

ADMINISTRATIVE PANEL DECISION

Robeco Holding B.V. v. Keith Cunningham
Case No. D2025-5279

1. The Parties

The Complainant is Robeco Holding B.V., Netherlands (Kingdom of the), represented by NLO Shieldmark B.V., Netherlands (Kingdom of the).

The Respondent is Keith Cunningham, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <robecoholdingsltd.com> (the "Disputed Domain Name") is registered with CloudFlare, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 17, 2025. On December 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On December 18, 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 (Unknown party) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 19, 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 22, 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 12, 2026.

The Center appointed Rosita Li as the sole panelist in this matter on January 16, 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

According to the Complainant's cease-and-desist letter to the email address [...]@robecoholdingsltd.com dated December 16, 2025 (the "December 2025 Letter") (which was not successfully sent by email), and the Complainant's website at "www.robeco.com" (the "Complainant's Website") referenced in said letter, the Complainant is an international asset manager offering an extensive range of active investment strategies, from equities to bonds. The Complainant was founded almost 100 years ago in Rotterdam, Netherlands (Kingdom of the) in 1929. The Complainant promotes its business and provides information about its investment products and solutions via the Complainant's Website.

The Complainant is the owner of trademark registrations for or containing ROBECO in various jurisdictions for, among other things, financial services and asset management, including:

1. International Registration No. 907549 for the word mark ROBECO, registered in Classes 16, and 36, designating, among others, China, Russian Federation, and Switzerland, on November 15, 2006;
2. European Union Trade Mark No. 005377437 for the word mark ROBECO, registered in Classes 16, and 36 on November 19, 2007;
3. United States Registration No. 1,648,318 for the word mark ROBECO, registered in Class 36 on June 18, 1991;
4. European Union Trade Mark No. 005389184 for ROBECO THE INVESTMENT ENGINEERS (figurative), registered in Classes 16, and 36 on May 22, 2008;
5. United States Registration No. 5,488,932 for ROBECO THE INVESTMENT ENGINEERS (figurative), registered in Class 36 on June 12, 2018.

The Panel shall refer to European Union Trade Mark No. 005389184 and United States Registration No. 5,488,932 as the "ROBECO Figurative Marks" and all the above marks collectively as the "ROBECO Trademarks".

The Panel further notes that the Complainant owns the domain name <robeco.com> which contains the ROBECO Trademark and was created on July 21, 1997.

The Disputed Domain Name was registered by the Respondent on March 7, 2025.

The Disputed Domain Name resolves to a webpage prominently incorporating the Complainant's ROBECO Trademarks and purportedly offering financial and investment solutions to consumers through various price plans (the "Respondent's Website").

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for cancellation of the Disputed Domain Name.

(i) The Disputed Domain Name is identical or confusingly similar to a trademark or service in which the Complainant has rights. The Complainant contends that:

- The distinctive element of the Disputed Domain Name is ROBECO, which is confusingly similar to the Complainant's ROBECO Trademarks;
- The Complainant's ROBECO Trademarks are registered, amongst others, for financial services and asset management. The Respondent's Website is designed to look as if it is coming from the Complainant, even though this is not the case, and promotes financial services and investment solutions. Such activities fall within the scope of protection of the Complainant's ROBECO Trademarks;
- This constitutes the use of an identical name, "Robeco", for identical, or at least highly similar, related and/or complementary financial and investment services compared to the services designated in the Complainant's ROBECO Trademarks, such that the relevant Internet-using public could be led to believe that the Disputed Domain Name is economically or commercially related to the Complainant; and
- An identical font is used for the element ROBECO on the Respondent's Website, which amounts to a direct infringement of the Complainant's ROBECO Trademarks. ¹

(ii) The Respondent has no rights or legitimate interests in respect of the Disputed Domain Name. The Complainant contends that:

- The Respondent does not own prior trademark or tradename rights over the Disputed Domain Name. The Disputed Domain Name was registered after the Complainant's ROBECO Trademarks were registered and visible in the relevant trademark registers;
- The Disputed Domain Name is active, but sending an email to the address indicated on the Respondent's Website resulted in an email delivery failure, suggesting that the Respondent is using an inactive email address;
- The Respondent's Website offers "price plans" to consumers that seem to be fraudulent, in particular given that the contact email address does not function properly. In any case, the Respondent seeks for commercial gain by leading consumers to the Respondent's Website as they may be led to believe that the Disputed Domain Name belongs to the Complainant; and
- The Respondent's Website states that the Respondent is based at an address in Zürich, Switzerland, which is identical to the address of the Complainant's Swiss office. The Complainant submits that this supports a finding that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.

(iii) The Disputed Domain Name was registered and is being used in bad faith. The Complainant contends that:

- The dominant element of the Disputed Domain Name, "robeco", is identical to the "Robeco" word element of the Complainant's ROBECO Trademarks. References to financial and investment solutions on the Respondent's Website confirm that the Disputed Domain Name is used in relation to services that are identical to those for which the Complainant's ROBECO Trademarks are registered;
- The Complainant considers the "price plans" offered on the Respondent's Website to be fraudulent, especially considering the contact email address on the Respondent's Website is inactive. In any case, the Respondent seeks commercial gain by leading consumers to the Respondent's Website on the false impression that it is connected to the Complainant, and that these circumstances contribute to a situation of bad faith;
- The website behind the Disputed Domain Name previously stated that it is based at an address in Zürich, Switzerland, which is identical to the address of the Complainant's Swiss office;

¹The Panel notes that such font is highly similar, but not identical, to the font used in the ROBECO Figurative Marks.

