

ADMINISTRATIVE PANEL DECISION

Constellation Energy Corporation v. Dave Dave, CLEAR CRM
Case No. D2026-0528

1. The Parties

Complainant is Constellation Energy Corporation, United States of America (“United States” or “USA”), represented by CSC Digital Brand Services Group AB, Sweden.

Respondent is Dave Dave, CLEAR CRM, United States.

2. The Domain Name and Registrar

The disputed domain name <constellation.com> (the “Domain Name”) 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 February 12, 2026. On February 12, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On February 13, 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 (“Whois Privacy Protection Foundation”) and contact information in the Complaint. The Center sent an email communication to Complainant on February 13, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on February 17, 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 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 Respondent of the Complaint, and the proceedings commenced on February 18, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 10, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on March 13, 2026.

The Center appointed Kimberley Chen Nobles as the sole panelist in this matter on March 18, 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

Founded in 1999, Complainant produces carbon-free energy and supplies energy products and related services. Complainant currently operates in 48 states in the United States, the District of Columbia, Canada, and the United Kingdom in three main segments: Merchant Energy, Regulated Electric, and Regulated Gas with approximately 14,000 employees.

Complainant owns several registered trademarks in various jurisdictions for the CONSTELLATION and CONSTELLATION ENERGY (“the CONSTELLATION trademark”), including:

- United States registered trademark number 4339956, registered on May 21, 2013;
- Canadian registered trademark number TMA677781, registered on November 28, 2006; and
- European Union registered trademark number 004595252, registered on September 28, 2006.

Complainant also owns and operates the domain names <constellation.com> and <constellationenergy.com>, registered in 1996 and 1999, respectively.

The Domain Name was registered on September 9, 2025, resolved to a website featuring pay-per-click links to third-party websites. It was also configured to set up email communications capability, which was used to send fraudulent emails to Complainant’s vendors in which Respondent impersonated Complainant’s employee in an attempt to divert vendor payments to Respondent.

5. Parties’ Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

Notably, Complainant contends that (i) the Domain Name is confusingly similar to Complainant’s trademark; (ii) Respondent has no rights or legitimate interests in the Domain Name; and (iii) Respondent registered and is using the Domain Name in bad faith.

In particular, Complainant contends that it has trademark registrations and rights for CONSTELLATION and that Respondent registered and is using the Domain Name <consteliatlion.com>, which is a typosquatted variant where the letter “l” (in the 11th character) from the trademark CONSTELLATION is reversed with the letter “i” (in the 8th character) of CONSTELLATION, with the intention to confuse Internet users looking for Complainant’s bona fide and well-known services.

Complainant notes that it has no affiliation with Respondent, nor authorized Respondent to register or use a domain name which includes Complainant’s trademark, and that Respondent has no rights or legitimate interests in the registration and use of the Domain Name. Rather, Complainant contends that Respondent has acted in bad faith in acquiring and setting up the Domain Name, when Respondent clearly knew of Complainant’s rights.

Specifically, Complainant argues that Respondent used the Domain Name to set up email services to send fraudulent emails to Complainant’s vendor in which Respondent impersonated Complainant’s Receivables Management Analyst in an attempt to divert vendor payments to Respondent.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed Complainant must satisfy the Panel that:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name was registered and is being used in bad faith.

Section 4.3 of the WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)") states that failure to respond to complainant's contentions would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true.

Thus, although in this case Respondent has failed to respond to the Complaint, the burden remains with Complainant to establish the three elements of paragraph 4(a) of the Policy by a preponderance of the evidence.

A. Identical or Confusingly Similar

Complainant has provided evidence of its rights in the CONSTELLATION trademark, as noted above. The Domain Name was registered decades after the registration of Complainant's registered CONSTELLATION trademarks. Complainant has therefore proven that it has the requisite rights in the CONSTELLATION trademarks.

With Complainant's rights in the CONSTELLATION trademark established, the remaining question under the first element of the Policy is whether the Domain Name, typically disregarding the Top-Level Domain ("TLD") in which it was registered (in this case, ".com"), is identical or confusingly similar to Complainant's trademark. See, e.g., *B & H Foto & Electronics Corp. v. Domains by Proxy, Inc. / Joseph Gross*, WIPO Case No. [D2010-0842](#).

Here, the Domain Name is confusingly similar to Complainant's CONSTELLATION trademark. The CONSTELLATION trademark is recognizable in the Domain Name.

The reversal of the letter "l" (in the 11th character) from CONSTELLATION with the letter "i" (in the 8th character) of CONSTELLATION, in the Domain Name does not prevent a finding of confusing similarity between the Domain Name and the CONSTELLATION trademark. See section 1.8 of the [WIPO Overview 3.0](#).

