

ADMINISTRATIVE PANEL DECISION

Karsten Manufacturing Corporation v. Lyuben Stoev
Case No. D2025-3902

1. The Parties

1.1 The Complainant is Karsten Manufacturing Corporation, United States of America (“United States”), represented by Elster & McGrady LLC, United States.

1.2 The Respondent is Lyuben Stoev, Bulgaria.

2. The Domain Name and Registrar

2.1 The disputed domain name <ping.bot> (the “Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

3.1 The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 25, 2025. At that time, publicly available Whois details did not identify the underlying registrant of the Domain Name.

3.2 On September 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On September 25, 2025, the Registrar transmitted by email to the Center its verification response disclosing the underlying registrant and contact information for the Domain Name. The Center sent an email communication to the Complainant on September 30, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint.

3.3 On September 30, 2025, the Respondent sent an email to the Center.

3.4 The Complainant filed an amended Complaint on October 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”).

3.5 In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on October 15, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 4, 2025. The Response was filed with the Center on November 4, 2025.

3.6 The Center appointed Matthew S. Harris, Evan D. Brown, and Marilena Comanescu as panelists in this matter on December 5, 2025. The Panel finds that it was properly constituted. Each member of 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

4.1 The Complainant is a company incorporated in the United States. Since January 1959 it has used the trade mark PING in connection with golf clubs, golf equipment, and related goods and services. It also promotes its business and offers golfing related products from a website operating from the Domain Name <ping.com>.

4.2 The Complainant is the owner of various trade marks for PING. They include:

- (i) United States registered trade mark no. 704552, for PING as a standard character mark applied for on September 3, 1959, and registered on September 20, 1960, in class 28; and
- (ii) European Union registered trade mark no. 018909301 for PING as a word mark with a filing date of August 2, 2023, and a registration date of December 19, 2023, in class 28.

4.3 The Respondent is an individual giving an address in Bulgaria. The Domain Name was registered by the Respondent on December 31, 2024. It was used to at least some degree after registration for a pay-per-click (PPC) parking page. The circumstances surrounding that use and the nature of the PPC links displayed are addressed in greater detail later on in this decision.

4.4 Subsequent to the filing of the Complainant in these proceedings a website began to operate from the Domain Name that purported to comprise “The Ultimate Guide to the Ping Command in Linux”. As at October 15, 2025, towards the top of that page was also the statement:

“Coming soon - web based online ping tool, where you can ping your servers from many location around the world”

4.5 Subsequently changes were made to that page so that in place of that text there was an offering of a “Ping automation service” inviting the visitor to “Ping a Domain or IPv4 address” and with an interactive field whereby that visitor can enter a domain or IP address.

5. Parties’ Contentions

A. Complaint

5.1 The Complainant refers in the Complaint to its business and marks.

5.2 The Complainant claims that its PING mark has been used for the Complainant’s business “in connection with golf goods throughout the United States and around the world since at least as early as 1959” and it refers to a United States court decision which it states found that mark to be famous in connection with golf-related equipment and services. However, no evidence is provided as to the extent to which the mark has been used or is known outside of the United States.

5.3 In its Complaint, the Complainant contends that the Domain Name has been used for PPC links that are golf related. However, a provided screenshot of the relevant PPC page dated September 24, 2025, and exhibited to the Complaint shows the PPC links displayed to have been “Host Wordpress”, “Windows Command Line Check Internet Speed”, and “Best Ip Address to Ping to Test My Internet Connection”.

5.4 The Complainant contends that the Domain Name is confusingly similar to its PING mark because it consists of that mark in its entirety in combination with the generic Top-Level Domain (“gTLD”) “.bot”.

5.5 The Complainant further contends that the Respondent has no rights or legitimate interests in the Domain Name, (a) having received no license or consent from the Complainant to use its PING mark, (b) where there is no evidence of the Respondent prior to notice of this dispute having used the Domain Name in connection with a bona fide offering of services, and (c) given the PPC use claimed. In this respect, it maintains that the Respondent’s contention in its email of September 30, 2025, that it intended to use the Domain Name in respect of a “ping tool”, does not amount to “demonstrable preparations” within the scope of paragraphs 4(c)(i) of the Policy.

