

ADMINISTRATIVE PANEL DECISION

Kimley-Horn and Associates, Inc v. Patrica Hargis
Case No. D2026-0247

1. The Parties

The Complainant is Kimley-Horn and Associates, Inc, United States of America ("United States"), represented by Nelson Mullins Riley & Scarborough LLP, United States.

The Respondent is Patrica Hargis, United States.

2. The Domain Name and Registrar

The disputed domain name <kimleyhorn-inc.com> 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 January 21, 2026. On January 22, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 24, 2026, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. The Center sent an email communication to the Complainant on January 26, 2026, providing the registrant and contact information disclosed by the Registrar.

The Center verified that the 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 28, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 17, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 18, 2026.

The Center appointed Gregory N. Albright as the sole panelist in this matter on February 20, 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 planning, engineering, and design consulting firm in the United States, offering full services in a wide range of disciplines. The Complainant is the owner of registrations for the KIMLEY-HORN and KIMLEY HORN word and design mark in the United States, including Registration No. 2,788,474 for KIMLEY-HORN (word mark) issued December 2, 2003, and Registration No. 4,685,771 for KIMLEY HORN (design mark), issued February 10, 2015.

The Complainant also has registered and uses the <kimley-horn.com> domain name to host the Complainant's website.

The Respondent registered the disputed domain name on December 16, 2025. At the time of the Complaint the disputed domain name redirected to the Complainant's own website, at the domain name <kimley-horn.com>, and the Respondent had associated MX mail servers to the disputed domain name.

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.

First, the Complainant asserts that it obtained common law rights in the KIMLEY-HORN mark as early as 1967 when the Complainant began using the mark. In addition, the Complainant has obtained registrations for the mark, and the two registrations described in Section 4 above are incontestable. The Complainant's mark is recognizable within the disputed domain name, which is comprised of the mark and the addition of "inc", with the hyphen between "kimley" and "horn" removed and placed in between "kimleyhorn" and "inc.". The addition of "inc" to the Complainant's mark in the disputed domain name does not diminish confusing similarity; instead, it creates greater confusion since the Complainant is an incorporated company.

Second, the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not known by the disputed domain name or any variation thereof, and publicly available information contained in the Whois record supports the conclusion that the Respondent has never been commonly known by the disputed domain name. Nor has the Complainant authorized the Respondent to use the KIMLEY-HORN mark, as licensee or otherwise. In addition, the nature of the disputed domain name (consisting of a trademark plus an additional term) cannot constitute fair use because it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), Section 2.5.1.

Furthermore, the Respondent set up the disputed domain name to redirect visitors to the Complainant's own website and also associated email servers to the disputed domain name, suggesting the Respondent's intention to use the disputed domain name with some of email scheme to trade off of the goodwill associated with the Complainant's mark and <kimley-horn.com> domain name. Panels have found that using a disputed domain name to redirect Internet users to a complainant's own website cannot confer upon the Respondent any rights or legitimate interests in the disputed domain name. See, e.g., *FXCM Global Services LLC v. WhoisGuard Protected, Whoisguard Inc. / Jenny Sohia*, WIPO Case No. [D2018-1111](#).

Third, the Respondent registered and is using the disputed domain name in bad faith. The Complainant asserts that the KIMLEY-HORN mark is highly distinctive and has been used exclusively by the Complainant for the past 56 years, and it is not credible that the Respondent had any objective in registering the disputed domain name other than specifically targeting the Complainant. Bad faith registration is also present because the Respondent knew or should have known of the Complainant's trademark rights but nevertheless registered the disputed domain name in which the Respondent has no legitimate rights or interests. A simple Internet search for KIMLEY-HORN would have alerted the Respondent to the prior existence of the Complainant and its mark. And the Respondent's use of the disputed domain name to redirect users to the Complainant's own website confirms the Respondent's actual knowledge of the Complainant and its mark.

Bad faith use of the disputed domain name is also shown, the Complainant contends, because the Respondent's use of the disputed domain name to redirect users to the Complainant's own website – a deliberate and intentional decision by the Respondent – is a form of passing off or impersonation, and trademark infringement.

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 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 KIMLEY-HORN mark is reproduced within the disputed domain name, with only the hyphen between "kimley" and "horn" omitted. The disputed domain name includes the KIMLEY HORN mark in its entirety. Accordingly, the disputed domain name is confusingly similar to the marks for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms (here "-inc" following "kimleyhorn") may bear on assessment of the second and third elements, the Panel finds the addition of that 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.

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 Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. Among other things, as the Complainant correctly asserts, the Respondent did not acquire legitimate rights or interests in respect of the disputed domain name by redirecting Internet users to the Complainant's own website.

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.

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. Other circumstances may also be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.1](#), section 3.2.1.

In the present case, the Respondent registered the disputed domain name December 16, 2025, long after the Complaint obtained registrations for the KIMLEY HORN or KIMLEY-HORN mark. In addition, the Complainant avers that it has used the mark in commerce for 56 years and has used the domain name <kimley-horn.com> since 2010 in connection with the Complainant's website. Given the sequence of events, and the confusing similarity between the Complainant's mark and the disputed domain name, the Panel finds that the Respondent must have known of the Complainant's mark when the Respondent registered the disputed domain name, and registered it for the purpose of creating a false association with the Complainant.

Having reviewed the record, the Panel also finds the Respondent's use of the disputed domain name constitutes bad faith under the Policy. By redirecting Internet users to the Complainant's own domain name, and website, the Respondent created a false impression that the disputed domain name is authorized by or associated with the Complainant. In addition, the Respondent's association of MX mail servers to the disputed domain name suggests the Respondent's intent to engage in some kind of unauthorized email scheme related to the Complainant. The Respondent has not come forward with any evidence of Respondent's legitimate use of the disputed domain name.

The third element of the Policy has been established.

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 <kimleyhorn-inc.com> be transferred to the Complainant.

/Gregory N. Albright/

Gregory N. Albright

Sole Panelist

Date: March 5, 2026