

ADMINISTRATIVE PANEL DECISION

Lincoln Global, Inc. and The Lincoln Electric Company v. Dan frank, Timax Inc.

Case No. D2025-3430

1. The Parties

The Complainants are Lincoln Global, Inc. and The Lincoln Electric Company, United States of America (“United States” or “US”), represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Dan frank, Timax Inc, United States.

2. The Domain Name and Registrar

The disputed domain name <lincolnelectric-holding.com> (the “Disputed Domain Name”) is registered with eNom, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 26, 2025. On August 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On August 26, 2025, the Registrar transmitted by email to the Center its verification disclosing registrant and contact information for the Disputed Domain Name which differed from the named Respondent (Whois Agent (022420483) Whois Privacy Protection Service, Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainants on September 1, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on September 5, 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 September 15, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 5, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 7, 2025.

The Center appointed Peter J. Dernbach as the sole panelist in this matter on October 14, 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 Complainants are affiliated companies that develop and manufacture welding products, arc welding equipment, welding accessories, plasma and oxy-fuel cutting equipment and robotic welding systems. The Complainants hold a number of trademark registrations (collectively the "LINCOLN ELECTRIC Trademark"), including the following:

- LINCOLN ELECTRIC, United States trademark registration No. 2350082, registered on May 16, 2000, in connection with electrical apparatus and welding electrodes in Class 9.
- LINCOLN ELECTRIC, United States trademark registration No. 2420805, registered on January 16, 2001, in connection with distributorship services in electric arc welders in Class 35.
- LINCOLN ELECTRIC, United States trademark registration No. 3114157, registered on July 11, 2006, in connection with welding consumables in Class 6.
- LINCOLN ELECTRIC, Canada trademark registration No. TMA573494, registered on January 13, 2003, in connection with welding fluxes in Class 1.
- LINCOLN ELECTRIC, Canada trademark registration No. TMA574202, registered on January 22, 2003, in connection with electrical apparatus and welding electrodes in Classes 7 and 9.
- LINCOLN ELECTRIC, European Union trademark registration No. 004725941, registered on November 27, 2006, in connection with metals, electrical apparatus and welding electrodes and business management services in Classes 6, 9, and 35.

The Complainants own various domain names, including its primary domain name <lincolnelectric.com>.

The Disputed Domain Name was registered by the Respondent on July 25, 2025. It previously resolved to a website that imitated the Complainants' official website, including its design, images, and logo. The Disputed Domain Name now resolves to an inactive website.

The Respondent, according to the information provided by the Registrar, is located in the United States.

5. Parties' Contentions

A. Complainants

The Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the Disputed Domain Name. Notably, the Complainants contend that:

- (i) The Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainants have rights.

The Complainants assert that the Disputed Domain Name is confusingly similar to their trademarks because it incorporates the Complainants' LINCOLN ELECTRIC Trademark in its entirety. The inclusion of the descriptive term "holding" does not reduce and may even increase the confusing similarity, as the Complainants' parent organization is called "Lincoln Electric Holdings Inc." Furthermore, the addition of a

hyphen does nothing to distinguish the Disputed Domain Name from the Complainants' trademarks, and the ".com" Top Level Domain can be disregarded for the purposes of determining confusing similarity under the first element.

Furthermore, the Complainants argue that the Respondent's previous use of the Disputed Domain Name to resolve to a website that imitated the Complainants' website contributes to the confusing similarity of the Disputed Domain Name and the Complainants' trademarks.

(ii) The Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.

The Complainants assert that they have not granted, authorized, licensed, or otherwise permitted the Respondent to register and/or use the Complainants' LINCOLN ELECTRIC Trademark in the Disputed Domain Name. Nor is the Respondent sponsored by or affiliated with the Complainants. Also, there is no evidence showing that the Respondent is commonly known by the Disputed Domain Name.

The Complainants also argue that the Disputed Domain Name previously resolved to a website that imitated the Complainants' official website and used the Complainants' logo. This shows that the Respondent intended to deceive Internet users into believing that the website to which the Disputed Domain Name resolved was associated with the Complainants. While the website to which the Disputed Domain Name now resolves is inactive, the Complainants claim that this does not establish a legitimate interest in the Disputed Domain Name. Therefore, the Respondent is not using the Disputed Domain Name in connection with a bona fide offering of goods or services and is not making any legitimate, noncommercial, or fair use of the Disputed Domain Name.

(iii) The Disputed Domain Name has been registered and is being used in bad faith.