5.6 The Complainant also contends that the PPC use made of the Domain Name falls within the scope of paragraph 4(b)(iv) of the Policy, and that there is “no conceivable reason for [the] Respondent to have registered the Disputed Domain other than to trade off the reputation and goodwill of the PING Mark”. It also maintains that it would be implausible for the Respondent to argue that it was unaware of the Complainant’s rights since these would have been apparent “had [the] Respondent conducted a preliminary trademark search or even a simple browser”.

5.7 The Complainant also relies upon the setting up of Mail eXchange (“MX”) records for the Domain Name which means that the Respondent “can” send “fraudulent emails”. The Complainant further contends that the Respondent has concealed and continues to conceal himself in the Whois database, and that this also supports a finding of bad faith registration and use.

B. Response

5.8 The Respondent sent a first email communication to the Center on September 30, 2025, asserting:

“I own the “ping.bot” domain, and I am currently developing my site, which is a wiki-like informative site with a ping tool. Suddenly, I understand the domain is blocked with a complaint. I bought the domain name almost 10 months ago, and it was a good deal of money for a domain!!! I am not a “domain name troll” (I do not own many domains, at all!!!) and I needed time to develop my ideas, that’s why the domain was not used till now, but my basic site is ready and I want to use it!

I am opposing any complaint, and I want to use my site. The domain name [<ping.bot>] was bought by a European physical person without any malicious intent, and in fact, because it was related to the “ping” command, it would have information and the ping tool only for it! In fact, I had owned “ping.site” before, but it was too expensive (above 3000\$ renewal), and for a while I was looking for another ping-in-the name domain main for my ideas. I found the “ping.bot” free and about ~1000\$ per year, and I bought it! I want my domain back, I bought it rightfully, and I have not committed any wrongdoings. I also do not know anyone to have the pingdot trademark, so I want to use my domain.”

5.9 On November 4, 2025, the Respondent submitted a Response which in essence claims that:

(i) The term “ping” has a generic and technical meaning in that it refers to the ping command that has been a “fundamental component of virtually every networked operating system, including Microsoft Windows, Apple macOS, and Linux”, and which is used to measure Internet response times. The Respondent refers to, and exhibits in support of that claim, material from Wikipedia and the definition of “ping” in the Cambridge Dictionary of English Dictionary.

(ii) There are other “ping” related domain names that have been registered and used in connection with that technical meaning. In this respect, the Respondent refers to the use of the <ping.be> and <ping.eu> domain names.

(iii) The screenshots provided by the Complainant in support of the claim that the Domain Name has been used in relation to PPC links related to golf, do not actually show any such use. Further, these links are also said to be “automatically generated” and created by default by the Registrar, and the Respondent claims that he has not financially gained from these links.

(iv) The Respondent is a software engineer with a professional and personal background in Information Technology with more than 20 years of professional experience in IT System Administration.

(v) The Respondent registered the Domain Name because of its associations with the generic and technical meaning and in particular to create a technical tool related to the Domain Name's generic meaning.

(vi) The Domain Name was not actively used by the Respondent for a purpose associated with its claimed generic meaning between registering the Domain Name and the filing of the Complaint. However, the delay is said to be explicable by reason of the fact that the Respondent has two IT jobs, is a partner in two IT companies, is a father to two young children and the project for which he wanted to use the Domain Name is one that he intended to develop in his personal free time.

(vii) The Respondent's intended use of the Domain Name is similar to a project that the Respondent previously engaged in using the domain name <ahelpme.com> for a technical articles website. That project took approximately 9 months to develop with that domain name being registered on December 5, 2017, being initially parked with the registrar and displaying a parking page “identical to the initial status of the [Domain Name] before going live on August 26, 2018”.

(viii) There has been no deliberate concealment of the Respondent's identity and that the use of a privacy service was in accordance with the General Data Protection Regulation.

(ix) The choice of a “.bot” gTLD for the Domain Name supports the Respondent's contentions as to why the Domain Name was chosen. In this respect “a ‘bot’ is an automated software program that performs repetitive tasks over a network”. This was a natural choice for the Respondent's project to create an “automated ping utility” and would inherently suggest to Internet users that the Domain Name was likely to host a software tool or service, not a site for golf equipment.

(x) Google searches for the term “ping” are claimed predominantly to yield results associated with the Respondent's claimed use of the term “Ping”, rather than the Complainant or its products. Screenshots from a Google search are provided that are said to support that contention.

