

ADMINISTRATIVE PANEL DECISION

D. E. Shaw & Co., Inc. v. Mrek LI, ASDF
Case No. D2025-4038

1. The Parties

Complainant is D. E. Shaw & Co., Inc., United States of America (the “United States”), represented by Fross Zelnick Lehrman & Zissu, PC, United States.

Respondent is Mrek LI, ASDF, United States.

2. The Domain Name and Registrar

The Disputed Domain Name <deshawco.com> is registered with Tucows Domains Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 2, 2025. On October 3, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On October 3, 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 (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to Complainant on October 6, 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 October 8, 2025.

The Center verified that the Complaint together with 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 October 16, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 5, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on November 11, 2025.

The Center appointed Richard W. Page as the sole panelist in this matter on November 18, 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 (the D.E. Shaw Group) is the general partner of a global investment and technology development firm, founded in 1988, with more than USD 70 billion in managed assets and more than 2,500 employees around the world. Complainant has offices in the United States, Europe, and Asia and hosts its main website at <deshaw.com>.

Complainant owns many trademark registrations for D.E. SHAW (the “DESHAW Mark”), including but not limited to:

Japanese Registration No.5333540 registered June 25, 2010, in international class 36;

Chinese Registration No. 6049076 registered March 6, 2010, in international class 36;

European Union Registration No. 3957222 registered October 6, 2005, in international classes 9, 36, and 42; and

United States Registration No. 7742977 registered April 1, 2025, in international classes 36 and 42.

The Disputed Domain Name was registered on July 12, 2025, and resolved to a website which included a copyright notice referencing Complainant, together with text and images copied from Complainant’s official website to promote investment opportunities. The website was deactivated by the Registrar at the request of Complainant.

5. Parties’ Contentions

A. Complainant

Complainant contends that it has the exclusive right to use the DESHAW Mark in connection with the identified goods in the trademark registrations as a matter of law and that the Disputed Domain Name is confusingly similar to the DESHAW Mark.

Complainant contends that the Disputed Domain Name is virtually identical to the DESHAW Mark, merely omitting the “periods” as punctuation and adding the generic Top-Level-Domain (“gTLD”) “.com”. Complainant further contends that this does not prevent a finding of confusing similarity.

Complainant submits that the Disputed Domain Name was registered years after the DESHAW Mark.

Complainant further submits that there is no relationship between Complainant and Respondent that would give rise to any license, permission, or authorization for Respondent to use or register the Disputed Domain Name.

Complainant further submits that Respondent has registered the Disputed Domain Name to impersonate Complainant and to perpetrate fraud by soliciting investments from unsuspecting victims based on Complainant’s reputation and upon the goodwill of the DESHAW Mark.

Complainant further submits that it does not operate an office in Japan nor does it operate a Japanese branch of any kind.

Complainant further submits that, despite this, the website to which the Disputed Domain Name resolved, when active, stated (in Japanese) that the website was that of “the Japanese base of the DE Shaw Group, a global investment management company.” The website also contained a copyright notice purporting to show that the website was owned by Complainant.

Complainant further submits that Respondent used text and images copied from the “www.deshaw.com” website to promote investment opportunities that are wholly unconnected to Complainant or its business. Respondent’s website was promoting an investment opportunity promising 180% returns. Not only does this plan promise such excessive returns, but the terms of the investment come with significant restrictions that include a “non-disclosure agreement between us and you in order to smoothly implement this transaction plan. Do not divulge the trading strategy and operational details (including asset status) to third parties.”

Complainant further submits that Respondent is not an actual company and has not been registered with Japan’s Financial Services Agency (FSA). If Respondent is not registered with the FSA, its solicitation of investors for the investment advertised at Respondent’s website violates several Japanese laws.

Complainant further submits that Respondent’s website, when active, stated that the Japanese office is operated under the leadership of a Head of AI Investment Research Operations who “leads the management and investment strategies of DE Shaw & Co.’s Japan branch. Complainant does not employ anyone by that name.

Complainant further submits that it has been contacted by suspected victims of Respondent’s fraudulent investment scheme in emails that confirm that at least some individuals may have invested under the false impression that they were investing with Complainant. In text messages sent by Respondent to these individuals, Respondent made false claims about Complainant and that Respondent’s purported company is registered with the FSA. Translated texts from Respondent falsely state that Respondent’s investment scheme is authorized by the Japanese government and is supervised and audited, all without any evidence. Respondent then made unsupported claims of about 20% daily profits and explained how to convince skeptical family members to get on board and proceed with an investment with Respondent.

