

ADMINISTRATIVE PANEL DECISION

The Wallace Foundation v. Name Redacted
Case No. D2026-0337

1. The Parties

The Complainant is The Wallace Foundation, United States of America (the “United States”), represented by Pomeroy Law Group PLLC, United States.

The Respondent is Name Redacted¹.

2. The Domain Name and Registrar

The disputed domain name <wallacefoundationusa.org> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 27, 2026. On January 28, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 28, 2026, 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 (The RDAP server redacted the value, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 29, 2026, 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 January 30, 2026.

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

¹ The Respondent appears to have used the name of a third party when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted the Respondent’s name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

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 February 5, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 25, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Parties of the Respondent’s default on February 26, 2026.

The Center appointed Ingrīda Kariņa-Bērziņa as the sole panelist in this matter on March 5, 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 non-profit organization established in New York, United States, conducting philanthropical work in the areas of the arts, education, and youth development. It is the proprietor of several trademarks, including the following:

- United States Trademark Registration No. 2914955 for THE WALLACE FOUNDATION (word mark), registered on December 28, 2004 for goods and services in classes 16 and 35; and
- United States Trademark Registration No. 6280090 for WALLACE (device mark), registered on March 2, 2021 for goods and services in classes 16 and 36.

The Complainant uses the domain name <wallacefoundation.org> for its primary website.

The disputed domain name was registered on August 19, 2025. At the time of filing the Complaint and of this Decision, it did not resolve to an active website. The record contains evidence that the disputed domain name was used to generate emails to a supplier purportedly in the name of the Complainant’s employee.

The record reflects that the Complainant notified the Registrar that the disputed domain name infringed its rights in June 2024, and September 2025 and requested transfer of the disputed domain name on December 1, 2025. The Registrar responded on December 1 and December 4, 2025, and suspended the disputed domain name. The Complainant sent a cease-and-desist letter to the Respondent on December 4, 2025, but the record reflects no response thereto.

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 comprises its WALLACE and THE WALLACE FOUNDATION trademarks together with the descriptive term “usa”. The Respondent has no rights in the disputed domain name, which it registered for the purpose of making illegal purchases on behalf of the Complainant. The Respondent used the disputed domain name to impersonate the Complainant’s employee in an attempt to purchase a large amount of computer equipment in the name of the Complainant.

The Complainant requests transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the UDRP requires the Complainant to make out all three of the following:

- (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 has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the Respondent has registered and is using the disputed domain name in bad faith.

Under paragraph 15(a) of the Rules, "[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable".

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 Select 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 Complainant's WALLACE mark is reproduced within the disputed domain name, and the Complainant's THE WALLACE FOUNDATION mark is recognizable within the disputed domain name. 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, "usa") 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 marks for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

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 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.

The Panel notes the composition of the disputed domain name, which is confusingly similar to the Complainant's THE WALLACE FOUNDATION mark. The Panel finds that the nature of the disputed domain name carries a risk of implied affiliation to the Complainant that cannot constitute fair use. [WIPO Overview 3.1](#), section 2.5.1.

The Panel notes there is no evidence that the Respondent has used the disputed domain name in connection with a bona fide offering of goods or services, nor that the Respondent has been commonly known by the disputed domain name. There is no evidence that the Respondent has made a legitimate noncommercial or fair use of the disputed domain name.

Rather, the record contains evidence that the Respondent used the disputed domain name to generate fraudulent emails attempting to purchase goods allegedly on behalf of the Complainant. Panels have held that the use of a domain name for illegitimate activity (here, claimed impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

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.

In the present case, the Panel notes that the Respondent intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark. The Panel notes that the Complainant established rights in its WALLACE and THE WALLACE FOUNDATION marks several years prior to the registration of the disputed domain name. The disputed domain name comprises the WALLACE mark in its entirety and is confusingly similar to the Complainant's THE WALLACE FOUNDATION mark, thereby implying a link with the Complainant. The addition of the term "usa" does not distinguish the disputed domain name from the Complainant's marks. Together with the use to which it has been put, on this record, the Panel finds that the disputed domain name was registered in bad faith. [WIPO Overview 3.1](#), section 3.1.4.

Panels have held that the use of a domain name for illegitimate activity (here, claimed impersonation/passing off) constitutes bad faith. [WIPO Overview 3.1](#), section 3.4. Having reviewed the record, the Panel finds that the Complainant has provided evidence that the Respondent has used the disputed domain name to generate fraudulent emails to attempt to purchase computer equipment allegedly on behalf of the Complainant. The Respondent has not attempted to provide a good-faith explanation for such conduct and the Panel does not find it credible that one could exist. On this record, the Panel finds 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 <wallacefoundationusa.org> be transferred to the Complainant.

/Ingrīda Kariņa-Bērziņa/

Ingrīda Kariņa-Bērziņa

Sole Panelist

Date: March 11, 2026