

ADMINISTRATIVE PANEL DECISION

Barrick Gold of North America, Inc., Barrick Mining Corporation v. Ady Sal
Case No. D2025-4253

1. The Parties

The Complainants are Barrick Gold of North America, Inc. and, Barrick Mining Corporation, United States of America (“United States”), represented by Dorsey & Whitney, LLP, United States.

The Respondent is Ady Sal, Indonesia.

2. The Domain Names and Registrar

The disputed domain names <barrick.vip> and <invest-barrick.site> (the “Domain Names”) are 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 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On November 17, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Names which differed from the named Respondent (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainants on October 27, 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 October 27, 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 November 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 23, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 25, 2025.

The Center appointed Nicholas Smith as the sole panelist in this matter on November 28, 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 related entities that are part of a broader corporate group that operates a number of significant gold mines in various locations around the world, as well as offering related services under the mark BARRICK (the “BARRICK Mark”). The Complainants’ corporate group have used the BARRICK Mark since 1995 and promote their business through various means including through their website at the domain name <barrick.com> (the “Complainant’s Website”).

The Complainants are the owner of trademark registrations in various jurisdictions for the BARRICK Mark (and various marks including the element “Barrick”), including a United States trademark registered on December 22, 2020 for goods and services in classes 6, 14, 37 and 42 (registration number 6,225,225).

The Domain Names were registered on August 1, 2025 and August 4, 2025, respectively and prior to the commencement of the proceeding (currently the Domain Names resolve to inactive webpages) the Domain Names each resolved to a website (“the Respondent’s Website”) that was a near direct or exact copy of the Complainant’s Website, copying large amounts of copyrighted material, including the look and feel, directly from the Complainant’s Website.

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 Domain Names.

Notably, the Complainants contend that:

- a) They are the owner of the BARRICK Mark, having registered the BARRICK Mark in various jurisdictions including the United States. The Domain Names are each confusingly similar to the BARRICK Mark as they reproduce the BARRICK Mark and add a Top-Level Domain (“TLD”) and in one case the descriptive term “invest-”. None of the changes distinguish either of the Domain Names from the BARRICK Mark.
- b) There are no rights or legitimate interests held by the Respondent in respect of the Domain Names. The Complainants have not granted any license or authorization for the Respondent to use the BARRICK Mark. The Respondent is not commonly known by the BARRICK Mark, nor does it use the Domain Names for a bona fide purpose or legitimate noncommercial purpose. Rather the Respondent is using the Domain Names to pass off as the Complainants for commercial gain by redirecting visitors to a website that is a near exact copy of the Complainant’s Website. Such use is not a legitimate use of the Domain Names.
- c) The Domain Names were registered and are being used in bad faith. The Respondent is using the Domain Names to divert Internet users searching for the Complainants to the Respondent’s Website to disrupt the Complainants’ business and for commercial gain. Such conduct amounts to registration and use of the Domain Names in bad faith.

B. Respondent

The Respondent did not reply to the Complainants’ contentions.

6. Discussion and Findings

Consolidation: Multiple Complainants

The WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)) provides at section 4.11.1, in respect of the issue of “Multiple complainants filing against a single respondent”, that:

“Paragraph 10(e) of the UDRP Rules grants a panel the power to consolidate multiple domain name disputes. At the same time, paragraph 3(c) of the UDRP Rules provides that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain-name holder.

In assessing whether a complaint filed by multiple complainants may be brought against a single respondent, panels look at whether (i) the complainants have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants in a similar fashion, and (ii) it would be equitable and procedurally efficient to permit the consolidation.”

The present proceeding involves two Complainants bringing a single complaint against a common Respondent. The Complainants have made a request for consolidation and bear the onus of establishing that such a consolidation is justified.

The Panel is satisfied, based on the material filed, that the Complainants have a specific common grievance against the Respondent, in that the Complainants have a common legal interest as related corporate entities that hold and use the BARRICK Mark. The Panel has considered whether it would be equitable and procedurally efficient to permit the consolidation.

The Panel finds that it is equitable and procedurally efficient to grant the Complainants’ request for consolidation. For the remainder of the decision, the Panel will refer to the Complainants in the singular when appropriate.

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 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 entirety of the mark is reproduced within each of the Domain Names. Accordingly, the Domain Names are identical (in the case of <barrick.vip>) or confusingly similar (in the case of <invest-barrick.site>) to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other term to <invest-barrick.site> here “invest-” may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between <invest-barrick.site> and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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 Domain Names. 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 considers that the record of this case reflects that:

- before any notice to the Respondent of the dispute, the Respondent did not use, nor has it made demonstrable preparations to use, the Domain Names or a name corresponding to the Domain Names in connection with a bona fide offering of goods or services. Paragraph 4(c)(i) of the Policy, and [WIPO Overview 3.0](#), section 2.2.
- the Respondent (as an individual, business, or other organization) has not been commonly known by the Domain Names. Paragraph 4(c)(ii) of the Policy, and [WIPO Overview 3.0](#), section 2.3.
- the Respondent is not making a legitimate noncommercial or fair use of the Domain Names, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. Paragraph 4(c)(iii) of the Policy, and [WIPO Overview 3.0](#), section 2.4.
- the record contains no other factors demonstrating rights or legitimate interests of the Respondent in the Domain Names.

The Respondent has used the Domain Names to impersonate the Complainant by redirecting visitors to a website that is a near exact copy of the Complainant’s Website. Such conduct, involving the false representation that the Respondent (and the Respondent’s Website) is in some way connected to the Complainant, does not, on its face, amount to the use of the Domain Names for a bona fide offering of goods or services or a legitimate noncommercial or fair use.

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.

The Panel considers that the record of this case reflects that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other on-line location, by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the Respondent’s Website. Paragraph 4(b)(iv) of the Policy, and [WIPO Overview 3.0](#), section 3.1.4.

The Panel finds that the Respondent must have been aware of the Complainant and its reputation in the BARRICK Mark at the time the Respondent registered the Domain Names. The Respondent has provided no explanation, and neither it is immediately obvious, why an entity would register two domain names incorporating the BARRICK Mark and direct them to a website that is almost an exact copy of the Complainant’s Website, including large amounts of copyrighted material directly scraped from the

Complainant's Website, unless there was an awareness of and an intention to create a likelihood of confusion with the Complainant and its BARRICK Mark.

The Respondent has used the Domain Names, being confusingly similar to the BARRICK Mark, to attract visitors to its website where it impersonates as the Complainant, likely for commercial gain in some form. Such an action satisfies the requirements of Paragraph 4(b)(iv) of the Policy.

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 Domain Names <barrick.vip> and <invest-barrick.site> be transferred to the Complainant.

/Nicholas Smith/

Nicholas Smith

Sole Panelist

Date: December 8, 2025