

ADMINISTRATIVE PANEL DECISION

Stichting BDO v. tonyy boyy
Case No. D2025-3186

1. The Parties

The Complainant is Stichting BDO, Netherlands (Kingdom of the), represented by McDermott Will & Schulte LLP, United States of America ("United States" or "US").

The Respondent is tonyy boyy, United States.

2. The Domain Name and Registrar

The disputed domain name <b-bdo.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 August 9, 2025. On August 11, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 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 (Unidentified Registrant of B-BDO.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 12, 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 taking this information into account on August 15, 2025. Following a further communication by the Center, the Complainant filed a further amendment to the Complaint on August 15, 2025 to correct its submission to a mutual jurisdiction as specified in the Rules, paragraphs 1 and 3(b)(xii).

The Center verified that the Complaint together with amended Complaint and the further amendment to the 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 August 18, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 7, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 8, 2025.

The Center appointed Jonathan Turner as the sole panelist in this matter on September 11, 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 financial services firms providing services in the fields of accountancy, taxation, consultancy, advice and other professional services under the mark BDO. The firms of the network currently have over 115,000 employees in more than 1,750 offices in 164 countries and total revenues exceeding USD 15 billion.

The Complainant is the registered proprietor of US registered mark no. 4,854,142 for the word mark BDO registered in classes 9, 16, 35, 36, 41, 42, and 45 with registration date November 17, 2015 and filing date December 9, 2014; and US registered mark no. 2,699,812 for a logo consisting principally of a stylized presentation of the letters BDO registered in classes 9, 16, 35, 36, 41, and 42 with registration date March 25, 2003 and filing date December 31, 2001.

The Complainant is also the registrant of the domain name <bdo.com> and other domain names containing "bdo".

The disputed domain name was registered on August 5, 2025. It currently locates a page blocked by a security warning stating "This site is blocked due to a security threat".

An email was sent purportedly from "Axxxx Bxxxx <axxxx@b-bdo.com>" on August 5, 2025 stating:

"Hello,

I hope you're doing well.

I am writing to follow up regarding Invoice #500009815, originally sent on July 15th. Could you please confirm if this invoice has been processed for payment?

Thanks,

Axxxx Bxxxx, CPA
Experienced Audit Manager"

In the above, Axxxx, Bxxxx and axxxx have been substituted for the actual first name, last name and first segment of the email address in the email. The actual first name, last name and first segment of the email address are the same as those of an Assurance Senior Manager employed by the US firm in the Complainant's network.

A further email, purportedly from "Axxxx Bxxxx <axxxx@b-bdo.com>" added "We would strongly prefer to receive payment via ACH to our new bank details. Can I go ahead and send you our updated ACH information for processing this payment?"

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 contains the entirety of the Complainant's BDO mark, clearly separated from additional elements, and is confusingly similar to that mark; that the Respondent has not made any bona fide or legitimate use of the disputed domain name; and that, on the contrary, the Respondent has used it in a bad faith, attempted fraud.

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 it has registered rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of 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 other terms (here, "b-") may bear in some cases 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.

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.

On the undisputed evidence, the Panel is satisfied that the Respondent has not been authorized by the Complainant to use the disputed domain name, has not used or made preparations to use it for any bona fide offering of goods or services or for any legitimate noncommercial or fair use, and is not commonly known by it.

On the contrary, the Panel finds on the undisputed evidence that the Respondent has used the disputed domain to impersonate an employee of a member of the Complainant's network and to attempt thereby fraudulently to deceive a person into making a payment to an account set up by the Respondent.

Panels have held that the use of a domain name for illegal activity (in this case, impersonation and attempted 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

As stated above, the Panel finds on the undisputed evidence that the Respondent impersonated an employee of a member of the Complainant's network and attempted thereby fraudulently to deceive a person into making a payment into an account set up by the Respondent.

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.

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 illegal activity (here, impersonation and attempted 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 <b-bdo.com> be transferred to the Complainant.

/Jonathan Turner/

Jonathan Turner

Sole Panelist

Date: September 25, 2025