

ADMINISTRATIVE PANEL DECISION

Barnes Europe Consulting Kft., Heidi Barnes-Watson v. Ricardo Lopez
Case No. D2025-5359

1. The Parties

The Complainants are Barnes Europe Consulting Kft., Hungary, and Heidi Barnes-Watson, United States of America ("United States"), represented by MIIP MADE IN IP, France.

The Respondent is Ricardo Lopez, United States.

2. The Domain Name and Registrar

The disputed domain name <barnes-International.com> is registered with Hosting Concepts B.V. d/b/a Registrar.eu (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 22, 2025. On December 22, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 23, 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 (Whois Privacy Protection Foundation) and contact information in the Complaint. The Center sent an email communication to the Complainants on December 23, 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 December 26, 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 January 5, 2026. In accordance with the Rules, paragraph 5, the due date for Response was January 25, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 4, 2026.

The Center appointed Harini Narayanswamy as the sole panelist in this matter on February 11, 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 Complainants are real estate agents for luxury properties and own the trademark BARNES in relation to their business. The Complainants own the domain name <barnes-international.com> and have a large portfolio of trademark registrations for the BARNES trademark on which the present Complaint is based. Some trademark registrations are:

- BARNES French trademark registration No. 3861673 date September 26, 2011;
- BARNES International trademark registration No. 1114909 date March 13, 2012; and
- BARNES United Kingdom trademark registration No. UK00801114909 date March 13, 2012.

The disputed domain name was registered on September 28, 2025. It does not resolve to an active website. The disputed domain name had active Mail Exchange (MX) servers configured, but they were deactivated by the Respondent before notice of the present Complaint.

5. Parties' Contentions

A. Complainants

The Complainants contends that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

The Complainants contends that the disputed domain name wholly incorporates the trademark BARNES and is confusingly similar to its mark. The disputed domain name contains a misspelling of the term "international" – present in the Complainant's own domain name <barnes-international.com> – by replacing the letter "i" with the letter "l", which amounts to typosquatting.

The Complainants state that no license or authorization has been granted to the Respondent to use its mark and there is no evidence of demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services and, therefore, the Respondent lacks rights or legitimate interests in the disputed domain name. The Complainants claim the nature of the disputed domain name carries a risk of implied affiliation with Complainants.

Notably, the Complainants contend that due to the well-known reputation of its mark, it is reasonable to infer that the Respondent ought to have known of the Complainant's rights in the mark and registered the disputed domain name in bad faith. The Complainants further argue that a famous mark coupled with an inactive website indicates bad faith registration and use. As MX servers had been configured by the Respondent, the Complainants suggest that the disputed domain name could be used to send emails and impersonate the Complainants, which is bad faith use of the disputed domain name.

The Complainants state that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain name. The Complainants request the disputed domain name be transferred to the Complainant Barnes Europe Consulting Kft.

B. Respondent

The Respondent did not reply to the Complainants' contentions.

6. Discussion and Findings

6.1 Preliminary Issue – Consolidation of Complainants

The Complainants request for their Complaints be consolidated as they both have ownership of the trademark BARNES. Under paragraph 10(e) of the Rules, the Panel can decide a request by a party to consolidate multiple domain name disputes in accordance with the Policy and Rules.

The Panel allows the Complainants request to consolidate their Complaints in view of the fact that both Complainants are related entities sharing rights in the BARNES trademark.

6.2 Substantive Issues

The Policy under paragraph 4(a) requires a complainant to establish three elements to obtain the remedy of transfer of a disputed domain name under the Policy, these are:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (ii) the respondent lacks rights or legitimate interests in the disputed domain name; and
- (iii) the disputed domain name was registered and is being used in bad faith by the respondent.

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 Complainants' trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. The Panel finds the mark is recognizable within the disputed domain name. Although the addition of the term "International", a misspelling for "international", preceded by a hyphen, may bear on assessment of the second and third elements, the Panel finds the addition of such a term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

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 that 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 3.1](#), section 2.1.

Having reviewed the available record, the Panel finds the Respondent is not commonly known by the disputed domain name and has not demonstrated any legitimate reason for the registration of the disputed domain name. The disputed domain name is not being used, therefore the question of it being used for bona fide purposes or for noncommercial fair use purposes does not arise.

The Panel notes that the Respondent lacks permission, authorization, or license to use the Complainants' mark or any of its variants. The Respondent's unauthorized use of the Complainants' registered trademark in the disputed domain name is not indicative of the Respondent having rights or legitimate interests in the disputed domain name.

For the reasons discussed, the Panel finds the Complainants have established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainants' prima facie showing and has not provided any relevant submissions or evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

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.

The Complainants have argued that the registration and use of the disputed domain name shows the Respondent's intents to benefit from the reputation associated with their mark. The material on record shows that the Respondent set up MX servers, which indicates that the Respondent's intention – at least at a certain point – to use the disputed domain for purposes of sending and receiving email communications. The temporary presence of MX serves on the disputed domain name cannot be considered good faith use by the Respondent under the facts and circumstances of the present dispute.

Given the Complainants' repute and fame, there cannot be any actual or contemplated good faith use of the disputed domain name which incorporates a misspelling of the term "international" with the Complainant's mark, making the disputed domain name nearly identical to the Complainant's <barnes-international.com> domain name. Furthermore, the existence of MX servers poses a risk of phishing, any use of the email is likely to mislead users to think that they are dealing with the Complainant. See *Carrefour v. Contact Privacy Inc. Customer 0152812191 / Milen Radumilo, Milen Radumilo*, WIPO Case No. [D2019-0670](#), and *Accor SA v. Domain Admin, C/O ID#10760, Privacy Protection Service INC d/b/a PrivacyProtect.org / Yogesh Bhardwaj*, WIPO Case No. [D2017-1225](#). Use of the email servers would result in taking unfair advantage of the Complainants' rights by deceptive diversion.

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 3.1](#), section 3.3. This is particularly the case where the trademark in question is well known and the facts and circumstances show that the respondent has shown no legitimate use for the disputed domain name. Having reviewed the available record, the Panel finds the entire set of circumstances described here squarely comes under the passive holding doctrine showing bad faith registration and use under paragraph 4(iii) of the Policy.

It has been consistently found by UDRP panels that registration of a confusingly similar domain name to a widely known or reputed trademark by someone who is not affiliated with the owner of that trademark can by itself create a presumption of bad faith. [WIPO Overview 3.1](#), section 3.1.4.

The Panel finds for the reasons discussed, that the Complainants have established the third element of the Policy that the disputed domain name has been registered in bad faith and is being used in bad faith.

The Complainants have satisfied all three of the elements required under the Policy for a transfer of the disputed domain name.

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 <barnes-International.com> be transferred to the Complainant Barnes Europe Consulting Kft.

/Harini Narayanswamy/

Harini Narayanswamy

Sole Panelist

Date: February 20, 2026