

ADMINISTRATIVE PANEL DECISION

Magna International Inc. v. Eldon Adams, ELdonINC
Case No. D2025-4600

1. The Parties

The Complainant is Magna International Inc., Canada, represented by Gowling WLG (Canada) LLP, Canada.

The Respondent is Eldon Adams, ELdonINC, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <maegna.com> 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 6, 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 7, 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 (User #05a05c7b Privacy, See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 17, 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 November 18, 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 19, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 9, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 10, 2025.

The Center appointed Louis-Bernard Buchman as the sole panelist in this matter on December 24, 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, a corporation founded in 1957, is organized under the laws of the Province of Ontario, Canada, and is a major designer, manufacturer and supplier of equipment, systems and parts for the automotive industry globally, with a 2024 turnover of 42.8 billion United States dollars and more than 166,000 employees across 28 countries worldwide. It is listed on the Toronto and New York stock exchanges.

The Complainant owns a global portfolio of trademarks containing the term MAGNA, including *inter alia* the Canadian trademark MAGNA, registered on June 21, 1985, under Registration No. TMA303870 and the United States trademark MAGNA, registered on May 31, 1994 under Registration No. 1837713 (together hereinafter referred to as "the Mark").

The Complainant is also the registrant of the domain name <magna.com>, registered in 1991, which resolves to its official website.

The disputed domain name <maegna.com> was registered on July 3, 2025.

The Complainant has submitted evidence that the disputed domain name was inactive but that MX servers were configured under it and that phishing emails were sent. At the time of this Decision, the disputed domain name does not resolve to any active website.

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:

- (i) the disputed domain name reproduces the Mark, in which the Complainant has rights, and is confusingly similar to the Mark insofar as the disputed domain name contains the Mark, which remains recognizable in the disputed domain name;
- (ii) it never authorized the Respondent to use the Mark in any manner and it never had any affiliation with the Respondent, who has no rights or legitimate interests in respect of the disputed domain name;
- (iii) the Respondent has registered and is using the disputed domain name in bad faith; in particular, the Respondent had knowledge of the Mark when registering the disputed domain name, and by fraudulently creating confusion with the Mark, the Respondent is using the disputed domain name in bad faith.

The Complainant requests that the disputed domain name be transferred to the Complainant.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

6.1. Procedural Aspects - Failure to Respond

Under the Rules, paragraphs 5(f) and 14(a), the effect of a failure to submit a formal response by the Respondent is that, in the absence of exceptional circumstances, the Panel shall proceed to a decision on the basis of the Complaint.

Under paragraph 4(a) of the Policy, it is the Complainant's burden to establish that all three of the required criteria for a transfer of the disputed domain name have been met, even in the absence of a formal response.

Under paragraph 14(b) of the Rules, the Panel is empowered to draw such inferences from the Respondent's failure to file a formal response as it considers appropriate under the circumstances.

In this case, the Panel finds that the Respondent has failed to rebut any of the reasonable factual assertions that are made and supported by evidence submitted by the Complainant.

In particular, by failing to respond, the Respondent has failed to offer the Panel any of the types of evidence set forth in paragraph 4(c) of the Policy or otherwise, from which the Panel might conclude that the Respondent has any rights or legitimate interests in the disputed domain name, such as making legitimate noncommercial or fair use of the disputed domain name.

Moreover, as discussed below, the Respondent has failed to provide any exculpatory information or reasoning that might have led the Panel to question the Complainant's arguments that the Respondent has acted in bad faith.

6.2. Three Elements under Paragraph 4(a) of 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 notes that, as aforesaid, the Respondent did not rebut these assertions and finds that despite the addition of the letter "e" in the Mark, the Mark is recognizable within the disputed domain name.

Although the addition of such letter may bear on the assessment of the second and third elements, the Panel finds that it does not prevent a finding of confusing similarity between the disputed domain name and the Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.9.

