

## **ADMINISTRATIVE PANEL DECISION**

**Ecolab USA Inc. v. Douglas Alexander MCKAY, Genesis Energy Limited**  
**Case No. D2025-3199**

### **1. The Parties**

The Complainant is Ecolab USA Inc., United States of America (“USA”), represented by Greenberg Traurig, LLP, USA.

The Respondent is Douglas Alexander MCKAY, Genesis Energy Limited, New Zealand.

### **2. The Domain Name and Registrar**

The disputed domain name <nalco-water.com> (the “Disputed Domain Name”) 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 11, 2025. On August 12, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On August 12, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 3, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 4, 2025.

The Center appointed Michael D. Cover as the sole panelist in this matter on September 16, 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 a global sustainability leader offering water, cleaning, hygiene, and infection prevention products and services, serving millions of customers in the food, energy, healthcare, life sciences, industrial, hospitality and retail markets, with annual sales of approximately USD 16 billion as of 2024. The Complainant, through its parent company Ecolab Inc., is publicly traded on the New York Stock Exchange (NYSE) under the ticker symbol ECL with a market capitalization of over USD 75 billion as of March 2025.

Building on a century of innovation, the Complainant delivers comprehensive, science-based products, data-driven insights and world-class services to advance food safety, maintain clean and safe environments and optimize water and energy use. The Complainant provides its products and services under the ECOLAB brand in more than 170 countries. In 2011, a subsidiary of Ecolab Inc. acquired and merged with Nalco Holding Company, doing business as Nalco Water, for approximately USD 5.4 billion, including the trademarks NALCO and NALCO WATER (the “NALCO WATER Marks”), which are owned by the Complainant.

Under the NALCO WATER Marks, the Complainant works with customers across a wide range of industries to help minimize water and climate impacts while also maximizing outcomes at an optimized total cost. The Complainant helps its customers reduce energy, water, and other natural resource consumption, enhance air quality, minimize environmental releases, and improve productivity and end products while boosting their bottom line. The Complainant provides a variety of Nalco Water-branded products and services for water, energy, and air improvement in various industrial and institutional markets. Offerings include, for example, solutions for cooling water systems for data centers, water treatment equipment, water quality monitoring services, and IoT water monitoring systems of connected hardware devices, which optimize chemical dosing in water to deliver water and energy savings.

The Complainant is the proprietor of the NALCO and NALCO WATER trademarks, which are registered throughout the World, including the following:

USA No. 548467 NALCO dated September 18, 1951;

USA No. 610883 NALCO dated August 23, 1955;

USA No. 6029562 NALCO WATER dated April 7, 2020.

The Disputed Domain Name was registered on June 20, 2025. The Disputed Domain Name redirects to the Complainant’s own website at <ecolab.com>.

#### 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.

Identical or Confusingly Similar

Notably, the Complainant contends that the Complainant’s ownership of valid trademark registrations for its NALCO WATER Mark demonstrates the Complainant’s rights in the NALCO WATER Mark under Policy, paragraph 4(a)(i). See *Janus Int’l Holding Co. v. Rademacher*, WIPO Case No. [D2002-0201](#) (registration of a mark is prima facie evidence of validity, and presumption that the mark is inherently distinctive).

The Complainant notes that the Disputed Domain Name incorporates the Complainant's NALCO mark and NALCO WATER mark in full, changing the NALCO WATER mark only by adding a hyphen between the words "Nalco" and "Water," and then the generic Top-Level Domain ("gTLD") ".com.". The Complainant states that numerous panel decisions have found that when a disputed domain name entirely incorporates a complainant's mark, that is sufficient to establish confusing similarity and the mere additions of a gTLD to a complainant's mark fail to avoid a finding of confusing similarity.

In light of the foregoing, pursuant to paragraph 4(a)(i) of the Policy, the Complainant submits that the Disputed Domain Name is confusingly similar to the Complainant's NALCO WATER Marks.

#### Rights or Legitimate Interests

The Complainant states that, without Complainant's authorization or consent, the Respondent registered the Disputed Domain Name which, as discussed above, misappropriates and is confusingly similar to Complainant's NALCO WATER Marks. The Complainant continues that the Respondent is not commonly known by the Disputed Domain Name, has not used or prepared to use the Disputed Domain Name in connection with a bona fide offering of goods or services and has not been authorized, licensed, or otherwise permitted by the Complainant to register and/or use the Disputed Domain Name.

