ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

Barrick Gold of North America, Inc., Barrick Mining Corporation v. Hicham oujari
Case No. D2026-0936

1. The Parties

The Complainant is Barrick Gold of North America, Inc. (the "First Complainant"), United States of America ("United States") and Barrick Mining Corporation, Canada (the "Second Complainant"), represented by Dorsey & Whitney, LLP, United States.

The Respondent is Hicham oujari, Morocco.

2. The Domain Name and Registrar

The disputed domain name <barrick-gold.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 March 4, 2026. On March 5, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 5, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 6, 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 March 6, 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 the Respondent of the Complaint, and the proceedings commenced on March 9, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 29, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 31, 2026.

The Center appointed Stefan Bojovic as the sole panelist in this matter on April 9, 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 First Complainant is a United States-based company, while the Second Complainant is organized under the laws of Canada. The Complainants, together with its parent, affiliates and subsidiaries comprise one of the largest gold mining operations worldwide.

The Second Complainant is the owner of the BARRICK and BARRICK GOLD trademarks which are protected by trademark registrations in various jurisdictions, including the following:

- United States trademark registration No. 4683358 for BARRICK GOLD, registered on February 10, 2015;
- United States trademark registration No. 4944505 for BARRICK GOLD, registered on April 26, 2016;
- European Union trademark registration No. 008890386 for BARRICK, registered on August 10, 2010.

The Complainant operates its official website at the domain name <barrick.com>, registered on October 6, 1995.

The disputed domain name was registered on December 31, 2025 and it resolves to a website featuring a live counter of “gold production since January 2026,” and a field allowing users to input a “stellar wallet address” associated with a currency identified as “BGOLD”.

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 Complainants contend that the disputed domain name consists entirely of the Complainants’ BARRICK and BARRICK GOLD trademarks, making it confusingly similar or identical to these trademarks. The addition of the descriptive, “.org” generic Top-Level Domain (“gTLD”) to the disputed domain name is also insignificant.

With reference to rights or legitimate interests in respect of the disputed domain name, the Complainants contend that the Respondent cannot demonstrate it has any rights or legitimate interests in the disputed domain name. The Respondent is not a licensee of Complainants, nor have Complainants otherwise authorized Respondent to register the disputed domain name or otherwise use Complainants’ trademarks. The disputed domain name resolves to a webpage that provides a live counter of “gold production since January 2026,” as well as a text box whereby users can input their “stellar wallet address” which contains a currency identified as “BGOLD”. According to the Complainants, “BGOLD” is an acronym within the cryptocurrency field used to describe a number of different cryptocurrencies, including the Gold Blockchain Finance, Bitcoin Gold, and Bualuang Gold Fund. The Complainants hold that it is clear that the Respondent’s use of the disputed domain name is not for a legitimate purpose, but rather to rely on Complainants’ long-standing goodwill to mislead consumers for fraudulent purposes. The Respondent is not making a legitimate or fair use of the disputed domain name, since it has used the disputed domain name with the intent to mislead Complainants’ target market for commercial gain through intentionally misleading itself as affiliated with, connected to, or endorsed by the Complainants.

With reference to the circumstances evidencing bad faith, the Complainant indicates that the Respondent registered the disputed domain name without any bona fide basis for such registration in an attempt to capitalize unfairly on the goodwill of Complainants' widely recognized trademarks. As the disputed domain name is used for a website offering goods and services related to those offered legitimately under Complainants' trademarks, it is clear that the Respondent has registered the disputed domain name in bad faith to pass itself off as the Complainants, or at the very least, to create an improper affiliation. Additionally, the Complainants have located an active MX record for the disputed domain name, indicating the disputed domain name may be in use with email services, which further indicates that the Respondent may be using the disputed domain name for email phishing purposes, or with a possible intention to do so.

B. Respondent

The Respondent did not reply to the Complainants' contentions.