Accordingly, the disputed domain name is confusingly similar to the Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Regarding the generic Top-Level-Domain ("gTLD") ".com" in the disputed domain name, it is well established that a gTLD does not generally affect the assessment for the purpose of determining identity or confusing similarity. [WIPO Overview 3.0](#), section 1.11.1.

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.

Moreover, prior UDRP panels have held that the use of a domain name for illegal activity, such as passing off, impersonation and sending out phishing emails, can never confer rights or legitimate interests on a respondent; see [WIPO Overview 3.0](#), section 2.13.1.

The Complainant has provided evidence showing that the disputed domain name was used to send out fraudulent emails to a South Korean supplier of the Complainant, impersonating actual employees of the Complainant.

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

C. Registered and Used 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.

Panels have found that the non-use of a domain name (including a blank or “coming soon” page) would not prevent a finding of bad faith under the doctrine of passive holding.

Having reviewed the record, the Panel finds the current non-use of the disputed domain name does not prevent a finding of bad faith in the circumstances of these proceedings.

While panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark; (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use; (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and; (iv) the implausibility of any good faith use to which the domain name may be put. [WIPO Overview 3.0](#), section 3.3.

Having reviewed the record, the Panel notes the composition of the disputed domain name, which is confusingly similar to the Mark in use since decades, 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.

Furthermore, regarding the degree of distinctiveness or reputation of the Mark, several prior UDRP panels have confirmed the Mark's reputation and goodwill (see for instance *Magna International Inc. v Victor Silva*, WIPO Case No. [D2012-1561](#) and; *Magna International Inc. v. stefan polisky*, WIPO Case No. [D2021-0875](#)).

Considering in addition the size of the Complainant's global operations, the Panel finds that the Respondent was necessarily aware of the Mark when it registered the disputed domain name.

Regarding the implausibility of any good faith use, the Panel notes that the Respondent used the disputed domain name to configure MX servers, thus enabling him to send out fraudulent emails impersonating actual employees of the Complainant.

UDRP panels have held that the use of a domain name for illegal activity, such as sending out fraudulent email messages, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Furthermore, the Respondent has been involved in at least one trademark-abusive domain name registration (see *Equinor ASA v. Domain Administrator, See PrivacyGuardian.org / Eldon Adams, EldonLeaf Inc*, WIPO Case No. [D2022-0279](#), in which the same Registrar as in this case was used).

Although previous panels have held that establishing a pattern of bad faith conduct requires more than one, but as few as two instances of abusive domain name registration (see [WIPO Overview 3.0](#), section 3.1.2), the repetition by the Respondent of the same behavior in the present case leads the Panel to conclude that the Respondent is again attempting to take advantage of a trademark without any right to do so.

The current non-use of the disputed domain name does not change the Panel's finding of the Respondent's bad faith in this case.

Finally, some UDRP panels have held that in certain circumstances, registrants of domain names would have a duty to abstain from registering and using a domain name, which is either identical or confusingly similar to a prior trademark held by others and which would infringe upon or otherwise violate the rights of a third party. See Policy, Paragraph 4(b); *Nike, Inc. v. B. B. de Boer*, WIPO Case No. [D2000-1397](#); *Nuplex Industries Limited v. Nuplex*, WIPO Case No. [D2007-0078](#); *Mobile Communication Service Inc. v. WebReg, RN*, WIPO Case No. [D2005-1304](#); *BOUYGUES v. Chengzhang, Lu Ciagao*, WIPO Case No. [D2007-1325](#); *Media General Communications, Inc. v. Rarenames, WebReg*, WIPO Case No. [D2006-0964](#); and *mVisible Technologies, Inc. v. Navigation Catalyst Systems, Inc.*, WIPO Case No. [D2007-1141](#).

The Panel finds that the Respondent has clearly not abided by such duty.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under 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 disputed domain name <maegna.com> be transferred to the Complainant.

/Louis-Bernard Buchman/
Louis-Bernard Buchman
Sole Panelist
Date: January 2, 2026