The Complainant notes that the Respondent has redirected the Disputed Domain Name to the Complainant's own website to create the appearance of legitimacy for its fraudulent impersonation of the Complainant. The Complainant sets out that attached as Annex 11 to the Complaint, a screenshot from "www.wheregoes.com" showing that the Disputed Domain Name redirected to the Complainant's website. The Complainant submits that the Respondent's use of the Disputed Domain Name to redirect Internet traffic to the Complainant's own website does not demonstrate rights or legitimate interests and does not constitute a protected noncommercial or fair use of the Disputed Domain Name.

Based on the foregoing, it is obvious, states the Complainant, that the Respondent lacks rights or legitimate interests in the Disputed Domain Name within the meaning of Policy, paragraph 4(a)(ii).

#### Registered and Used in Bad Faith

As the facts set forth above demonstrate, submits the Complainant, the Respondent registered and is using the Disputed Domain Name in bad faith.

Long after the Complainant established its rights in the NALCO WATER Marks, submits the Complainant and with knowledge of the Complainant's NALCO WATER Marks, the Respondent has used the Disputed Domain Name to redirect Internet traffic to Complainant's own website. Use of a domain name incorporating a trademark by an unauthorized third party to redirect Internet users to a complainant's (or a competitor's) website is evidence of bad faith under paragraph 4(b)(iv) of the Policy. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 3.1.4 ("Panels have moreover found the following types of evidence to support a finding that a respondent has registered a domain name to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark: ... redirecting the domain name to the complainant's (or a competitor's) website....").

The Complainant continues the Respondent appears to have set up the Disputed Domain Name for use to create email addresses and send email messages by creating mail exchange ("MX") records, as shown in an MX records lookup attached as Annex 15 to the Complaint. The Complainant states that MX records indicate the potential use of the Disputed Domain Name for emails, which evidences a likelihood of additional bad-faith use of the Disputed Domain Name to engage in fraudulent email or phishing communications. See, e.g., *Tetra Laval Holdings & Finance S.A. v. Himali Hewage*, WIPO Case No. [D2020-0472](#) (concluding that evidence of active MX records indicated that the disputed domain name may be used for fraudulent email communications).

In addition to the Respondent's obvious actual knowledge of the Complainant's mark, concludes the Complainant, the Respondent also had constructive knowledge of the Complainant's mark because of the Complainant's registration of its mark in the USA and multiple other countries.

For all of the reasons above, the Complainant submits that the Respondent's conduct undoubtedly constitutes bad-faith registration and use of the Disputed Domain Name under Policy, ¶paragraph 4(b)(iv).

The Remedy requested by the Complainant

The Complainant requests that the Panel decide that the Disputed Domain Name be transferred to the Complainant.

## **B. Respondent**

The Respondent did not reply to the Complainant's contentions.

## **6. Discussion and Findings**

The Complainant must establish on the balance of probabilities that the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights, that the Respondent has no rights or legitimate interests in the Disputed Domain Name. and that the Disputed Domain Name has been registered and is being used in bad faith.

### **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 3.0](#), section 1.7.

The Complainant has shown rights in respect of its registered trademarks NALCO and NALCO WATER for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. The entirety of the marks is reproduced within the Disputed Domain Name. Accordingly, the Disputed Domain Name is confusingly similar to these trademarks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here the hyphen "-", may bear on assessment of the second and third elements, the Panel finds the addition of such term 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.

It is also well-established in prior UDRP decisions that the gTLD, in this case ".com", is a standard registration requirement and is to be ignored in considering confusing similarity.

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, the Respondent has not demonstrated, before notice of the dispute, use or demonstrable preparations to use the Disputed Domain Name in connection with a bona fide offering of goods or services, that the Respondent has been commonly known by the Disputed Domain Name or that the Respondent is making legitimate noncommercial or fair use of the Disputed Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the Complainant's trademark. The Panel considers that the composition of the disputed domain name carries a risk of implied affiliation with the Complainant, and that the redirection of the Disputed Domain Name to the Complainant's website does not confer rights or legitimate interests on the Respondent. [WIPO Overview 3.0](#), sections 2.5.1 and 2.5.3.

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 has engaged in disrupting the business of the Complainant, and has also intentionally attempted to attract for commercial gain Internet users by creating a likelihood of confusion with the Complainant's trademark.

The Panel decides that the Respondent has registered and is using the Disputed Domain Name in bad faith.

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 <nalco-water.com> be transferred to the Complainant.

*/Michael D. Cover/*

**Michael D. Cover**

Sole Panelist

Date: September 30, 2025