

## **ADMINISTRATIVE PANEL DECISION**

Pension Benefit Guaranty Corporation (PBGC) v. gua ford  
Case No. D2025-4460

### **1. The Parties**

Complainant is Pension Benefit Guaranty Corporation (PBGC), United States of America ("United States"), internally represented.

Respondent is gua ford, United States.

### **2. The Domain Name and Registrar**

The disputed domain name <pbcbgov.com> (hereinafter the "Disputed Domain Name") 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 29, 2025. On October 29, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On October 30, 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 ("NameCheap, Inc.") and contact information in the Complaint. The Center sent an email communication to Complainant on October 31, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant did not respond to the invitation to amend.

The Center verified that the 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 named Respondent and the identified registrant gua ford of the Complaint, and the proceedings commenced on November 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 7, 2025. Neither the named Respondent nor gua ford submitted any response. Accordingly, the Center notified Respondent's default on December 9, 2025.

The Center appointed Lawrence K. Nodine as the sole panelist in this matter on December 19, 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.

On January 13, 2026, the Panel issued an Order advising Complainant that the Policy did not authorize claims against the Registrar and directing Complainant to amend its complaint to name the identified registrant *gua ford* as Respondent, failing which the Panel would dismiss the Complaint without prejudice. The Complaint and a clarified version of the Notification of Complaint document, specifying *gua ford* as the Respondent, were attached to the Order.

In response to the Panel Order, Complainant timely filed an Amended Complaint substituting *gua ford* for the Registrar as Respondent.

#### **4. Factual Background**

Complainant Pension Benefit Guaranty Corporation is a United States government agency that is consistently referred by its acronym “PBGC” (hereinafter the “Mark”), which Complainant has used continuously since the agency was established in 1974. Complainant publishes information about its services on its webpage at <pbgc.gov>.

Complainant provides insurance to protect pension benefits in both the Single-Employer and Multiemployer Insurance private sector pension plans—the kind that typically pay a set monthly amount at retirement. If such a plan ends (a “plan termination”) without sufficient money to pay all benefits, PBGC’s insurance programs will pay for the benefit provided by the pension plan, up to the limits set by law.

Complainant’s 2024 Annual Report states that:

Fifty years ago, on September 2, 1974, President Gerald R. Ford signed into law the Employee Retirement Income Security Act (ERISA) – historic legislation to protect private sector pensions and establish the Pension Benefit Guaranty Corporation (PBGC). Since 1974, PBGC has been at the forefront of protecting the retirement income of millions of workers, retirees, and their families.<sup>1</sup>

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Today, approximately 1 million participants receive benefit payments totaling nearly [USD] 6 billion per year from the PBGC and about 31 million of America’s workers, retirees, and beneficiaries are in plans insured by the PBGC.<sup>2</sup>

The Disputed Domain Name, which was registered April 14, 2025, does not resolve to an active website.

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<sup>1</sup> Statement of Complainant’s (then) Acting Director Ann Orr.

<sup>2</sup> Statement of Complainant’s (then) Chair of Board Julie Su.

## 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.

In particular, Complainant contends that government agencies may own and enforce trademark rights in their names and associated acronyms. Complainant further contends that, even though it has not registered the Mark, it has earned common law rights in the Mark by virtue of its extensive use of it for fifty years.

### B. Respondent

Respondent did not respond to the Complaint.

## 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.

The Panel finds Complainant has established unregistered trademark or service mark rights in its Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3.

The United States government is a "person" within the meaning of the Lanham Act §2(a), 15 U.S.C. §1127, and can own and assert infringement of marks used to identify the source of various government supplied goods and services. MCCARTHY ON TRADEMARKS, section 9.7.75. (*citing* Garvert, *Government Trademarks*, 20 IDEA 335 (1979)). Therefore, the common names of, and acronyms for United States government agencies and instrumentalities are considered persons. See *Zipee Corp. V. U.S. Postal Service*, 140 F. Supp. 2d 1084, 1088 n. 1 (D. Or. 2000) (Government owned trademark registration for POSTAL SERVICE; registration of domain name <postal-service.com> violated Anticybersquatting Consumer Protection Act.). See also *NASA v. Record Chem. Co.*, 1975 TTAB LEXIS (TTAB 1975) (finding the National Aeronautics and Space Administration (NASA) is a juristic person); *FBI v. Societe: "M. Bril & Co."*, 1971 TTAB LEXIS 292, \*8 (noting the Federal Bureau of Investigation (FBI) is a juristic person).

Although Complainant has not registered the Mark, it has offered sufficient evidence that its Mark has become a distinctive identifier that consumers associate with Complainant's services, including evidence of substantially exclusive use since 1974 in connection with payments of pension benefits to millions of people. This evidence is sufficient to demonstrate the existence of unregistered trademark rights. [WIPO Overview 3.0](#), section 1.3.

The entirety of the Mark is recognizable within the Disputed Domain Name. Complainant's Mark PBGC is misspelled in the first part of the Disputed Domain Name, with the "c" and "g" having been switched. Further, the addition of "gov" to the Disputed Domain Name does not prevent a finding of confusing similarity. On the contrary, as noted further below, the addition is evidence of a bad faith intention to mimic Complainant's domain name <pbgc.gov>. Accordingly, the Disputed Domain Name is confusingly similar to the Mark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.8 and 1.9.

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 a 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 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 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.

Respondent is not making any detectible use of the Disputed Domain Name which mimics the Mark so there is no basis for finding that Respondent has rights or a legitimate interest in the use of the Disputed Domain Name.

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 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.

The Panel finds that Respondent registered the Disputed Domain Name in bad faith. The Mark is distinctive. “PBGC” is not a word in English and the Panel’s own Google search for “PBGC” did not identify any third parties using the acronym as a trademark or tradename. The evidence also demonstrates that the Mark is well known, having been used for fifty years to identify the source of insurance for pension benefits to millions of recipients. Respondent’s inclusion of “gov” in the Disputed Domain Name is further evidence that Respondent meant to mimic Complainant and its domain name <pbgc.gov>.

Based on the evidence, it is probable that Respondent was aware of and targeted Complainant when he registered the Disputed Domain Name.

Panels have found that the non-use of a domain name 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 well-known reputation of the Mark, 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.

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 <pbcggov.com> be transferred to Complainant.

*/Lawrence K. Nodine/*

**Lawrence K. Nodine**

Sole Panelist

Date: January 18, 2026