

ADMINISTRATIVE PANEL DECISION

Kimley-Horn and Associates, Inc. v. gchgcfcf jgvjyvuyf, hchfcfkitcrt
Case No. D2025-4242

1. The Parties

The Complainant is Kimley-Horn and Associates, Inc., United States of America (“United States”), represented by Nelson Mullins Riley & Scarborough LLP, United States.

The Respondent is gchgcfcf jgvjyvuyf, hchfcfkitcrt, United States.

2. The Domain Name and Registrar

The disputed domain name <kimley-ihorn.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 16, 2025. On October 16, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 16, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 16, 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 October 22, 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 October 27, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 16, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 21, 2025.

The Center appointed Angela Fox as the sole panelist in this matter on December 2, 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 Complainant is a company based in North Carolina, United States, which specializes in the fields of planning, engineering and design consultancy in a wide range of disciplines. The Complainant was founded in 1967 and since then has been doing business continuously under the name and trademark KIMLEY-HORN. The Complainant owns the following federal trademark registrations for KIMLEY-HORN in plain and stylized form, details of which were annexed to the Complaint:

- United States trademark registration no. 2,788,474 for KIMLEY-HORN in Classes 36 and 42, registered on December 2, 2003;
- United States trademark registration no. 7,036,864 for KIMLEY-HORN in Classes 35, 37, 39, 42 and 45, registered on April 25, 2023;
- United States trademark registration no. 4,685,771 for KIMLEY-HORN (Stylized) in Classes 36 and 42, registered on February 10, 2015; and

The disputed domain name was registered on August 20, 2025. It does not link to any active website and does not appear to have been used in any active capacity. In the Whois details as disclosed by the Registrar, the Respondent's name and organization name details, gchgcfcf jgvjyvuyf, hchfcfkitcrt, appear to be false and emails from the Center to the Respondent's email address were returned as undeliverable.

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 KIMLEY-HORN trademark, in which it owns registered trademark rights.

The Complainant further contends that the Respondent has no legitimate rights or interests in the disputed domain name. The Respondent is not commonly known by a name corresponding to the disputed domain name and has not been making any use of it. The Complainant submits that the Respondent cannot have any legitimate rights or interests in the disputed domain name because it is so similar to the Complainant's trademark that it effectively impersonates the Complainant. The Complainant notes that the Respondent has associated MX servers to the disputed domain name, which the Complainant submits implies an intent to use the disputed domain name in connection with email addresses likely to be used for the perpetration of an email-based scam.

Finally, the Complainant submits that the Respondent registered the disputed domain name in bad faith, and that its passive holding should be construed to be use in bad faith. The Complainant argues that its KIMLEY-HORN trademark is highly distinctive and has been used for 58 years, such that it stretches credibility that the Respondent would have a legitimate reason for registering such a confusingly similar domain name other than to target the Complainant. The Complainant submits that the Respondent must have been aware of the Complainant's trademark when it registered the disputed domain name, and that the association of MX servers with the disputed domain name indicates that it is just a matter of time before the Respondent uses the disputed domain name in connection with email fraud.

B. Respondent

The Respondent did not reply to the Complainant's contentions and is in default. No exceptional circumstances explaining the default have been put forward. Therefore, in accordance with paragraphs 14 (a) and (b) of the Rules, the Panel will decide the Complaint and shall draw such inferences, as it considers appropriate from the Respondent's default.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, a complainant can only succeed in an administrative proceeding under the Policy if the panel finds that:

- (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 the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

All three elements must be present before a complainant can succeed in an administrative proceeding under the Policy.

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 of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

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 the Complainant's mark is recognizable within the disputed domain name. The distinctive element, "kimley-ihorn", differs from the Complainant's trademark only by the addition of the letter "i" before the letter "h". This one-letter difference is minor and easily overlooked visually. The Complainant's trademark is easily recognizable within the disputed domain name despite this minor visual difference. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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 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.

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.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

For the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes certain circumstances that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith. However, these circumstances are expressly without limitation, and the Panel is entitled to take into account other facts and circumstances which point to registration and use of a domain name in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In the present case, the disputed domain name is very similar to the Complainant's trademark KIMLEY-HORN and is indeed so similar that it is likely to be mistaken for the Complainant's trademark given the very minor visual difference between them. The disputed domain name was registered long after the Complainant had begun using it, and after the Complainant had acquired its registered trademark rights. The Complainant's KIMLEY-HORN trademark appears to be highly distinctive and given that the Respondent's Whois details give a physical address in the United States, where the Complainant is also based and does business, the Panel considers it more likely than not that in registering the disputed domain name, the Respondent was aware of and was targeting the Complainant. The Panel is satisfied that the disputed domain name was registered in bad faith.

Although the Respondent does not appear to have made any active use of the disputed domain name, the doctrine of passive holding may make a finding of registration and use in bad faith appropriate in spite of that, taking into account the totality of the circumstances. [WIPO Overview 3.0](#), section 3.3. In this case, the Complainant's trademark is inherently strongly distinctive, and the disputed domain name is nearly identical to the Complainant's trademark. It is difficult to envisage any good faith use to which the disputed domain name could be put, and the Respondent has made no effort to reply to the Complainant's contentions. The Respondent has, moreover, provided false name and email contact details in its Whois details, in breach of its registration agreement. Taking all of these factors into account, the Panel is satisfied that there has been passive holding of the disputed domain name in bad faith.

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 <kimley-ihorn.com> be transferred to the Complainant.

/Angela Fox/

Angela Fox

Sole Panelist

Date: December 23, 2025