

ADMINISTRATIVE PANEL DECISION

Barrick Gold of North America, Inc., Barrick Mining Corporation v. Thabani Ngobeni

Case No. D2025-4859

1. The Parties

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

The Respondent is Thabani Ngobeni, South Africa.

2. The Domain Name and Registrar

The disputed domain name <north-mara.com> is registered with Tucows Domains Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 21, 2025. On November 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 26, 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 the same day.

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 28, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 18, 2025. The Respondent sent an email communication to the Center on November 27, 2025. On December 19, 2025, the Center commenced the panel appointment process.

The Center appointed Steven A. Maier 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.

The Complainants are affiliated companies engaged in gold and precious metal mining operations. The Panel is satisfied that the criteria for consolidation of the proceedings are met (see section 4.11.1 of [WIPO Overview 3.0](#)) and will refer to the Complainants collectively as “the Complainant” in the remainder of this Decision.

The Respondent’s email dated November 27, 2025 stated the following: “Hi, This isn’t something worth disputing. I’ve cancelled the domain, so you may proceed with the trademark. Thank you.” While this communication could be viewed as indicating the Respondent’s unilateral consent to the transfer of the disputed domain name, the Panel finds that there is a broader interest in proceeding to a substantive decision on the merits, given the Complainant’s allegations (see below) that the disputed domain name has been used for the purposes of fraud (see section 4.10 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”)).

4. Factual Background

The Complainant operates a gold mine branded NORTH MARA, located in the Tarime district of Tanzania. The concern is managed under a joint venture between the Complainant and the Government of Tanzania.

The Complainant claims common law or unregistered trademark rights in the mark NORTH MARA in the circumstances set out further below. The Complainant also filed a Tanzania trademark application in 2006 for a figurative mark BARRICK NORTH MARA, which application remains pending.

The disputed domain name was registered on October 7, 2025.

The Complainant provides evidence that the disputed domain name has resolved to a website headed “North Mara Mine – Second-largest Gold Mine in Tanzania”. The website states “We are a leading global mining company [...]”, refers e.g., to “Our new sub-vertical shaft [...]” and unarguably presents itself as an official website of the operator of the NORTH MARA mine.

5. Parties’ Contentions

A. Complainants

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

The Complainant claims to have acquired common law or unregistered trademark rights in the mark NORTH MARA by virtue of having operated the NORTH MARA gold mine since 2002. It states that it has made extensive use of the mark on its website and in direct-to-investor marketing, of which it provides an example presentation. It states that the NORTH MARA mine produced gold ore to the value of nearly USD 336 million in 2024 and that the mark NORTH MARA has become well known in Africa, the United States, and around the world.

The Complainant submits that the disputed domain name is identical or confusingly similar to its NORTH MARA trademark.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It states that it has no relationship with the Respondent and has never authorized it to use its NORTH MARA trademark, that the Respondent has not commonly been known by the disputed domain name, and that the Respondent is making neither bona fide commercial use nor legitimate noncommercial or fair use of the disputed domain name. The Complainant contends that, on the contrary, the Respondent is using the disputed domain name to impersonate the Complainant for the purpose of a fraudulent scheme, as further described below.

The Complainant submits that the disputed domain name was registered and is being used in bad faith. It states that the Respondent's website is plainly intended to pass itself off as an official site of the Complainant's gold mine, even including the Complainant's own business address in Tanzania.

The Complainant further contends that the Respondent has engaged in a fraudulent scheme, whereby it has sent "letters of intent to purchase" to potential suppliers from an email address "[...]@north-mara.com", purporting to order industrial equipment valued at tens of thousands of dollars: it exhibits one such letter, referring to goods valued at USD 61,065 on "cash on delivery" terms. The Complainant states that the letter names two individuals who have no affiliation with the Complainant, as well as making reference to its genuine CEO. The Complainant asserts that the Respondent intends by this scheme to mislead third-party suppliers and to obtain valuable industrial equipment without providing payment.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

Save for its informal email referred to above, the Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are 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 respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

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.

While the Complainant has demonstrated no registered trademark rights (a pending application is insufficient for these purposes), the Panel is satisfied that the name and mark NORTH MARA has become distinctive of the Complainant's gold mine and associated business by virtue of the Complainant's longstanding and extensive use of that mark in commerce. The Panel therefore finds that the Complainant has established unregistered or common law trademark rights in respect of the mark NORTH MARA.

The disputed domain name is effectively identical to the Complainant's trademark, but for the fact that the space between the words NORTH and MARA in the trademark is replaced by a hyphen in the disputed domain name. The Complainant's trademark is clearly recognizable within the disputed domain name, and

the Panel therefore finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

In the view of the Panel, the Complainant's submissions set out above give rise to a prima facie case that the Respondent has no rights or legitimate interests in respect of the disputed domain name. However, the Respondent has failed to file a Response in this proceeding and has not submitted any explanation for its registration and use of the disputed domain name, or evidence of rights or legitimate interests on its part in the disputed domain name, whether in the circumstances contemplated by paragraph 4(c) of the Policy or otherwise.

The Complainant has moreover satisfied the Panel that the Respondent has used the disputed domain name for a website which impersonates the Complainant, and for the purpose of emails comprising a fraudulent scheme. The use of a domain name for illegal activity can never give rise to rights or legitimate interests (see e.g., section 2.13 of [WIPO Overview 3.0](#)) and the Panel finds accordingly that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

C. Registered and Used in Bad Faith

Based on the evidence adduced by the Complainant concerning the Respondent's website, and its use of emails emanating from the disputed domain name for what appears to be a fraudulent scheme, there can be no serious doubt that the disputed domain name was both registered and has been used in bad faith. The Respondent has used the disputed domain name to impersonate the Complainant, both by the inherently misleading nature of the disputed domain name and by its website content. (see e.g., section 3.4 of [WIPO Overview 3.0](#)). Moreover, it has sought to take unfair advantage of the Complainant's commercial goodwill relating to its NORTH MARA trademark and business by, apparently, attempting to obtain industrial equipment by mispresenting itself to suppliers as being the Complainant.

The Panel therefore finds that the disputed domain name has been registered and is being used in bad faith.

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 <north-mara.com> be transferred to the Complainant.

/Steven A. Maier/

Steven A. Maier

Sole Panelist

Date: January 7, 2026