensics” in the “About Us” section. The disputed domain name has also been used to send at least one email to an unrelated third party. In this email, the Respondent has introduced himself as being “Asset Disposition Analyst at BDO Global Forensics”. Before filing its UDRP Complaint, the Complainant sent a cease and desist letter to the Respondent to solve the matter amicably. However, the Respondent did not reply to the Complainant’s letter.

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 its BDO mark as it incorporates it entirely and the addition of the descriptive terms “global” and “forensics” does not prevent a finding of confusing similarity. The use of the disputed domain name contributes to the confusion as it prima facie appears that the Respondent seeks to target the Complainant’s mark.

The Complainant further contends that the Respondent lacks rights or legitimate interests in the disputed domain name.

The Respondent is not affiliated with the Complainant and is not a Complainant's licensee. The Complainant has not authorized the Respondent to use its BDO mark in any manner, including in the disputed domain name. The Respondent is not commonly known by the disputed domain name. The disputed domain name redirects users to a website featuring a logo almost identical to the Complainant's figurative BDO mark and imitating the Complainant's official website by using the same blue and red color scheme of the Complainant's official website. Therefore, the website associated with the disputed domain name purposely attempts to deceive Internet users by inducing them to believe that the disputed domain name and its website are associated with the Complainant. Furthermore, the Respondent has sent at least one phishing email from the disputed domain name, fraudulently attempting to create the impression that this email originated from the Complainant. In this email, the Respondent identified himself as an Asset Disposition Analyst at the Complainant's company, engaged in offering its services to individuals adversely affected by fraudulent investment platforms.

Lastly, the Complainant affirms that the disputed domain name has been registered and is being used in bad faith.

The Respondent was certainly aware of the Complainant's mark and business at the time of the registration of the disputed domain name.

The Respondent has been using the disputed domain name to host a website mimicking the Complainant's official website, presumably, to sell similar or competing services. As such, the Respondent is attempting to deceive consumers and take advantage of the fame of the Complainant's mark for his own commercial gain. Moreover, the Respondent has registered and used the disputed domain name for launching a phishing attack.

Lastly, the fact that the Respondent has used a privacy service at the time of the registration of the disputed domain name and has failed to reply to the Complainant's cease and desist letter is further evidence of bad faith.

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.

In particular, the Complainant has shown that it owns trademark registrations for the BDO mark. Such mark is entirely reproduced within the disputed domain name and is clearly recognizable within it. Accordingly, the disputed domain name is confusingly similar to the Complainant's mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, "global forensics", may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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 1.8.

Accordingly, 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 Respondent has no link with the Complainant, and the Complainant never authorized the Respondent to make use of its BDO mark in any manner whatsoever, including as part of the disputed domain name. Moreover, nothing in the case file shows that the Respondent might have been commonly known by the disputed domain name.

The composition of the disputed domain name, consisting of the Complainant’s BDO trademark coupled with the terms “global”, which refers to the global structure of the Complainant, consisting of a large network of firms operating in 165 countries worldwide with over 1750 offices, and “forensics”, which is an area of business of the Complainant, coupled with the use of the disputed domain name to resolve to a website in which the Respondent tries to impersonate the Complainant and its further use in a fraudulent scheme, affirms the Respondent’s intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant as to the origin or affiliation of the website at the dispute domain name.

The Respondent is using the disputed domain name to host a website displaying a logo almost identical to the Complainant’s registered BDO figurative mark. Moreover, the Respondent adopts for its website the same combination of red and blue colors featured on the Complainant’s official website and refers to itself as “BDO Global Forensics” in the “About Us” section, which further increases confusion. Through the disputed domain name, the Respondent sent a phishing email to an unrelated third party, introducing himself as Asset Disposition Analyst at BDO Global Forensics and offering various services to ensure release of the investment assets. To do so, the email recipient had to provide sensitive financial information. For further information, the Respondent invited the email recipient to visit the website associated with the disputed domain name.

Panels have held that the use of a domain name for illegal activity, such as phishing, impersonation/passing off, or other types of fraud, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

In light of the foregoing, 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 several circumstances that may lead to the conclusion that the Respondent registered the disputed domain name in bad faith. Given the composition of the disputed domain name, consisting of the Complainant's mark coupled with two descriptive terms clearly related to the Complainant's company structure and business, it is very unlikely that the disputed domain name was registered by mere coincidence. On the contrary, the Panel notes that the Respondent, more likely than not, carefully selected the disputed domain name with the aim of misleading consumers as to the origin of the website at the disputed domain name, and inducing them to believe that the disputed domain name belonged to the Complainant, or was endorsed by the Complainant, while in fact it was not. Furthermore, the contents of the website associated with the disputed domain name support the conclusion that the Respondent had well in mind the Complainant, its business and its BDO mark at the time of registration of the disputed domain name. The fact that the Complainant is active in South Africa where it operates through 7 offices and over 2100 employees, and where the Respondent is allegedly located, is a further element of the Respondent's likely awareness of the Complainant's mark and activity at the time of registration of the disputed domain name.

The registration of a domain name confusingly similar to a complainant's mark without rights or legitimate interests for the purpose of misleading Internet users as to the origin of the website at disputed domain name, amounts to registration in bad faith.

As far as use in bad faith is concerned, as mentioned above, the disputed domain name resolves to a website impersonating the Complainant. Moreover, the disputed domain name has been used to send at least one phishing email. Accordingly, the Panel finds that by using the disputed domain name the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website. Moreover, the Panel finds that the Respondent has been using the impersonating website exhibited at the disputed domain name to enhance the credibility and reliability of its phishing email and increase the chances of success of its fraudulent attempt.

Bad faith is further confirmed by the fact that the Respondent failed to reply to the Complainant's cease and desist letter and registered the disputed domain name through a privacy service, likely in an attempt to conceal its identity to prevent or delay effective protection of the Complainant's rights.

Panels have held that the use of a domain name for illegal activity, such as impersonation and phishing, 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 constitutes bad faith under the Policy.

Accordingly, 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 <bdoglobalforensics.com> be transferred to the Complainant.

/Angelica Lodigiani/

Angelica Lodigiani

Sole Panelist

Date: September 3, 2025