

ADMINISTRATIVE PANEL DECISION

PRIMECAP Management Company v. tom musso

Case No. D2026-0883

1. The Parties

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

Respondent is tom musso, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <primecapmanagment.com> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 27, 2026. On March 2, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 3, 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 Complainant on March 3, 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 March 4, 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 March 10, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 30, 2026. Respondent sent an email communication to the Center on March 10, 2026. However, Respondent did not file any formal Response. On March 23, 2026, the proceeding was suspended upon Complainant's request. On April 30, 2026, Complainant requested to reinstitute the

proceeding, which happened on the same day. Accordingly, the new due date for Response was May 7, 2026. The Center notified the Parties of the commencement of panel appointment process on May 10, 2026.

The Center appointed Stephanie G. Hartung as the sole panelist in this matter on May 19, 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

Complainant is a company organized under the laws of the United States that is active in the investment management industry.

Complainant has provided evidence that it is the registered owner of various trademarks relating to its company name and brand PRIMECAP, inter alia, but not limited to, the following:

- word trademark PRIMECAP, United States Patent and Trademark Office (USPTO), registration number: 2,965,219, registration date: July 5, 2005, status: active.

Moreover, Complainant has demonstrated to own since 1996 the domain name <primecap.com> as well as since 2004 the domain name <primecapmanagement.com>, which both resolve to Complainant's official website at "www.primecap.com", used to promote Complainant's services in the investment management industry globally.

Respondent, according to the Registrar verification, is located in the United Kingdom. The disputed domain name was registered on February 19, 2026. By the time of the rendering of this Decision, the disputed domain name resolves to a pay-per-click (PPC) website with hyperlinks to various third-party websites related to "management" issues, thereby offering the disputed domain name for sale. Complainant, however, has demonstrated that at some point before the filing of the Complaint, the disputed domain name was passively held instead.

Complainant requests that the disputed domain name be transferred to Complainant.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name. Notably, Complainant contends that it has offered financial services under the PRIMECAP trademark since 1983 and has meanwhile acquired common law trademark rights therein due to extensive and continuous commercial use.

Complainant submits that the disputed domain name is confusingly similar to Complainant's PRIMECAP trademark, as it contains the latter in its entirety, merely added by the descriptive term "manag(e)ment". Moreover, Complainant asserts that Respondent has no rights or legitimate interests in respect of the disputed domain name since (1) Complainant has not licensed or otherwise authorized Respondent to use any domain name incorporating its PRIMECAP trademark, (2) Respondent is engaged in a passive holding of the disputed domain name, which does not confer any rights or legitimate interests therein, and (3) the disputed domain name has likely been registered in furtherance of a part of a phishing scheme, given that it is identical to the email address which Complainant has used for decades, except for the misspelled word "managment". Finally, Complainant argues that Respondent has registered and is using the disputed domain name in bad faith since (1) given that Complainant had used its PRIMECAP trademark for 20 years, it is clear that Respondent knew about the Complainant and its trademark rights at the time the disputed

domain name was registered, and (2) Respondent registered the disputed domain name with a privacy service.

B. Respondent

Respondent did not formally reply to Complainant's contentions.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, Complainant carries the burden of proving:

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

Respondent's default in the case at hand does not automatically result in a decision in favor of Complainant, however, paragraph 5(f) of the Rules provides that if Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute solely based upon the Complaint. Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from Respondent's failure to submit a Response as it considers appropriate.

A. Identical or Confusingly Similar

First, 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 Complainant's PRIMECAP trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Select UDRP Questions (["WIPO Overview 3.1"](#)), section 1.7.

Complainant has shown rights in respect of its PRIMECAP trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1. Also, the entirety of such trademark is reproduced within the disputed domain name, simply added by the term "managment", which is an obvious typosquatting of the descriptive term "management". Accordingly, the disputed domain name is confusingly similar to Complainant's PRIMECAP trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7. Although the addition of other terms (here, the term "managment") may bear on assessment of the second and third elements, the Panel holds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and Complainant's PRIMECAP trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

The Panel, therefore, finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Second, paragraph 4(c) of the Policy provides a list of circumstances in which 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 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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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.

