

ADMINISTRATIVE PANEL DECISION

Guggenheim Capital, LLC v. Candice Silverstein, guggenhiempartnersllc
Case No. D2025-3570

1. The Parties

Complainant is Guggenheim Capital, LLC, United States of America ("United States"), represented by Snell & Wilmer, LLP, United States.

Respondent is Candice Silverstein, guggenhiempartnersllc, United States.

2. The Domain Name and Registrar

The disputed domain name <guggenhiempartnersllc.com> is registered with Squarespace Domains II LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 3, 2025. On September 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 4, 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 (guggenhiempartnersllc) and contact information in the Complaint. The Center sent an email communication to Complainant on September 5, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant 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 Respondent of the Complaint, and the proceedings commenced on September 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 30, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on October 1, 2025.

The Center appointed Jeffrey D. Steinhardt as sole panelist in this matter on October 17, 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

Complainant is a global investment and advisory financial services firm headquartered in New York City that engages in investment banking, asset management, capital markets services, and insurance services. With roots in business management and precious metals mining dating to the late 1800's, Guggenheim currently has over 2,000 employees and manages hundreds of billions of dollars in assets.

Members of Complainant's company group own a number of registrations including the mark GUGGENHEIM, including for example, United States Trademark Reg. No. 3,121,127, GUGGENHEIM, registered in International Classes 16, 36, and 41 on July 25, 2006; United States Trademark Reg. No. 3,110,878, GUGGENHEIM PARTNERS, registered in International Class 36 on July 4, 2006; and United States Trademark Reg. No. 3,712,544, GUGGENHEIM INVESTMENT ADVISORS, registered November 17, 2009 in International Class 36.

The disputed domain name was registered on March 31, 2025, and resolves to a webpage that states: "guggenheimpartnersllc.com We're under construction. Please check back for an update soon."

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, Complainant contends that its GUGGENHEIM family of trademarks is famous.

Complainant also avers that Respondent is using the disputed domain name in connection with a phishing scheme, posing as Complainant's "hiring manager" and purporting to schedule video conference interviews with job candidates. Complainant also avers that, in this manner, Respondent is using the disputed domain name to obtain personal and financial details from potential candidates.¹

B. Respondent

Respondent did not reply to 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 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.

¹To support these allegations, Complainant provides Annex 7, an exhibit consisting of an alleged email exchange between a hiring candidate and an individual identified as "Hiring Manager" at "Guggenheim Partners, LLC". Annex 7 is considered by the Panel in note 2, below.

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 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, “LLC”) 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 that the first element of Policy paragraph 4(a) 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.

Complainant alleges that there is no evidence that Respondent has used or is preparing to use <guggenheimpartnersllc.com> in connection with the bona fide offering of goods or services or has made or is making a legitimate noncommercial or fair use of the disputed domain name. These allegations are unopposed. Nothing in the record suggests that these allegations are untrue or unfounded.

Having reviewed the available record, the Panel finds that Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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 finds that the second element of Policy paragraph 4(a) 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.

In the present case, Respondent chose to register a domain name that includes the famous Guggenheim name, which had been widely used in business since the late 1800s. Moreover, the disputed domain name fully incorporates the GUGGENHEIM PARTNERS mark, registered in the United States since 2006.

The Panel finds that it is beyond question that Respondent was fully aware of Complainant's trademarks and registered the disputed domain name in bad faith.

Although the disputed domain name was registered over five months before filing of the Complaint, it still resolves only to a webpage stating that the webpage is under construction, without substantive content.

Panels have found that the non-use of a domain name (including a blank or "coming soon" page) 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 distinctiveness and reputation of Complainant's famous GUGGENHEIM family of trademarks, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Under the circumstances, Respondent's failure to respond to the Complaint constitutes further evidence of bad faith.

The Panel finds that Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy; ²the Panel finds that the third element of Policy paragraph 4(a) has been established.

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 <guggenheimpartnersllc.com> be transferred to Complainant.

/Jeffrey D. Steinhardt/

Jeffrey D. Steinhardt

Sole Panelist

Date: October 28, 2025

² As noted above, Complainant alleges that Respondent is using the disputed domain name in a phishing scheme to collect personal data by posing as a hiring manager with one of Complainant's companies. While the address of the hiring manager shows an email *display name* that includes the disputed domain name, the email on its face appears to be sent from an address at "hr.guggenheimpartners@gmail.com". Complainant does not address this discrepancy, alleging only that "Respondent is also using the domain name in connection with a phishing scheme, posing as Respondent's 'hiring manager' purporting to schedule videoconference interviews with job candidates", and that "A true and correct copy of an email displaying Respondent's domain name <guggenheimpartnersllc.com> in the display name of the email author is attached as Annex 7".

In the Panels' view, the email's introduction raises some unexplained questions. Nothing links Annex 7 to Respondent, describes how Complainant came into possession of the email, or became aware of Respondent's alleged phishing scheme. In addition, the Panel is aware that such addresses (and display names in particular) are easily manipulated. Other ample indications of bad faith are sufficient for the Panel to rule on the application of Policy paragraph 4(a)(iii) without relying upon Annex 7 in these circumstances.