Complainant further submits that the website to which the Disputed Domain Name resolves is no longer active. Complainant’s counsel wrote to Amazon, the Internet Service Provider (“ISP”) hosting Respondent’s website, on October 2, 2025. Amazon confirmed that it forwarded this Complaint to Respondent on October 6, 2025. As of October 6, 2025, Respondent’s website had been deactivated and now states that the website is under construction.

Complainant alleges that Respondent has committed bad faith in violation of paragraph 4(b)(iv) of the Policy. Complainant further alleges that Respondent has engaged in impersonation and had actual and constructive knowledge of Complainant’s rights in the DESHAW Mark at the time Respondent registered the Disputed Domain Name.

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Disputed Domain Name.

B. Respondent

Respondent did not reply to Complainant’s contentions.

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs the Panel as to the principles the Panel is to use in determining the dispute: “A Panel shall decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules, and any rules and principles of law that it deems applicable.”

Even though Respondent has failed to file a Response or to contest Complainant's assertions, the Panelist will review the evidence proffered by Complainant to verify that the essential elements of the claims are met. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.3.

Paragraph 4(a) of the Policy directs that Complainant must prove each of the following three elements:

- i) that the Disputed Domain Name registered by Respondent is identical or confusingly similar to the DESHAW Mark in which Complainant has rights; and,
- ii) that 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

[WIPO Overview 3.0](#), section 1.2.1 states that registration of the DESHAW Mark is prima facie evidence of Complainant having rights in the DESHAW Mark for purposes of standing to file a UDRP case.

Complainant has shown rights in respect of the DESHAW Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

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 DESHAW Mark and the Disputed Domain Name. [WIPO Overview 3.0](#), section 1.7.

The entirety of the mark is reproduced within the Disputed Domain Name. Accordingly, the Disputed Domain Name is confusingly similar to the DESHAW Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the changes to the Disputed Domain Name, here the deletion of "periods" and the addition of "co," may bear on assessment of the second and third elements, the Panel finds the deletions and addition do not prevent a finding of confusing similarity between the Disputed Domain Name and the DESHAW 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 Respondent may demonstrate rights or legitimate interests in the Disputed Domain Name:

- (i) before any notice to you [Respondent] of the dispute, your use of, or demonstrable preparations to use, the Disputed Domain Name or a name corresponding to the Disputed Domain Name in connection with a bona fide offering of goods or services; or
- (ii) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Disputed Domain Name, even if you have acquired no trademark or service mark rights; or
- (iii) you [Respondent] are making a legitimate noncommercial or fair use of the Disputed Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the DESHAW Mark.

Although the overall burden of proof in UDRP proceedings is on Complainant, panels have recognized that proving a Respondent lacks rights or legitimate interests in the Disputed Domain Name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or

control of Respondent. As such, where Complainant makes out a prima facie case that Respondent lacks rights or legitimate interests, the burden of production on this element shifts to Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the Disputed Domain Name (although the burden of proof always remains on Complainant). If Respondent fails to come forward with such relevant evidence, Complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds 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.

Panels have held that the use of the Disputed Domain Name for illegitimate activity, here, impersonation and fraud, can never confer rights or legitimate interests on Respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 forth four nonexclusive criteria for Complainant to show bad faith registration and use of the Disputed Domain Name:

- (i) circumstances indicating that you [Respondent] have registered or you have acquired the Disputed Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Disputed Domain Name registration to Complainant who is the owner of the DESHAW Mark or to a competitor of Complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the Disputed Domain Name; or
- (ii) you [Respondent] have registered the Disputed Domain Name in order to prevent the owner of the DESHAW Mark from reflecting the DESHAW Mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or
- (iii) you [Respondent] have registered the Disputed Domain Name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the Disputed Domain Names, you [Respondent] have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion with the DESHAW Mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product on your website or location.

In the present case, the Panel notes that the Respondent has engaged in activity violative of paragraph 4(b)(iv) of the Policy.

Panels have held that the use of the Disputed Domain Name for illegitimate activity, here impersonation and fraud, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds Respondent's registration and use of the Disputed Domain Name constitutes bad faith under the Policy.

The Panel finds that 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 <deshawco.com> be transferred to the Complainant.

/Richard W. Page/

Richard W. Page

Sole Panelist

Date: November 27, 2025