

ADMINISTRATIVE PANEL DECISION

Keller Group plc v. Fager Kullan, fager kullan pappila
Case No. D2025-3334

1. The Parties

The Complainant is Keller Group plc, United Kingdom, represented by Barker Brettell LLP, United Kingdom.

The Respondent is Fager Kullan, fager kullan pappila, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <suncoast-pt.net> is registered with Amazon Registrar, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 19, 2025. On August 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 20, 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 (On behalf of suncoast-pt.net owner, Identity Protection Service) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 21, 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 26, 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 28, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 17, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 18, 2025.

The Center appointed Mihaela Maravela as the sole panelist in this matter on September 24, 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

According to the undisputed facts of the case, the Complainant is a United Kingdom company established in 1860, which is an eminent ground engineering contractor, providing technically advanced and cost-effective foundation, retention, and soil treatment solutions. It has operations in more than 40 countries across six continents. In 2001 the Complainant acquired Suncoast Post-Tension, Ltd., a United States company established in 1983, which is the largest unbonded post-tension company in the United States.

The Complainant has proved trademark rights in the name of its wholly owned subsidiary of the following trademarks: the United States trademark SUNCOAST STUD REINFORCEMENT SYSTEM no. 2780504 registered on November 4, 2003, duly renewed, for class 6, and the United States trademark SUNCOAST SRS no. 2782944 registered on November 11, 2003, duly renewed, for class 6. The Complainant and its subsidiary have also registered the domain names <keller.com> and <suncoast-pt.com>, which are used as their official websites.

The disputed domain name was registered on July 28, 2025, and it does not resolve to an active website. According to evidence with the Complaint, the disputed domain name was used for sending emails impersonating employees of the Complainant.

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 trademarks and trading name as it incorporates the word "suncoast" and the letters "pt", an abbreviation of "post-tension" which the Complainant uses in their own domain name <suncoast-pt.com>.

As regards the second element, the Complainant submits that the Respondent did not have the Complainant's permission to register the disputed domain name which contains its registered trademark. Also, there appears to be no legitimate reason for the Respondent to use the Complainant's trademarks and trading names in the disputed domain name other than to mislead, for commercial gain, Internet users by suggesting some form of affiliation, or endorsement of the Respondent's services.

With respect to the third element, the Complainant argues that the company name Suncoast Post-Tension, Ltd., has been used by its subsidiary since 1983 and through the use made of it, the Complainant has acquired a substantial reputation in the company, trademarks and trading names. The disputed domain name was registered on July 28, 2025, which is a significant number of years after the incorporation of the Complainant and its subsidiary and after the start of the Complainant's rights in and use of its trademark rights and company name.

In what concerns the use, the Complainant submits that the disputed domain name was used for fraud to impersonate employees of the Complainant and disrupt its business. As such, two days after the disputed domain name was registered it was used to send emails using the name of an employee of the Complainant. The email was directed to one of the Complainant's customers informing them of an alleged change of bank details for the Complainant's subsidiary.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs this Panel to “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”. Likewise, paragraph 10(d) of the Rules, provides that “the Panel shall determine the admissibility, relevance, materiality and weight of the evidence”.

No response has been received from the Respondent in this case. Even if the Respondent has not replied to the Complainant’s contentions, the Complainant still bears the burden of proving that all requirements are fulfilled. To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights, (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name, and (iii) the disputed domain name has been registered and is being used in bad faith.

The applicable standard of proof in UDRP cases is the “balance of probabilities” or “preponderance of the evidence”, and the Panel can draw certain inferences in light of the particular facts and circumstances of the case. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“[WIPO Overview 3.0](#)”), section 4.2. Concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the reasonable factual allegations in the Complaint as true. [WIPO Overview 3.0](#), section 4.3.

The Panel has taken note of the [WIPO Overview 3.0](#), and, where appropriate, will decide consistently with the consensus views stated therein.

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. It is the settled view of panels applying the Policy that the Top-Level Domain (“TLD”) (here “.net”) may be disregarded under the first element test as it is viewed as a standard registration requirement. [WIPO Overview 3.0](#), section 1.11.1. Thus, the Panel disregards the TLD “.net” for the purposes of the confusing similarity test.

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.

The Panel finds that the Complainant, through its wholly owed subsidiary which owns the trademark registration, has rights in the trademarks SUNCOAST STUD REINFORCEMENT and SUNCOAST SRS.

The Panel finds that the distinctive part, being “suncoast”, of the Complainant’s marks is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Complainant’s mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, respectively, “pt” and a hyphen, 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.

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 a 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.

There is no evidence that the Respondent is using the disputed domain name in connection with a bona fide offering of goods or services or that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name. Rather, according to the unrebutted evidence put forward by the Complainant, the Respondent used the disputed domain name for scamming activities, and such activity cannot amount to a fair use of the disputed domain name, nor can it confer any rights or legitimate interests on the Respondent. See section 2.13 of the [WIPO Overview 3.0](#). In this respect, panels have held that the use of a domain name for illegal activity (here claimed impersonation/passing off) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Also, there is no evidence that the Respondent is commonly known by the disputed domain name.

By not replying to the Complainant’s contentions, the Respondent has failed to invoke any circumstances which could demonstrate any rights or legitimate interests in the disputed domain name. Accordingly, the Panel gives prevalence to the Complainant’s affirmation that it has not granted the Respondent any license to use the disputed domain name.

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.

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.

The disputed domain name was registered many years after the Complainant has obtained registration of its SUNCOAST formative trademarks. The disputed domain name is confusingly similar to the Complainant’s trademarks. The email sent from the disputed domain name uses the name of one of the Complainant’s employees. Under these circumstances, it is most likely that the Respondent was aware of the Complainant’s trademark at the registration of the disputed domain name and sought to take advantage of it.

The Panel also notes that apart from the TLD the disputed domain name is identical to the Complainant’s domain name <suncoast-pt.com>.

Furthermore, according to the unrebutted evidence submitted by the Complainant, the Respondent used the disputed domain name shortly after registration to pass off as one of the Complainant’s employees, apparently as part of a phishing scam. Given such evidence, the Panel agrees with previous UDRP

decisions that “the Respondent’s fraudulent use of the disputed domain name, which began almost immediately after its registration, confirms the possibility that the disputed domain name was registered to conduct a ‘social engineering’ attack or other type of scam”. For such reasons, the Panel finds that the Respondent must have been fully aware of the Complainant’s trademarks and activities when it registered the disputed domain name. See, e.g., *Virgin Enterprises Limited v. Vincent Battista*, WIPO Case No. [D2018-1416](#). The use of a domain name to send deceptive emails, e.g., to obtain sensitive or confidential personal information from prospective job applicants, or to solicit payment of fraudulent invoices by the complainant’s actual or prospective customers and employees constitutes bad faith on the side of the respondent (section 3.4 of the [WIPO Overview 3.0](#)).

In the Panel’s view, these circumstances represent evidence of registration and use in bad faith of the disputed domain name. The Respondent failed to bring evidence as to the contrary.

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 <suncoast-pt.net> be transferred to the Complainant.

/Mihaela Maravela/

Mihaela Maravela

Sole Panelist

Date: October 6, 2025