(xi) The Complainant's claims in relation to MX records are said to involve a gross mischaracterisation of a standard, automatic technical feature, which is enabled by many registrars and by the Registrar automatically and by default. Further, there is no evidence that any fraudulent email has been sent from the Domain Name.

(xii) The Respondent also provides a screenshot of what it described as the “ping.bot development repository” with GitHub, with “commits” starting from January 2025. The nature of each of these commits is not explained in any detail, although the comments recorded in this screenshot include the following:

March 6, 2025: “Index page with coming soon widget on the top”

May 28, 2025: “Added ping functionality with only one servicer, the local one. Added multiple files and logic. Big commit.”

July 25, 2025: “Added ping status – OK, LOSS, Fail”

July 26, 2025: “Responsive table for the ping results”

5.10 The Respondent also makes a request for a finding of Reverse Domain Name Hijacking. The reasons advanced for this are that (a) the Complainant has misrepresented the evidence as to PPC use, (b) the Complainant has disregarded UDRP principles, and (c) the Complainant failed to acknowledge the generic nature of the term “ping”.

C. Supplemental Submissions

5.11 Each of the parties filed supplemental submissions in these proceedings. Neither were called for by the Panel.

5.12 The Panel has not considered it necessary to rely upon the content of either of these submissions to come to its decision in these proceedings, save that it notes and has taken into consideration that the Complainant’s supplemental submission (a) provided five further screenshots of PPC pages appearing from the Domain Name which it says were inadvertently omitted from the original Complaint, and (b) refers to a trade mark application recently filed by the Respondent, (c) referred to the change of content on the website at the Domain Name.

5.13 So far as these screenshots of additional PPC pages are concerned:

- (i) One is dated April 28, 2025, and displays “Golf Clubs”, “Ladies Golf Clubs” and “Pre Owned Callaway Golf Clubs”;
- (ii) One is dated May 13, 2025, and displays “Network Server”, “Network Firewall” and “Buy Used Callaway Golf Clubs”;
- (iii) One is dated May 29, 2025, and displays “Ship Golf Clubs International”, “Host Server”, “Us Ip Address for Testing”;
- (iv) One is dated June 1, 2025, and displays “Golf Range Finders on Sale”, “Network Firewall” and “Wordpress Server”; and
- (v) The last dated December 8, 2025, and displays “Network Firewall”, “Customized Golf Accessories”, and “Network Latency Test Tool”.

5.14 So far as the Respondent’s trade mark application is concerned, this is a European Union Trade Mark application 19254580 filed on September 30, 2025, for ping.bot as a word mark in classes 38 and 42. The Complainant contends that this application “destroys [the Respondent’s] ‘non-trademark sense’ defense”.

6. Discussion and Findings

A. Identical or Confusingly Similar

6.1 The Respondent contends that although the Complainant has trade mark rights for PING in connection with golf equipment and related goods, “when viewed in its proper context” and in particular the potential technical use of the term “ping” and how the “.bot” gTLD would be understood by Internet users, the Domain Name is not confusingly similar to the Complainant’s mark.

6.2 The Respondent’s contentions in this respect misunderstand the first element of the Policy. It is now generally accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity does not involve any assessment of whether in actual or intended use, the use of a domain name would cause confusion with a mark. It instead involves a reasoned but relatively straightforward comparison between the complainant’s trade mark and the domain name and where it is usually sufficient for a finding of confusing similarity that the mark is recognisable in the domain name; see in this respect the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“[WIPO Overview 3.0](#)”), section 1.7. The existence of any additional terms in the domain name is something that may be important when it comes to the assessment of the second and third elements of the Policy, but is usually not relevant to the assessment of the first (section 1.8 of the [WIPO Overview 3.0](#)).

6.3 In this case the Complainant has shown that it has rights in registered trade marks for PING and the Domain Name comprises (only) that term combined with the “.bot” gTLD. It follows that the Panel is satisfied that the Domain Name is at least confusingly similar with the Complainant’s mark and that the Complainant has established the first element of the Policy.

B. Rights or Legitimate Interests

6.4 Given the Panel’s findings in relation to bad faith registration it is not necessary to consider whether the Respondent has rights and legitimate interests in the Domain Name for the purposes of the Policy.