Thus, the Panel finds that Complainant has satisfied the first element of the Policy.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, a complainant must make a prima facie showing that a respondent possesses no rights or legitimate interests in a disputed domain name. See, e.g., *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. [D2008-1393](#). Once a complainant makes such a prima facie showing, the burden of production shifts to the respondent, though the burden of proof always remains on the complainant. If the respondent fails to come forward with relevant evidence showing rights or legitimate interests, the complainant will have sustained its burden under the second element of the UDRP.

From the record in this case, it is evident that Respondent was, and is, aware of Complainant and its CONSTELLATION trademark and does not have any rights or legitimate interests in the Domain Name. Complainant has confirmed that Respondent is not affiliated with Complainant, or otherwise authorized or licensed to use the CONSTELLATION trademark or to seek registration of any domain name incorporating this trademark. Respondent is also not known to be associated with the CONSTELLATION trademark and there is no evidence showing that Respondent has been commonly known by the Domain Name.

In addition, Respondent has not used the Domain Name in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use. Rather, the record shows that the Domain Name resolved to a website featuring pay-per-click links to third-party websites, and was also configured to set up email communications capability to send fraudulent emails to Complainant's vendor in which Respondent impersonated Complainant's Receivables Management Analyst in an attempt to divert vendor payments to Respondent.

UDRP panels have consistently held that use of a domain name for illegal activity — such as email phishing, impersonation, or passing off — can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Accordingly, Complainant has provided evidence supporting its prima facie showing that Respondent lacks any rights or legitimate interests in the Domain Name. Respondent has failed to produce countervailing evidence of any rights or legitimate interests in the Domain Name. Thus, the Panel concludes that Respondent does not have any rights or legitimate interests in the Domain Name and Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds that Respondent's actions indicate that Respondent registered and is using the Domain Name in bad faith.

Paragraph 4(b) of the Policy provides a non-exhaustive list of circumstances indicating bad faith registration and use on the part of a respondent, namely:

“(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your website or location.”

The Panel finds that Complainant has provided ample evidence to show that registration and use of the CONSTELLATION trademark predate the registration of the Domain Name. Complainant is also well established and known; indeed, the record shows that Complainant's CONSTELLATION trademark and related services are known and recognized for purposes of the Policy. Therefore, and also noting the use analysis below, Respondent was clearly aware of the CONSTELLATION trademark when it registered the Domain Name.

The Panel therefore finds that Respondent's awareness of Complainant's trademark rights at the time of registration suggests bad faith. See *Red Bull GmbH v. Credit du Léman SA, Jean-Denis Deletraz*, WIPO Case No. [D2011-2209](#); *Nintendo of America Inc v. Marco Beijen, Beijen Consulting, Pokemon Fan Clubs Org., and Pokemon Fans Unite*, WIPO Case No. [D2001-1070](#); and *BellSouth Intellectual Property Corporation v. Serena, Axel*, WIPO Case No. [D2006-0007](#).

As noted above, the record shows that Respondent had used the Domain Name to engage in illegal activity, namely, sending of fraudulent emails to Complainant's vendor in which Respondent impersonated Complainant's Receivables Management Analyst in an attempt to divert vendor payments. Specifically, Respondent used the Domain Name to send emails which had the appearance of originating from Complainant's actual employee. The email, sent from an email address created with the Domain Name extension "@consteliatlon.com", sought to engage Complainant's vendors, with the likely intent of rerouting vendors' payments via their account(s). Respondent's emails also included Complainant's entity name and the location of their office in Baltimore, USA, as well as their logo. In the email address, the lowercase letter "l" (in the 11th character) from CONSTELLATION is reversed with the uppercase letter "i" (in the 8th character) of CONSTELLATION, which further causes confusion to recipients, further indicative of Respondent's intent to deceive Internet users and commit fraud.

UDRP panels have consistently held that a respondent's use of a domain name to trade off goodwill in a complainant's well-known trademark and impersonate complainant, as here, constitutes bad faith. See *Philip Morris Products S.A. v. homn mohmoodi*, WIPO Case No. [D2022-4158](#). Moreover, such use of the Domain Name may potentially result in tarnishing Complainant's reputation and goodwill.

Finally, the Panel also notes the failure of Respondent to submit a response, Respondent's use of a privacy service or selected a registrar with default proxy services to mask its identity, and Respondent's use of false underlying contact information to register the Domain Name. The Panel thus considers such factors as strong further evidence of Respondent's registration and use of the Domain Name constituting bad faith. In the present circumstances, considering the reputation of the CONSTELLATION trademark, and the fraudulent use of the Domain Name, the Panel finds that Respondent registered and is using the Domain Name in bad faith.

Therefore, the Panel finds that Complainant succeeds under the third element of paragraph 4(a) 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 <consteliatlon.com> be transferred to Complainant.

/Kimberley Chen Nobles/

Kimberley Chen Nobles

Sole Panelist

Date: March 20, 2026