

ADMINISTRATIVE PANEL DECISION

Cushman & Wakefield, Inc. v. eric mikovich, cushman wakefield,
Case No. D2025-2889

1. The Parties

Complainant is Cushman & Wakefield, Inc., United States of America ("United States"), represented by Loeb & Loeb, LLP, United States.

Respondent is eric mikovich, cushman wakefield, United States.

2. The Domain Name and Registrar

The disputed domain name <cushmanwakefield.works> is registered with NameSilo, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 22, 2025. On July 22, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 22, 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 (unknown registrant / Domain Administrator, See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to Complainant on July 23, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on July 24, 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 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. Respondent did not submit any response. The Center notified the Parties that it would proceed to panel appointment on August 15, 2025.

The Center appointed Timothy D. Casey as the sole panelist in this matter on September 1, 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

Complainant is a global real estate services firm that provides leasing, management, capital markets, valuation and other related services in approximately 60 countries and employs around 52,000 employees. Complainant first began using CUSHMAN & WAKEFIELD as a trademark for real estate services as early as 1917, and owns at least the following registrations (the “CUSHMAN & WAKEFIELD Marks”):

Mark	Jurisdiction	Class(es)	Registration No.	Registration Date
CUSHMAN & WAKEFIELD	United States	35, 36 and 42	1,095,427	July 4, 1978
CUSHMAN & WAKEFIELD	United States	41	3,265,011	July 17, 2007
CUSHMAN & WAKEFIELD (Design)	United States	35, 36, 37, 39, 41 and 42	5,205,514	May 16, 2017

Complainant owns numerous trademark registrations for the CUSHMAN & WAKEFIELD Marks in other jurisdictions and owns a number of domain names incorporating the CUSHMAN & WAKEFIELD Marks.

The disputed domain name was registered on April 27, 2025. At the time of filing of the Complaint, the disputed domain name redirected to Complainant’s main corporate website. Complainant provided evidence indicating that the disputed domain name was utilized in emails impersonating recruiting personnel of Complainant, falsely indicating Complainant’s interest in hiring potential employees, and requesting identifying confidential data from the potential employees.

5. Parties’ Contentions

A. Complainant

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

Notably, Complainant contends that it has rights in the CUSHMAN & WAKEFIELD Marks and that the disputed domain name is confusingly similar to the CUSHMAN & WAKEFIELD Marks because the CUSHMAN & WAKEFIELD Mark is fully incorporated into the disputed domain name. Complainant notes that the disputed domain name omits the ampersand in the CUSHMAN & WAKEFIELD Mark, which Complainant asserts is insufficient to distinguish the disputed domain name from the CUSHMAN & WAKEFIELD Marks, and adds the generic Top-Level Domain “.works”, which should be disregarded in the analysis under the first element of the Policy.

Complainant contends Respondent should be considered to have no rights or legitimate interests in the disputed domain name. Complainant asserts Respondent is not related to, affiliated with or connected with Complainant, was never licensed or authorized by Complainant to use the CUSHMAN & WAKEFIELD Marks or register the disputed domain name, and there is no evidence that Respondent has used or made demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services. Complainant contends Respondent is not commonly known as by the disputed domain name and is not making a legitimate noncommercial or fair use of the disputed domain name because the only evidence of Respondent’s use of the disputed domain name are attempts to defraud potential employees of Complainant.

Complainant contends the disputed domain name should be considered to have been registered and used in bad faith because (1) mere registration of a domain name that is confusingly similar to a famous trademark by an unaffiliated entity by itself creates a presumption of bad faith; (2) by registering and using the disputed domain name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with Complainant's CUSHMAN & WAKEFIELD Marks as to the source, sponsorship, affiliation, or endorsement of the disputed domain name that redirects to the Complainant's own website; (3) Respondent has known of Complainant's rights in the CUSHMAN & WAKEFIELD Marks prior to registration of the disputed domain name; (4) Respondent has used the disputed domain name to redirect visitors to Complainant's website; (5) Respondent has used the disputed domain name for phishing and to defraud third parties by impersonating Complainant and its employees; (6) Respondent has been engaging in a pattern of abusive domain name registrations, targeting trademarks and names of others; and (7) Respondent has used invalid contact information in the Whois record when registering the disputed domain name.

B. Respondent

Respondent did not reply to 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 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.

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, notwithstanding the omission of the ampersand. 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 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 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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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 illegitimate activity here, claimed phishing, 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 used the disputed domain name to redirect to Complainant's official website and further in attempts to impersonate Complainant's recruitment service in order to mislead a potential employee of Complainant into disclosing confidential information to Respondent. Clearly, Respondent was aware of Complainant and registered and used the disputed domain name based on this knowledge.

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 illegitimate activity here, claimed phishing, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds that 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 <cushmanwakefield.works> be transferred to Complainant.

/Timothy D. Casey/

Timothy D. Casey

Sole Panelist

Date: September 15, 2025