

ADMINISTRATIVE PANEL DECISION

Fisher Asset Management, LLC v. Andre Zake
Case No. D2025-4878

1. The Parties

The Complainant is Fisher Asset Management, LLC, United States of America ("United States"), represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Andre Zake, Germany.

2. The Domain Name and Registrar

The disputed domain name <fisherinvestments.com> is registered with Cronon GmbH (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on November 24, 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 November 27, 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 (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 1, 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 amended Complaints in English on December 3, 2025, and on December 4, 2025.

On December 1, 2025, the Center informed the Parties, in German and English, that the language of the registration agreement for the disputed domain name is German. On December 4, 2025, the Complainant requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant's submission.

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 in German and English, and the proceedings commenced on December 5, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 25, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 29, 2025.

The Center appointed Anne-Virginie La Spada as the sole panelist in this matter on January 6, 2026. 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, trading as Fisher Investments, is a company established in the United States, that has been providing since 1979 investment management, capital markets analysis and investment advisory services. The Complainant has approximately 6,000 employees. It is active in Europe through its subsidiary Fisher Investments Europe Ltd, trading as Fisher Investments UK. The Complainant and its founder Ken Fisher have earned several awards over the years.

The Complainant is the owner of the following trademark registrations:

- United States trademark registration No. 3103881 for FISHER INVESTMENTS, registered on June 13, 2006 in class 36;
- United States trademark registration No. 5605365 for FISHER INVESTMENTS, registered on November 13, 2018 in class 36;
- Canadian trademark No. TMA896077 for FISHER INVESTMENTS, registered on February 9, 2015 in class 36.

The Complainant's subsidiary Fisher Investments Europe Ltd is the owner of a European Union trademark registration No. 013338595 for FISHER INVESTMENTS, registered on February 5, 2015 in classes 16, 36 and 41.

The Complainant operates its official website under the domain name <fisherinvestments.com>, which was created on March 18, 1999.

The disputed domain name was created on October 6, 2025.

The disputed domain name resolves to a webpage stating in English, German, Spanish, Dutch, French and Swedish: "this domain name is now reserved. As of now, no content has been uploaded." According to the annexes to the Complaint, mail exchanger (MX) records have been set up for the disputed domain name.

On October 8, 2025, the Complainant's counsel sent a cease-and-desist letter to the Respondent with a notification of claimed infringement. The Respondent did not reply to this letter.

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 the disputed domain name is a purposeful misspelling of its trademark FISHER INVESTMENTS and must be considered confusingly similar to such trademark. Indeed,

the Respondent has solely introduced the letter “e” in the term “investments”. This is according to the Complainant a typical case of typosquatting.

The Complainant asserts furthermore that the Respondent is not sponsored by or affiliated with the Complainant in any way. The Complainant has not given the Respondent permission to use the Complainant’s trademark in any manner, including in domain names, and the Respondent is not commonly known by the disputed domain name, which evidences a lack of rights or legitimate interests. The Complainant also observes that the Respondent redirects Internet users to a blank page that lacks content. The Respondent has thus failed to make use of the disputed domain name and has not demonstrated any attempt to make legitimate use of the disputed domain name and website, which is further evidence of a lack of rights or legitimate interests in the disputed domain name.

Finally, the Complainant contends that the Respondent has registered and used the disputed domain name in bad faith. The Complainant and its FISHER INVESTMENTS trademark are known internationally, with the consequence that the Respondent knew or should have known of the existence of the Complainant and its trademark when it registered the disputed domain name. According to the Complainant, the Respondent is attempting to capitalize on typing errors committed by the Complainant’s customers trying to locate the Complainant on the Internet. The disputed domain name has been set up with MX records, which shows that the disputed domain name may be actively used for email purposes. The Complainant represents that emails emanating from the disputed domain name could not reasonably be used for any good faith purpose given the close similarity of the disputed domain name with the Complainant’s trademark that would be difficult to discern in an email. Therefore, it is likely that the disputed domain name may be actively used to facilitate fraudulent activity such as phishing, impersonating or passing off as the Complainant.

B. Respondent

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

6. Discussion and Findings

6.1 Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is German. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that the Complainant is unable to communicate in German and translation of the Complaint would unfairly disadvantage and burden the Complainant. The Complainant argues that the translation of the Complaint would delay the proceedings and adjudication of this matter, a delay that the Respondent might use in a manner detrimental to the Complainant or its customers. The Complainant points out that the Respondent received a cease-and-desist letter in English and had ample time to respond to such letter a request that communications continue in German.

The Respondent did not make any specific submissions with respect to the language of the proceeding and did not comment on the Complainant’s request that the language of the proceeding be English.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties’ ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 4.5.1).

In the present case, in view of the elements put forward by the Complainant, and in particular the absence of a reply from the Respondent, despite the fact that the Center sent notifications to the Respondent in German and English concerning the language of the proceedings and the commencement of an administrative proceeding, it would be disproportionate to require the Complainant to translate the Complaint into German.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

6.2 Substantial issues

According to paragraph 4(a) of the Policy, a complainant must assert and prove each of the following:

- (i) the domain name registered by the respondent is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (ii) the respondent has no rights or legitimate interests in respect of the domain name; and
- (iii) the domain name registered by the respondent 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 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 finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. The addition of the letter "e" in the middle of the term "invesetments" is an obvious misspelling of the term "investments" present in the Complainant's trademark and does not prevent a finding of confusing similarity. [WIPO Overview 3.0](#), section 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 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.

Indeed, based on the information submitted by the Complainant, the Complainant has not granted the Respondent authorization or license to use its trademark within the disputed domain name nor has the Complainant acquiesced in any way to such use. Moreover, there is no evidence indicating that the Respondent is commonly known by the disputed domain name.

Furthermore, the record contains no evidence that the Respondent has used or made demonstrable preparations to use the disputed domain name in connection with any type of bona fide offering of goods or services. Instead, the disputed domain name resolved to a “coming soon” page.

Finally, the Respondent did not file a Response to the Complaint. The Panel may draw from the lack of a Response the inferences that it considers appropriate, according to the Rules, paragraph 14(b).

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.

Given the longstanding use and registration of the Complainant’s trademark, and the fact that the term “investments” (spelled with an additional “e” in the disputed domain name) refers to investment services, i.e., services identical or similar to those offered by the Complainant, the Panel finds it implausible that the Respondent chose the disputed domain name without having the Complainant’s trademark in mind. The Panel therefore accepts that the disputed domain name was registered in bad faith.

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. [WIPO Overview 3.0](#), section 3.3.

Although 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 available record, the Panel notes the prior use and reputation of the Complainant’s trademark and the composition of the disputed domain name, which reproduces the Complainant’s trademark entirely with a misspelling. The Panel also notes that the Written Notice of the Complaint that the Center sent to the Respondent by courier could not be delivered for lack of sufficient consignee information, which suggests that the Respondent did not provide accurate contact details. Finally, employing a misspelling to create a domain name that is almost identical to the domain name under which the Complainant operates its official website signals in the Panel’s view an intention on the part of the Respondent to confuse Internet users seeking or expecting the Complainant. The fact that MX records were set up for the disputed domain name is further cause to believe that the Respondent intends to use the disputed domain name for fraudulent purposes, such as phishing impersonating or passing off as the Complainant. A good faith use of the disputed domain name appears therefore implausible. In view of those circumstances, the Panel holds that the passive holding of the disputed domain name does not prevent a finding of 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 <fisherinvestments.com> be transferred to the Complainant.

/Anne-Virginie La Spada/

Anne-Virginie La Spada

Sole Panelist

Date: January 20, 2026