The Complainants argue that, given the well-known status and reputation of the Complainants' LINCOLN ELECTRIC Trademark, it is implausible that the Respondent was unaware of the Complainants' brands and LINCOLN ELECTRIC Trademark at the time the Disputed Domain Name was registered.

The Complainants also contend that the Respondent's prior use of the Disputed Domain Name to impersonate Complainants through a website designed to replicate the look and feel of the Complainants' official website indicates that the Respondent registered and used the Disputed Domain Name in bad faith. While the Disputed Domain Name does not currently resolve to an active website, the current passive holding of the Disputed Domain Name does not preclude the finding of use in bad faith. The Complainants have also provided evidence of the Respondent's prior domain name disputes involving domain names containing "lincolnelectric."

Furthermore, the existence of Mail Exchange ("MX") records related to the Disputed Domain Name, enabling the use of the domain name for sending and receiving emails strongly suggests that the Respondent intended to use the Disputed Domain Name for fraudulent phishing activities.

For these reasons, the Complainants contend that the Disputed Domain Name has been registered and used in bad faith.

B. Respondent

The Respondent did not reply to the Complainants' contentions.

6. Discussion and Findings

In accordance with paragraph 4(a) of the Policy, in order to succeed in this administrative proceeding and obtain the requested remedy (in this case, transfer of the Disputed Domain Name), the Complainants must prove that each of the three following elements are present:

(i) the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainants have rights; and

(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.

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 Complainants' 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 Complainants have established that they are the owner of the LINCOLN ELECTRIC Trademark. [WIPO Overview 3.0](#), section 1.2.1. The entirety of the Complainants' LINCOLN ELECTRIC Trademark is reproduced within the Disputed Domain Name. The mere addition of "-holding" in the Disputed Domain Name does not prevent a finding of confusing similarity. In addition, the Top-Level Domain ".com" is a standard registration requirement and does not impact the assessment of confusing similarity.

Therefore, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainants' trademarks, and 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 Complainants, 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 Complainants make 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 Complainants). If the Respondent fails to come forward with such relevant evidence, the Complainants are deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds that the Complainants have established a prima facie case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name, thereby shifting the burden of production to the Respondent. The reasons for this finding are as follows:

(i) The Complainants assert that the Respondent has not been authorized or licensed by the Complainants to use the LINCOLN ELECTRIC Trademark and deny any affiliation with the Respondent.

(ii) There is no indication or evidence to suggest that the Respondent has ever been commonly known by the Disputed Domain Name.

(iii) There is no evidence to show that the Respondent owns any trademarks related to the Disputed Domain Name.

(iv) The Complainants have provided evidence showing that the Disputed Domain Name previously resolved to a website that imitates the Complainants' official website, including the design, color, image, logo, layout, and content. The Panel is therefore persuaded that the Disputed Domain Name was used to target and

impersonate the Complainants' website in order to mislead Internet users. Such use cannot confer any rights or legitimate interests on the Respondent, nor constitutes bona fide use.

As the Complainants have established a prima facie case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name, the burden of production shifts to the Respondent. The Respondent has not rebutted the Complainants' prima facie case, nor has it provided any relevant evidence demonstrating rights or legitimate interests in the Disputed Domain Name, such as those enumerated in the Policy or otherwise.

Therefore, the Panel finds that 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.

Panels have held that the use of a domain name for illegitimate and presumptively illegal activity, such as phishing (including soliciting personal and other data from Internet users under false pretenses) and impersonation, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. In the present case, the Panel notes that the Respondent used the Disputed Domain Name to divert Internet users to a website that imitated the Complainants' official website, incorporating its logo and overall visual identity. Such conduct demonstrates that the Respondent had knowledge of the Complainants and their LINCOLN ELECTRIC Trademark when registering the Disputed Domain Name and sought to profit from their reputation.

In addition, the Respondent's use of the Disputed Domain Name to mimic the Complainants' website also shows that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainants' LINCOLN ELECTRIC Trademark. While the Disputed Domain Name does not currently resolve to an active website, this does not preclude the finding of use in bad faith.

Moreover, the Complainants have provided evidence showing that the Respondent previously registered other domain names containing the term "lincolnelectric," which were found to have been registered and used in bad faith and subsequently transferred to the Complainants. This indicates that the Respondent has engaged in a pattern of bad-faith conduct.

Having considered the above, the Panel finds the Respondent has registered and used the Disputed Domain Name in bad faith. Thus, the Panel finds that the Complainants have 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 <lincolnelectric-holding.com> be transferred to the Complainants.

/Peter J. Dernbach/

Peter J. Dernbach

Sole Panelist

Date: October 27, 2025