C. Registered and Used in Bad Faith

6.5 The Complainant’s contention that there is no conceivable use of the Domain Name other than in connection with its business and marks, is obviously wrong. “Ping” is an ordinary English word that has a number of potential meanings. The Panel also accepts (both as a matter of its own general knowledge and on the basis of the evidence provided by the Respondent) that one of these meanings is as an Internet related term referring to the sending of a small data packet to a device to check whether it is reachable and to test network speeds.

6.6 With this in mind, at its heart whether the Respondent has registered the Domain Name in bad faith depends upon whether the Complainant can demonstrate that the Domain Name was registered with knowledge of and with the intention to take unfair advantage of the reputation of the Complainant trade marks, and not in connection with the Internet related meaning of the word “ping”, as claimed by the Respondent.

6.7 The Respondent’s claimed intention here is not inherently implausible, particularly coming from someone who is a software engineer.

6.8 The Respondent perhaps overstates matters somewhat when he contends that the use of the “.bot” gTLD necessarily signals a use of the Domain Name which is unrelated to the Complainant’s commercial activities. The Panel accepts that the term “bot” is one that is often used for an automated software program that performs repetitive tasks over the Internet, and that the “.bot” gTLD is likely to be attractive to someone who wants to use a Domain Name with such connotations. But there is no requirement that domain names with that gTLD be used for a “bot” related purpose and there are in any event many plausible ways in which a trade mark owner might want to operate a “bot” related website, e.g., a chatbot. Nevertheless, the Panel accepts that this gTLD was a natural one for the Respondent to choose for his claimed project. As such, it lends at least some support to the Respondent’s claims.

6.9 Further, there is the fact that the Respondent has now set up a website that is consistent with its claimed intended use of the Domain Name. This, of course, occurred many months after registration of the Domain Name and after the Respondent was notified of the Complainant’s claims. The Panel strongly suspects that the timing of that website going live was in very large part driven by these proceedings, and frequently panels have given little weight to an online use that only materialises after a dispute has arisen (and it is not something that amounts to “demonstrable preparations” before notice of a dispute within the scope of paragraph 4(c)(i) of the Policy). However, there is some evidence in the form of a GitHub screenshot that suggest that at least some work had been undertaken in connection with this website prior to the Respondent having knowledge of the Complainant’s claims. The Respondent has also provided a plausible explanation for the delay in using the Domain Name for its claimed intended use (and also has provided evidence of a similar delay in his actively developing a website using another domain name).

6.10 The one factor that does undermine the Respondent’s contentions, is the use of the Domain Name for PPC links associated with the Complainant’s business and marks (and the Panel has been prepared to take into account the Complainant’s evidence in this respect, notwithstanding that this was missing from the original Complaint). Such links have frequently been found by panels to fall within the scope of paragraph 4(b)(iv) of the Policy as evidence of bad faith registration and use. The fact that those links have been

generated automatically by a registrar or a third party is usually not a sufficient answer to a claim of bad faith use, since a registrant is generally considered to be responsible for what appears on a website operating from its domain name and it also does not matter that the registrant does not personally benefit from that use (see section 2.9 of the [WIPO Overview 3.0](#) and *Express Scripts, Inc. v. Windgather Investments Ltd. / Mr. Cartwright*, WIPO Case No. [D2007-0267](#) cited in that section).

6.11 Nevertheless although often accepted as evidence of both bad faith use and bad faith registration, that is not always the case (as to which see for example *Costamex, S.A. de C.V. (COSTAMEX), Operación y Supervisión de Hoteles, S.A. de C.V. (OPYSSA) v. Vertical Axis Inc.*, WIPO Case No. [D2013-1829](#)).

6.12 This is so here where the Panel is not persuaded based on the material before it as a whole that the Complainant has shown that the Respondent's motives for registration were to take advantage of the Complainant's marks. Not only is there plausible material before the Panel as to the Respondent's intentions, but the Complainant's own evidence so far as PPC links are concerned is patchy. That evidence shows that at times links were displayed which had nothing to do with the Complainant and were more consistent with the Respondent's contentions as to the Internet meaning of the term "ping".

6.13 For these reasons, and notwithstanding these PPC links, the Panel concludes that the Complainant has failed to demonstrate that the Domain Name was registered in bad faith.

