

ADMINISTRATIVE PANEL DECISION

Contact Energy Limited v. Estela Couto, Green Earth Today
Case No. D2025-3267

1. The Parties

The Complainant is Contact Energy Limited, New Zealand, represented by AJ Park, New Zealand.

The Respondent is Estela Couto, Green Earth Today, United States of America.

2. The Domain Name and Registrar

The disputed domain name <contact-digital-dev.net> 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 15, 2025. On August 15, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 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 (Registrant Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 18, 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 August 20, 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 August 21, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 10, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 13, 2025.

The Center appointed Luca Barbero as the sole panelist in this matter on September 22, 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 one of New Zealand's largest providers of electricity, natural gas, broadband, solar and renewable energy.

Founded in 1995, the Complainant has currently over 600,000 customer connections with electricity, gas, broadband and mobile plans, operates 11 power stations across New Zealand using geothermal, hydro, and thermal energy to generate electricity and is one of the largest utility companies in New Zealand with a market capitalization of USD 5.33 billion as of August 7, 2025.

The Complainant is the owner of several trademark registrations for CONTACT, including the following, as per trademark registration details provided in Annex 10 to the Complaint:

- New Zealand trademark registration No. 779038 for CONTACT, (word mark), filed on November 6, 2007, and registered on January 7, 2010, in classes 7, 35, 36, 37, 39, 41, and 42;
- New Zealand trademark registration No. 773199 for CONTACT, (word mark), filed on August 1, 2007, and registered on October 8, 2009, in classes 35, 36, 37, and 42;
- New Zealand trademark registration No. 1263110 for CONTACT, (word mark), filed on May 2, 2024, and registered on November 5, 2024, in classes 4, 7, 9, 35, 36, 37, 38, 39, 40, 41, and 42.

The Complainant is also the owner of domain names incorporating the CONTACT mark, including <contact.co.nz>, registered on April 2, 1997, used by the Complainant to promote its services under the trademark CONTACT, <contact-digital-prod.net>, and <contact-digital-test.net>, registered on March 8, 2018, and <contact-digital-devops.net>, registered on July 22, 2018.

From 2018 to 2024, the Complainant claims it registered and maintained the disputed domain name, which was acquired by the Complainant and used by the Complainant's digital team. However, in February 2024, the Complainant's account with the registrar with whom it used to register the disputed domain name was erroneously deleted by the Complainant, and the disputed domain name was deleted after 30 days.

The disputed domain name was registered by the Respondent on May 26, 2025, and it currently resolves to an error page. According to the evidence provided by the Complainant, which has not been contested by the Respondent – prior to the present proceeding the disputed domain name pointed to the IP address of a hosting provider commonly used for a Virtual Private Network ("VPN") that encrypts Internet traffic, routes it through a remote service and allows to mask the Respondent's real IP address. Moreover, on July 25, 2025, the Respondent changed the Sending Policy Framework ("SPF") – a type of domain name system ("DNS") record that helps prevent email spoofing – connecting the disputed domain name to <eccoshoesforwomen.us>, <citygo.us>, and <webdesignexpert.us>, and allegedly created subdomains under the disputed domain name identical to the ones used by the Complainant when it owned the disputed domain name.

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 CONTACT mark as it reproduces the mark in its entirety.

The Complainant contends that the Respondent does not have any rights or legitimate interests in respect of the disputed domain name because: i) the Respondent has no right to use the Complainant's CONTACT mark; ii) the Respondent has created an unauthorized and unlawful connection between the Respondent and the Complainant; iii) there is a high risk that the Respondent is misleading or deceiving the public, and that the Respondent's actions are a deliberate attempt at scamming/phishing, which are likely to amount to obtaining by deception or fraud; iv) the Respondent has gone to significant lengths to hide its identity, as the Respondent's telephone contract number has a Chinese country code, the Respondent's contact address is in the United States, the Respondent's publicly facing address is in Iceland, the Respondent's VPN location is in Iran (Islamic Republic of) or Romania, and the Respondent's current hosting provider is set in Europe; and v) there is no evidence that the Respondent has prepared to use the disputed domain name in connection with a legitimate and bona fide offering of services.

