

ADMINISTRATIVE PANEL DECISION

The Southern Company v. Smith Clark / Vemobli
Case No. D2025-4584

1. The Parties

Complainant is The Southern Company, United States of America (“United States”) or (“U.S”), represented by Allure Security Technology, Inc., United States.

Respondent is Smith Clark / Vemobli, United States.

2. The Domain Name and Registrar

The disputed domain name <nicor-gas.cfd> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 5, 2025. On November 6, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 6, 2025, the Registrar transmitted by email to the Center its verification response confirming that Respondent is listed as the registrant and providing the contact details

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 Respondent of the Complaint, and the proceedings commenced on November 18, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 8, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on December 12, 2025.

The Center appointed Michael A. Albert as the sole panelist in this matter on December 22, 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 is a leading natural-gas utility and energy-services provider in the United States, operating under its well-known subsidiary NICOR GAS in Illinois. Complainant's NICOR GAS marks have been in continuous use for over a decade. Complainant owns two U.S. trademark registrations for NICOR GAS:

- U.S. Reg. No. 4,612,381 (registered September 30, 2014) for wholesale distributorship, marketing, procurement, asset management, and energy-efficiency consulting services; and
- U.S. Reg. No. 4,612,382 (registered September 30, 2014) for public utility services, including distribution and pipeline transportation of natural gas.

Respondent registered the disputed domain name on May 29, 2025. Respondent configured mail-exchange records ("MX") and Pay Per Click pages. At the time of this Decision, disputed domain name resolves to an inactive page.

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.

Notably, Complainant contends that the disputed domain name <nicor-gas.cfd> is identical or confusingly similar to Complainant's NICOR GAS trademarks.

Respondent has no rights or legitimate interests in respect of the disputed domain name.

The disputed domain name was registered and is being used in bad faith. The presence of active MX records reinforces bad faith. Respondent — identified as Smith Clark / VEMOBLI — has an established pattern of registering ".cfd" domains in bad faith.

B. Respondent

Respondent did not reply to Complainant's contentions.

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.

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 the disputed domain name, with only the addition of a hyphen between the words NICOR and GAS. The addition of this minor typographical mark of no substantive significance does not alter the confusing similarity between Complainant's mark and the disputed domain name. Accordingly, the Panel finds that 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 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 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 (or indeed any evidence at all) purporting to demonstrate 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

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.

In the present case, the Panel notes that Respondent set up the Disputed Domain Name with MX records, which shows that the disputed domain name may be actively used for email purposes. Emails emanating from the disputed domain name could not reasonably be used for any good-faith purpose by Respondent, given that such emails would appear to emanate from Complainant.

Consequently, and absent any explanation from Respondent, it is reasonable to conclude that the intended use of the disputed domain name for email is to facilitate fraudulent activity such as phishing, impersonating or passing off as Complainant. Moreover, previously Respondent used the disputed domain name to point to a pay-per-click page in an intentional attempt to attract, for commercial gain, Internet users to the website by creating a likelihood of confusion with the NICOR GAS Marks.

Complainant also provided evidence indicating that Respondent previously owned a domain name that corresponded to a well-known third party trademark. *Belmont Village, L.P. v. Clark Smith, VEMOBLI*, WIPO Case No. [D2025-1327](#) (finding bad faith). This evidence demonstrates that Respondent has engaged in a pattern of registering domain names in order to prevent the owner of the trademarks or service marks from reflecting the marks in corresponding domain names.

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 <nicor-gas.cfd> be transferred to Complainant.

/Michael A. Albert/

Michael A. Albert

Sole Panelist

Date: January 5, 2026