In particular, Respondent has not been authorized to use Complainant's PRIMECAP trademark, either as a domain name or in any other way. Also, there is no evidence to consider that Respondent's name would somehow correspond with the disputed domain name, and Respondent does not appear to have any trademark rights associated with e.g. the terms "prime" and/or "cap" and/or "manag(e)ment" on its own.

Moreover, UDRP panels agree that using a domain name to host a PPC website does not present a bona fide offering where such PPC links compete with or capitalize on the reputation and goodwill of the complainant's trademark or otherwise mislead Internet users. [WIPO Overview 3.1](#), section 2.9. In the case at hand, it is undisputed between the Parties that Complainant's PRIMECAP enjoys relevant reputation due to extensive and continuous commercial use. Besides, by the time of the rendering of this Decision, the disputed domain name resolves to a PPC website with hyperlinks related to management issues, which are at the core of Complainant's business. Taking these circumstances together, the Panel concludes that the PPC links under the disputed domain name in fact compete with or capitalize on the reputation and goodwill of Complainant's PRIMECAP trademark or otherwise mislead Internet users.

Finally, and as far as the disputed domain name was passively held by the time that the Complaint was filed, the Panel notes that the composition of the disputed domain name alone gives the impression of a commercial link between the disputed domain name and Complainant which clearly does not exist. UDRP panels, have found that where a domain name consists of a trademark plus an additional term, such composition cannot constitute fair use and may not confer rights of legitimate interests, if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner, such as in the case at hand. [WIPO Overview 3.1](#), section 2.5.1.

The Panel, therefore, finds the second element of the Policy has been established, too.

C. Registered or Used in Bad Faith

Third, 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 or use of a domain name in bad faith.

In the case at hand, it is more likely than not that Respondent was aware of Complainant's rights in the PRIMECAP trademark as well as of Complainant's business in the investment management industry when registering the disputed domain name, and that the latter is directed thereto. Also, there are no indications apparent from the case file as to why Respondent needed to rely on the term "primecap" as included in the disputed domain name if not to somehow unduly profit from the undisputed reputation which Complainant's PRIMECAP trademark enjoys, particularly in the investment management industry to which the added term "management" in the disputed domain name directly refers. Finally, the disputed domain name resolves to a PPC website with hyperlinks related to management issues which are at the core of Complainant's business in the investment management industry, for the obvious purpose of generating PPC revenues. Taking all of those facts together, the Panel concludes that Respondent, by registering and using the disputed domain name, intentionally attempted to attract, for commercial gain, Internet users to its own website by creating a likelihood of confusion with Complainant's well-reputed PRIMECAP trademark. Such circumstances are evidence of registration and use of the disputed domain name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy. Finally, and as far as the disputed domain name was passively held by the time that the Complaint was filed, the Panel, having reviewed the available record, holds the non-use of the disputed

domain name does not prevent a finding of bad faith in the circumstances of this proceeding, either. Although, under the “passive holding” doctrine, panels will look at the totality of the circumstances in each case, factors that have been considered relevant in its application include, inter alia: (i) the degree of distinctiveness or reputation of the complainant’s mark, and (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use. In this context, the Panel notes (1) the undisputed distinctiveness or reputation of Complainant’s PRIMECAP trademark, and (2) the composition of the disputed domain name which reproduces such trademark entirely added by the misspelled term “managment” which directs at the core of Complainant’s business, and so gives the impression of a commercial link between the disputed domain name and Complainant which clearly does not exist. The Panel, thus, concludes that in the circumstances of this case even a passive holding of the disputed domain name, as claimed by Complainant, does not prevent a finding of bad faith under the Policy. [WIPO Overview 3.1](#), section 3.3.

The Panel, therefore, finds that Complainant has established the third element of the Policy, too.

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, <primecapmanagment.com>, be transferred to Complainant.

/Stephanie G. Hartung/

Stephanie G. Hartung

Sole Panelist

Date: June 2, 2026