With specific reference to the creation of subdomains identical to the ones used by the Complainant when it owned the disputed domain name, the Complainant submits that there may be various malicious reasons for this, including spoofing/seeking to mimic the Complainant's legitimate website on another domain/subdomain, seeking to overload a server, or attempting to bypass domain name security. The Complainant also submits that the Respondent's configuration of SPF records in connection with the disputed domain name including the domain names <eccoshoesforwomen.us>, <citygo.us>, and <webdesignexpert.us> would signal further attempts by the Respondent to conceal its traceability and identity.

With reference to the circumstances evidencing bad faith, the Complainant indicates that Complainant has been using its CONTACT trademark since 1995, and has owned registrations for the same since at least 1998, and submits that, since the Respondent intended to use the disputed domain name and the associated website for the purpose of a scam/phishing scheme, the Respondent intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website and the Respondent's alleged services. The Complainant also asserts that the Respondent's registration and use will disrupt the business of the Complainant.

B. Respondent

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

6. Discussion and Findings

According to paragraph 15(a) of the Rules: "A Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable." Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following:

- (i) that the disputed domain name registered by the Respondent is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) 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 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. Indeed, the Complainant has provided evidence of ownership of valid trademark registrations for CONTACT.

The Panel notes that the CONTACT mark is entirely reproduced in 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 the other terms “digital” and “dev” 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.

As to the generic Top-Level Domain “.net”, it can be disregarded under the first element confusing similarity test, being a standard registration requirement. [WIPO Overview 3.0](#), section 1.11.1.

Therefore, 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 Panel notes that there is no relation, disclosed to the Panel or otherwise apparent from the record, between the Respondent and the Complainant. The Respondent is not an affiliate or licensee of the Complainant, nor has the Respondent obtained authorization to use the Complainant’s trademark or to register the disputed domain name.

Moreover, there is no element from which the Panel could infer the Respondent’s rights over the disputed domain name, or that the Respondent might be commonly known by the disputed domain name. The Panel also finds that there is no evidence of use of the disputed domain name by the Respondent in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use without intent for commercial gain to misleadingly divert consumers or to tarnish the Complainant’s trademark.

As mentioned above, the disputed domain name currently resolves to an error page. According to the Complainant, which has not been challenged by the Respondent, the disputed domain name was registered between 2018 and 2024 by the Complainant and, after being re-registered by the Respondent, the latter availed of a hosting provider commonly used as a VPN source enabling to mask real IP addresses and

configured SPF records connected to apparently unrelated domain names, <eccoshoesforwomen.us>, <citygo.us>, and <webdesignexpert.us>.

The Panel also notes the Complainant owns a variety of “contact-digital-[term].net” domain names. Therefore, the Panel finds that the composition of the disputed domain name carries a risk of implied affiliation and/or user confusion with the Complainant, which prevents a finding of rights or legitimate interests for the Respondent.

The above-described configuration of the disputed domain name also supports the finding that the Respondent does not have rights or legitimate interests on the disputed domain name.

In view of the foregoing and in absence of a Response, the Panel finds the second element of the Policy has also 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.

In the present case, the Panel notes that, in view of the prior registration and use of the trademark CONTACT in connection with the Complainant's services in the energy sector, promoted online via the website “www.contact.co.nz”, and considering the composition of the disputed domain name, similar to the Complainant's other domain names comprised of “contact-digital-[term].net”, the Panel finds, on balance, that the Respondent's registration of the disputed domain name cannot amount to a mere coincidence.

The alleged configuration of subdomains identical to the ones previously created by the Complainant at the time it owned the disputed domain name if true would suggest that the Respondent was indeed well aware of, and intended to target, the Complainant and its trademark at the time of registration. The disputed domain name currently resolves to an error page. Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the composition of the disputed domain name and the circumstance that it was previously registered and used by the Complainant and, considering the prior configuration of the disputed domain name described above and the Respondent's failure to provide any explanation for the registration of the disputed domain name or evidence of actual or contemplated good-faith use, finds that the current passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Therefore, the Panel finds that the Complainant has established the third element of the Policy as well.

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 <contact-digital-dev.net> be transferred to the Complainant.

/Luca Barbero/

Luca Barbero

Sole Panelist

Date: October 6, 2025