

ADMINISTRATIVE PANEL DECISION

PRIMECAP Management Company v. Daron Kunze
Case No. D2026-0504

1. The Parties

The Complainant is PRIMECAP Management Company, United States of America (“United States”), represented by Byron Raphael LLP, United States.

The Respondent is Daron Kunze, United States.

2. The Domain Name and Registrar

The disputed domain name <the-primecap.com> (the “Domain Name”) 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 February 6, 2026. On February 6, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On February 9, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (“unknown”) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 9, 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 amendment to the Complaint on February 11, 2026.

The Center verified that the Complaint together with the amendment to 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 February 12, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 4, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 6, 2026.

The Center appointed Colin T. O'Brien as the sole panelist in this matter on March 10, 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

Since 1984, the Complainant has managed investment funds for a provider of mutual funds and exchange-traded funds. As of December 31, 2025, the Complainant managed approximately USD 139 billion in investments through its mutual funds. In 2004, the Complainant expanded its services by launching its own proprietary mutual fund family. The Complainant has received extensive media coverage and is widely recognized within the investment management industry.

Complainant owns the following United States Federal trademark registrations (the "PRIMECAP Marks"), covering services in class 36 and duly renewed:

- PRIMECAP, Registration No. 2,965,219, registered on July 5, 2005;
- PRIMECAP ODYSSEY, Registration No. 3,021,583, registered on November 29, 2005; and
- PRIMECAP ODYSSEY FUNDS, Registration No. 2,984,864, registered on August 16, 2005.

The Complainant owns the domain names <primecap.com> and <primecapmanagement.com> registered in 1996 and 2003 respectively. The email handle the Complainant uses for business communications is "@primecapmanagement.com".

The Domain Name was registered on January 5, 2026.

The Complaint asserts that the Domain Name "does not resolve to a website". Currently, the Domain Name resolves to a default page from the Registrar.

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 Domain Name.

Notably, the Complainant contends that it owns the registered word marks PRIMECAP and PRIMECAP ODYSSEY and a design mark featuring the words PRIMECAP ODYSSEY FUNDS. Through more than four decades of continuous operation, the Complainant has acquired common law rights in these marks. Since 1983, the Complainant has provided extensive financial services and, beginning in 1984, has managed investment funds for one of the world's largest providers of mutual funds and exchange-traded funds.

The Domain Name is confusingly similar to the PRIMECAP Marks because it incorporates the complete mark preceded by the generic term "the". The addition of the generic term "the" and the Top-Level Domain is insufficient to distinguish the Domain Name.

The Respondent has no rights or legitimate interests in the Domain Name. The Respondent does not own any rights, or is otherwise licensed or authorized to use the PRIMECAP Marks. The Whois database does not reflect that the Respondent is commonly known by the Domain Name. The Domain Name could be used as part of a phishing scam by "spoofing" emails from the Complainant.

There is considerable evidence that the Respondent registered and used the Domain Name in bad faith and in complete disregard of the Complainant's rights in the PRIMECAP Marks. In particular, the Respondent clearly knew of the Complainant's senior rights to the PRIMECAP Marks at the time the Domain Name was registered in 2026, given that the Complainant has used its PRIMECAP Marks for 20 years

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant holds rights in the PRIMECAP Marks by virtue of its long-standing use of the Mark in the United States as well as its several trademark registrations, including United States Registration No. 2,965,219, registered on July 5, 2005 for the PRIMECAP mark.

The Domain Name adds only the term "the" with a hyphen followed by the Complainant's PRIMECAP mark. The addition of the term "the" does not prevent a finding of confusingly similarity of the Domain Name with the Complainant's PRIMECAP Marks. See section 1.8 of WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"). The dominant feature of the Domain Name is the Complainant's Mark. The Panel finds the Domain Name is confusingly similar with the Complainant's trademarks for the purposes of the Policy.

The Panel therefore holds that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Complainant has presented a prima facie case that the Respondent has no rights or legitimate interests in respect of the Domain Name and has not been commonly known by the Domain Name. The Panel notes the reputation of the Complainant's PRIMECAP Marks and finds that the fact that the Respondent obtained the Domain Name decades after the Complainant had begun using its PRIMECAP Marks indicates that the Respondent sought to target such for potentially illegitimate reasons.

After a complainant has made a prima facie case, the burden of production shifts to a respondent to present evidence demonstrating rights or legitimate interests in the disputed domain name. See, e.g., *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#).

Here, the Panel notes the Domain Name resolves to a Registrar default page and the Respondent has failed to participate in the proceedings and to come forward with evidence of any rights or legitimate interests in the Domain Name. Moreover, the Domain Name incorporates the Complainant's PRIMECAP trademark in its entirety along with the term "the" potentially conveying to unsuspecting Internet users the false belief that any website or email connected to the Domain Name is associated with the Complainant. Such a risk of affiliation or association with the Complainant and its marks prevents a finding of rights or legitimate interests on behalf of the Respondent.

In the absence of any evidence rebutting the Complainant's prima facie case indicating the Respondent's lack of rights or legitimate interests in respect of the Domain Name, the Panel finds that the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Domain Name was registered decades after the PRIMECAP Marks were first registered and used. The evidence provided by the Complainant with respect to the extent of use of its PRIMECAP Marks combined with the additional term in the Domain Name and absence of any evidence provided by the Respondent to the contrary, is sufficient to satisfy the Panel that, at the time the Domain Name was registered, the Respondent, more likely than not, knew of the Complainant's PRIMECAP Marks.

Moreover, UDRP panels have consistently found that the mere registration of a domain name that is confusingly similar (particularly domain names incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. See section 3.1.4 of the [WIPO Overview 3.1](#).

In view of section 3.3 of the [WIPO Overview 3.1](#), the inactive state of the Domain Name does not prevent a finding of bad faith under the doctrine of passive holding particularly noting the reputation of the Complainant and its PRIMECAP Marks, the composition of the Domain Name, and the lack of response from the Respondent.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(iii) 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 Domain Name <the-primecap.com> be transferred to the Complainant

/Colin T. O'Brien/

Colin T. O'Brien

Sole Panelist

Date: March 24, 2026