6.14 The Panel would add that it does not consider it to be significant either way that the Respondent made an application for a European Union trade mark that takes the form "ping.bot" on September 30, 2025. It seems likely given its timing that this application was made by the Respondent in response to these proceedings. But the Respondent did not attempt in any way to rely on this application in his Response. Furthermore, the Panel rejects the Complainant's contention that this application somehow "destroys [the Respondent's] 'non-trademark sense' defense". The Panel is satisfied that the term "ping" can be used in a descriptive sense unrelated to the Complainant, and for the reasons already given, the Panel concludes that the Complainant has failed to show that the Domain Name was registered not because of that descriptive meaning but because of its associations with the Complainant's mark. (The fact that "ping" has a potential descriptive meaning is something that the Respondent may or may not find is problematic in prosecuting a European Union trade mark application that comprises that term combined with a gTLD, but the making of that application does not get anywhere near showing that the Domain Name was registered because of its associations with the Complainant's mark.)

6.15 The Panel is further unconvinced by the Complainant's contention that the Respondent has concealed and continues to conceal himself in the Whois database and that this is another indicator of bad faith in this case. The Respondent's contact details were disclosed in response to the Center's Registrar verification request. There is also nothing before the Panel that suggests that the reason why the Respondent's contact details were not initially publicly available, was anything other than as a consequence of the way in which the Registrar's implementation of ICANN's Temporary Specification for gTLD Registration Data and/or ICANN's Registration Data Policy.

6.16 Furthermore, the Panel is similarly unconvinced by the Complainant's reference to the configuration of MX records. There are cases where the configuration of such records can be a genuine cause for concern, particularly if the domain name takes a form or relates to a trade mark that suggests that the domain name is particularly susceptible to fraudulent use. However, there is nothing before the Panel that suggests that the Domain Name has been used for such an improper purpose or there are factors that suggest this is particularly likely in this case. Indeed, the highest that the Complainant puts matters is that the Domain Name "can" be (rather than has been or will be) misused in this fashion. Furthermore, the Panel accepts the Respondent's contentions that the configuration of MX records is something that is often done by a registrar, and that this is what has occurred in this case.

6.17 In the circumstances, the Complainant has failed to make out the third element of the Policy.

D. Reverse Domain Name Hijacking

6.18 The circumstances in which a panel will issue a finding of Reverse Domain Name Hijacking are explored in some detail in section 4.16 of the [WIPO Overview 3.0](#). Such circumstances include facts which demonstrate that the complainant knew it could not succeed in any of the required elements of the policy and/or the provision of false evidence.

6.19 There are aspects of the Complaint in this case that the Panel finds troubling. One is the Complainant's contention that there was no conceivable reason for the registration of the Domain Name other than to trade off the reputation and goodwill of the PING Mark. That this was wrong should have been obvious given the fact that "ping" is an ordinary English word which might have many potential legitimate uses.

6.20 Similarly, the Complainant's must or should have known that it was at best overstating matters when it claimed that there was some deliberate disguising of the Respondent's identity or suggesting that the configuration of MX records indicated bad faith. The Complainant has engaged external counsel who should have known better than to advance these contentions in the way that they were.

6.21 Further, the fact that the Complaint was at least not prepared with the care that it could have been, is apparent from the fact that PPC links that the Complainant intended to rely upon were not enclosed with the initial Complaint and were only provided in a supplemental submission. Given this, it is perhaps unsurprising that significant sections of the Response were directed to the alleged misleading nature of the Complainant's contentions in this respect. This is, to say the least, unfortunate.

6.22 However, ultimately the fact remains that there did exist PPC links that suggested that the Domain Name was being used in fashion that took unfair advantage of the Complainant's trade mark rights and this was activity that prima facie fell within the scope of paragraph 4(b)(iv) of the Policy. Further, the Panel has seen nothing that suggests that the Complainant should have known that the Domain Name had been registered for the reasons claimed by the Respondent, particularly in circumstances where the Domain Name had been held for many months without being used for an active website consistent with the Respondent's subsequent contentions.

6.23 In the circumstances, the Panel declines to make a finding of reverse domain name hijacking.

7. Decision

7.1 For the foregoing reasons, the Complaint is denied.

/Matthew S. Harris/

Matthew S. Harris

Presiding Panelist

/Evan D. Brown/

Evan D. Brown

Panelist

/Marilena Comanescu/

Marilena Comanescu

Panelist

Date: December 19, 2025