- The Disputed Domain Name has been registered by a third party and, without the Complainant's permission, falsely using a business address belonging to the Complainant. Considering the Complainant is an asset management company operating in the financial field, the risk of financial fraudulent activities through the Disputed Domain Name is extremely high. This may lead to considerable financial damages for people and businesses involved;
- The Complainant finds it suspicious that the Respondent's name "Keith Cunningham" does not correspond with his email address. There is also no legitimate link between the Respondent and the Disputed Domain Name on the Internet. The Complainant suggests that someone may have used a random name of a famous person when registering the Disputed Domain Name; and
- On the basis of the foregoing, the Complainant contends that the Disputed Domain Name was registered and is being used in bad faith.

B. Respondent

The Respondent did not reply to the 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 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.

Based on the available materials, the Panel finds 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 that the entirety of the Complainant's ROBECO Trademarks (or the "Robeco" word element in the ROBECO Figurative Marks) is reproduced 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.

Although the addition of the terms here, "holdings" and "ltd", may bear on assessment of the second and third elements, the Panel finds that the addition of such generic terms does not prevent a finding of confusing similarity between the Disputed Domain Name and the Complainant's ROBECO Trademarks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Based on the available materials, 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.

In accordance with [WIPO Overview 3.0](#), section 2.5.1, where a domain name consists of a trademark plus an additional term (at the second- or top-level), UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. The Disputed Domain Name has included the Complainant's ROBECO Trademarks (or the "Robeco" word element in the ROBECO Figurative Marks) in their entirety, as well as the generic terms "holdings" and "Ltd", which would easily be understood as referring to a corporate holding company and be interpreted by Internet users as indicating an official website of the Complainant.

The Disputed Domain Name resolves to the Respondent's Website which purports to provide "strategic financial and investment solutions". There is no indication that the Respondent has been commonly known by the Disputed Domain Name. Panels have held that the use of a domain name for illegal activity, such as claimed phishing, or impersonation/passing off or other types of fraud, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

By offering "price plans" that claim to maximize returns, inviting users to register an account with the Respondent, and using the Complainant's ROBECO Trademarks on the Respondent's Website (as well as publications that can be downloaded from the website), the Respondent has falsely associated itself with the Complainant and impersonated the Complainant. Given the above and the absence of any disclaimer as to the lack of relationship, the Disputed Domain Name is free riding on the Complainant's reputation and creating a false impression that the Respondent may be associated with the Complainant.

Given the above, the Panel finds it apparent that the Respondent has the intention to divert consumers seeking to find the Complainant. It is clear that the use of the Disputed Domain Name, which incorporates ROBECO Trademarks (or the "Robeco" word element in the ROBECO Figurative Marks) in its entirety, is an attempt by the Respondent to capitalize on the goodwill and reputation of ROBECO Trademarks, which the Panel does not consider to be a legitimate noncommercial or fair use of the Disputed Domain Name nor a bona fide offering of goods or services.

Based on the available materials, 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 the Disputed Domain Name incorporates the Complainant's ROBECO Trademarks (or the "Robeco" word element in the ROBECO Figurative Marks) in their entirety. The Panel also notes that the Disputed Domain Name was registered on March 7, 2025, well after the registration of the Complainant's ROBECO Trademarks. The Panel notes from the Complainant's December 2025 Letter that the Complainant's business conducted under the ROBECO Trademarks represents a volume of goodwill, reputation and financial value. The Panel is satisfied that the ROBECO Trademarks are well known and reputable, with long-standing and substantial use by the Complainant in various financial and asset management services. The Panel is prepared to find that the Respondent knew or should have known that the registration of the Disputed Domain Name would be confusingly similar to the Complainant's ROBECO Trademarks. [WIPO Overview 3.0](#), section 3.2.2. Accordingly, the Panel finds that the Respondent's registration of the Disputed Domain Name, which is confusingly similar to the ROBECO Trademarks, is a clear indication of bad faith.

In accordance with paragraph 4(b)(iv) of the Policy, by using the Disputed Domain Name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Respondent's Website, by creating a likelihood of confusion with the Complainant's ROBECO Trademarks as to source, sponsorship, affiliation, or endorsement of the Respondent's Website or of the services on the Respondent's Website, which is an indicator of bad faith on the part of the Respondent. By reason of the matters stated in the previous section 6.B above, and with no response from the Respondent, the Panel is prepared to find that the Respondent has impersonated the Complainant via the Disputed Domain Name and the Respondent's Website for possible fraudulent activities and commercial gain.

Panels have held that the use of a domain name for illegal activity, such as claimed phishing, impersonation/passing off or other types of fraud, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the materials, the Panel finds that the Respondent's registration and use of the Disputed Domain Name constitute 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 <robecoholdingsltd.com> be cancelled.

/Rosita Li/

Rosita Li

Sole Panelist

Date: January 30, 2026