

ADMINISTRATIVE PANEL DECISION

Electric Research and Manufacturing Cooperative, Inc. v. Joe Jobs
Case No. D2025-3152

1. The Parties

Complainant is Electric Research and Manufacturing Cooperative, Inc., United States of America (“United States”), represented by Vedder Price P. C., United States.

Respondent is Joe Jobs, United States.

2. The Domain Name and Registrar

The disputed domain name <ermcoeci.com> is registered with Squarespace Domains LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 7, 2025. On August 7, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 7, 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 Complainant on August 8, 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 August 14, 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 August 15, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 4, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on September 5, 2025.

The Center appointed Jeffrey M. Samuels as the sole panelist in this matter on September 15, 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 Electric Research and Manufacturing Cooperative, Inc. is in the business of engineering and manufacturing distribution transformers for use in power networks. Complainant began operating in 1964, and, since at least February 1985, has continuously used the ERMCO trademark on or in connection with its goods and services.

Complainant owns a United States trademark registration (No. 3503438) for the ERMCO mark, which was registered on September 23, 2008. It also owns a Costa Rica trademark registration (No. 157237) for a stylized mark incorporating the ERMCO mark, which was registered on March 20, 2006.

Complainant also owns the domain name <ermco-eci.com> which was registered on August 7, 1999.

The disputed domain name, <ermcoeci.com>, was created on March 14, 2025 and was used to send fraudulent emails. It redirected to an inactive webpage.

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 the disputed domain name is identical or confusingly similar to its ERMCO trademark. It asserts that the disputed domain name is nothing more than Complainant's ERMCO mark followed by the term "eci", which is an acronym for Complainant's affiliate company, Ermco Components, Inc. "That Respondent intends the domain name to be read this way is evinced by the fact that Complainant intends its own, virtually identical domain name (ermco-eci.com) to be read this way." Complainant maintains that its famous ERMCO mark is "clearly recognizable" in the disputed domain name and is the most distinctive portion of the disputed domain name.

Complainant maintains that Respondent has no rights or legitimate interests in respect of the disputed domain name. Complainant indicates that Respondent's use of the ERMCO trademark is unauthorized and is intended for commercial gain apart from any reasonable fair use. Complainant argues that Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services, insofar as the disputed domain name was meant to confuse Internet users as to source or affiliation. "Further, there is no other reasonable argument for fair use as Respondent does not use the term ERMCO to describe its own products and/or services or to refer to the products and/or services offered under Complainant's ERMCO trademark. Rather, Respondent uses the Disputed Domain Name solely to deceive third parties into the belief that Respondent is itself Complainant."

With respect to the issue of "bad faith" registration and use, Complainant asserts that the disputed domain name was registered to intentionally impersonate Complainant in phishing emails to third parties. Complainant points out that Respondent has sent emails to third parties under the name of Complainant's chief executive officer proposing a business partnership, listing the street address of Complainant, linking to Complainant's website, and making numerous references to the ERMCO trademark.

Upon information and belief, Complainant asserts that Respondent was aware of Complainant's prior use of its ERMCO mark when Respondent began to fraudulently use the mark and registered the disputed domain name in bad faith. Complainant maintains that its ERMCO mark is well-known because of its long-time and extensive use and that "Respondent's mere registration of a confusingly similar domain name (i.e., ermcoeci.com) to the well-known ERMCO mark is evidence of Respondent's bad faith".

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 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.

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.

Focusing on the issue of whether the disputed domain name is identical or confusingly similar to the ERMCO mark, the Panel notes that entirety of the mark is reproduced within the disputed domain name. The disputed domain name also includes the letters "eci", but this would not prevent a finding of confusing similarity under the first element. The nature of such additional term may however bear on assessment of the second and third elements. [WIPO Overview 3.0](#), section 1.8.

Given the fact that the disputed domain name incorporates in full the ERMCO mark, the letters of which comprise the first five letters of the disputed domain name, the Panel concludes that the disputed domain name is found confusingly similar to the ERMCO trademark.

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 or illegal activity, such as the phishing activity established in this case, 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

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.

Regarding the composition of the disputed domain name, this one contains the ERMCO trademark and the letters "eci" which, at first glance, have no descriptive significance, either alone or in combination. The evidence, however, indicates that "eci" is an acronym for Complainant's affiliate and that Complainant owns the domain name. <ermco-eci.com>. It is therefore most likely that Respondent knew of Complainant when it registered the disputed domain name.

Panels have held that the use of a domain name for illegitimate activity or illegal activity constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. The evidence establishes that Respondent impersonated Complainant's chief executive officer in a phishing email to a third party relating to a proposal for partnership on a procurement project. The email in issue includes a reproduction of the ERMCO mark, as well as Complainant's address and phone number, and references Complainant's domain name <ermco-eci.com>. Thus, the evidence establishes that Respondent was aware of Complainant's prior use of its ERMCO mark and <ermco-eci.com> domain name and targeted Complainant and its ERMCO mark in registering and using the disputed domain name.

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 <ermcoeci.com> be transferred to Complainant.

/Jeffrey M. Samuels/

Jeffrey M. Samuels

Sole Panelist

Date: September 29, 2025