

## **ADMINISTRATIVE PANEL DECISION**

Ecolab USA Inc. v. Mckenna Cummerata

Case No. D2025-5178

### **1. The Parties**

The Complainant is Ecolab USA Inc., United States of America ("United States"), represented by Greenberg Traurig, LLP, United States.

The Respondent is Mckenna Cummerata, Germany.

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

The disputed domain name <ecolabs.info> is registered with Hostinger Operations, UAB (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 11, 2025. On December 11, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On December 15, 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 15, 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 December 19, 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 December 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 11, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 13, 2026.

The Center appointed Nicholas Weston as the sole panelist in this matter on January 19, 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 is a New York Stock Exchange (NYSE) listed global sustainability company that operates in food, energy, healthcare, life sciences, industrial, hospitality, and retail business in more than 170 countries, with annual combined sales in 2024 of approximately USD 16 billion. The Complainant holds registrations for the trademark ECOLAB in a numerous countries, for example, United States trademark No. 1497423 for the word ECOLAB registered on July 26, 1988 in classes 7 and 37, and International trademark Registration No. 1005780 for the word ECOLAB registered on April 6, 2009 in classes 1, 3, 4, 5, 7, 8, 9, 11, 21, 35, 37, 41, and 42.

The Complainant owns the domain name <ecolab.com>, which was registered on January 25, 1996, and resolves to its main website.

The Disputed Domain Name was registered on July 27, 2025, and resolved to a website which provides general information about, as well as purportedly offers for sale, injectable and oral hormone products, which are amongst the type of pharmaceutical preparations that could include resins manufactured by the Complainant.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant cites its trademark registrations for ECOLAB in various countries as prima facie evidence of ownership.

The Complainant submits that the trademark ECOLAB is highly distinctive and that its rights in that trademark predate the Respondent's registration of the Disputed Domain Name. It submits that the Disputed Domain Name is confusingly similar to its trademark, because the Disputed Domain Name incorporates in its entirety the ECOLAB trademark and that the confusing similarity is not affected by the addition of the letter "s", and addition of the generic Top-Level Domain ("gTLD") ".info".

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because the "Complainant has not authorized, licensed, or consented to Respondent's registration and use of a domain name incorporating Complainant's ECOLAB Marks or any confusingly similar variation thereof" and infers that none of the circumstances set out in paragraph 4(c) of the Policy apply.

Finally, the Complainant alleges that the registration and use of the Disputed Domain Name was, and currently is, in bad faith, contrary to the Policy and the Rules. It submits that "[t]he Disputed Domain Name has been used to host a website passing itself off as Complainant's website or a website sponsored by or affiliated with Complainant which at worst is used to engage in fraudulent transactions and steal consumers' personal and financial information, and at best, simply confuses consumers". The Complainant also contends that the provision of false contact information in relation to the Disputed Domain Name is also indicative of bad faith.

##### **B. Respondent**

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

## 6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant has the burden of proving the following:

- (i) that the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and
- (iii) that 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.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. The Complainant has produced sufficient evidence to demonstrate that it has registered trademark rights in the mark ECOLAB in numerous countries. The requirements of the first element for purposes of the Policy may be satisfied by a trademark registered in any country. [WIPO Overview 3.0](#), section 1.2.1.

Turning to whether the Disputed Domain Name is identical or confusingly similar to the ECOLAB trademark, the Panel observes that the Disputed Domain Name is comprised of: (a) an exact reproduction of the Complainant's trademark ECOLAB at the second-level; (b) with the addition of the letter "s"; (c) followed by the generic Top-Level Domain ("gTLD") ".info".

It is well established that the gTLD used as part of a domain name is generally disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1. The relevant comparison to be made is with the second-level portion of the Disputed Domain Name, specifically: "ecolabs".

The Panel finds the entirety of the mark is reproduced within the Disputed Domain Name and is recognizable in 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.

A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. [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 Disputed 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.

On the issue of use, the Panel notes that the Disputed Domain Name was used to resolve to an online website that purportedly offered pharmaceutical products for sale, in this case "oral hormones", "injectible hormones" and "peptides".

Panels have held that the use of a domain name for illegitimate activity, here, claimed of counterfeit goods or illegal pharmaceuticals, impersonation or passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel notes the evidence that the Disputed Domain Name subsequently resolves to an inactive webpage and finds that this does not represent a bona fide offering of goods or services, or a legitimate noncommercial or fair use, given the substantial reputation and goodwill of the Complainant's mark or capacity to otherwise mislead Internet users.

Furthermore, the Panel finds that the composition of the Disputed Domain Name, being a plural of the relevant mark, carries a high risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5.1.

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.

In the present case, the Panel finds that the evidence in the case shows the Respondent registered and has used the Disputed Domain Name in bad faith.

On the issue of registration, taking into account the composition of the Disputed Domain Name and the well-known nature of the Complainant's trademark, the Panel is satisfied that the Respondent knew of and targeted the Complainant's trademark ECOLAB when it registered the Disputed Domain Name.

This Panel finds that there is no reason for the Respondent to have registered the Disputed Domain Name other than to trade off the reputation and goodwill of the Complainant's well-known trademark. [WIPO Overview 3.0](#), section 3.2.2.

Further, a gap of several years between registration of a complainant's trademark and a respondent's registration of a disputed domain name (containing the trademark) can indicate bad faith registration. In this case, the Respondent registered the Disputed Domain Name at least 37 years after the Complainant established registered trademark rights in the ECOLAB mark.

On the issue of use, the Complainant's evidence is that the Disputed Domain Name resolves to a webpage offering what appears to be pharmaceuticals for sale, of a nature that may include ingredients of the type manufactured by the Complainant. Targeting of this nature is a common example of bad faith as referred to in paragraph 4(b)(iv) of the Policy and identified in many previous UDRP decisions. [WIPO Overview 3.0](#), sections 3.1.4 and 3.2.1. The Respondent has not come forward to rebut the Complainant's allegations or offer any alternative explanation.

The Panel also notes the risk posed by the Disputed Domain Name being used to host a website that offers pharmaceuticals for sale, or information in relation to pharmaceuticals. In line with prior UDRP panel decisions, the Panel finds that the obvious danger of online consumers being afforded inaccurate, incomplete or misleading information about medical products reinforces the Respondent's bad faith (see *Lilly ICOS LLC v. Tudor Burden, Burden Marketing*, WIPO Case No. [D2004-0794](#); *Roche Products Inc. v. Michael Robert*, WIPO Case No. [D2008-1155](#)).

Panels have held that the use of a domain name for illegitimate activity here, claimed sale of counterfeit goods or illegal pharmaceuticals, impersonation or passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Further, the Disputed Domain Name does not currently resolve to an active website.

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 Complainant's well-known trademark, the composition of the Disputed Domain Name, the implausibility of any good faith use to which the Disputed Domain Name may be put, the Respondent's failure to submit a Response, and provision of seemingly false or incomplete contact details, which prevented the courier from delivering the Center's postal communication, 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.

There is also evidence that the Respondent provided false contact details to shield its identity when registering the Disputed Domain Name. Previous UDRP panel decisions have found that providing false information for the Whois database to shield a registrant's identity (which is also in breach of the registration agreement) is additional evidence of the Respondent's knowledge of the Complainant's rights at the time of registration and can support an inference of bad faith. [WIPO Overview 3.0](#), section 3.2.1.

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 <ecolabs.info> be transferred to the Complainant.

/Nicholas Weston/

**Nicholas Weston**

Sole Panelist

Date: January 29, 2026