6. Discussion and Findings

According to 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." Paragraph 4(a) of the Policy stipulates that the complainant must prove each of the following:

(i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights;

(ii) that the 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.

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 Complainants have shown rights in respect of a trademark or service mark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1. Although the Complainants have based their complaint on both BARRICK GOLD and BARRICK trademarks, and although both trademarks are contained in their entirety within the disputed domain name, the Panel holds that for the purposes of analysis of the first UDRP element, it is sufficient to take into account only BARRICK GOLD trademark. Having in mind that BARRICK GOLD trademark consists of two verbal elements that are both contained within the disputed domain name and since BARRICK trademark is already contained within BARRICK GOLD trademark, the Panel deems that analysis of both trademarks would be redundant and, as such, would not make any impact on the Panel's conclusions regarding the first UDRP element. The Panel will also use the same approach in assessment of the second and the third UDRP element.

The entirety of the Second Complainant's trademark is reproduced within the disputed domain name, only adding a hyphen. Accordingly, the disputed domain name is (almost) identical with the Complainants' trademark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

In addition, it is well established that ".org", as a gTLD, is disregarded in the assessment of the confusing similarity between the disputed domain name and the trademark. WIPO Overview 3.1, section 1.11.1.

The Panel, therefore, finds that 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 Complainants have established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainants' 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 that there is no relationship between the Respondent and the Complainants and that the Respondent is not a licensee of the Complainants, nor has the Respondent otherwise obtained an authorization to use the Complainants' BARRICK GOLD trademark. There appears to be no element from which the Panel could infer the Respondent's rights or legitimate interests in the disputed domain name, or that the Respondent might be commonly known by the disputed domain name.

The disputed domain name resolves to a website featuring a live counter of "gold production since January 2026," and a field allowing users to input a "stellar wallet address" associated with a currency identified as "BGOLD". Given that such use is clearly connected to the Complainants' field of business, it cannot constitute a bona fide offering of goods or services under the Policy.

Since the disputed domain name is (almost) identical with the Complainants' trademarks, it also carries a high risk of implied affiliation. WIPO Overview 3.1, section 2.5.1.

Having in mind the above, 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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may 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 Panel notes that the Respondent must have been well aware of the Complainants and their BARRICK GOLD trademark at the time of the registration of the disputed domain name.

Namely, the first registration and use of BARRICK GOLD trademark predate the registration of the disputed domain name by decades, making it unlikely that the Respondent was not aware of the Second Complainant's trademark at the time of registration of the disputed domain name.

Due to the above, the Panel finds that the disputed domain name has been registered in bad faith.

As previously indicated, the disputed domain name resolves to a website featuring a live counter of "gold production since January 2026," and a field allowing users to input a "stellar wallet address" associated with a currency identified as "BGOLD". The Panel considers such use of the disputed domain name as evidence of bad faith indicating that the Respondent has used disputed domain name (almost) identical with the Second Complainant's trademark primarily with the intention of attempting to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Second Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of such website, or of a product or service on such website.

The Panel also considers that configuration of mail exchange records (MX records) on the disputed domain name supports the finding of the Respondent's bad faith. Previous panels have held that configuration of such records can represent a severe risk noting the composition of the domain name as the domain name remains under the control of the Respondent (see, for example, *Carrefour v. WhoisGuard, Inc., WhoisGuard Protected / Robert Jurek, Katrin Kafut, Purchasing clerk, Starship Tapes & Records*, WIPO Case No. D2017-2533 and *Accenture Global Services Limited v. WhoisGuard Protected, WhoisGuard, Inc. / Basikta James*, WIPO Case No. D2020-2955). In a situation where the disputed domain name is (almost) identical with the third-party trademarks that enjoy certain reputation within their field of business, it is indeed, rather difficult to imagine any good faith use of the mail server attached to such domain name. In the case at hand, the disputed domain name is identical with the Second Complainant's BARRICK GOLD trademark, which further increases the risk of fraudulent activity arising from the configuration of MX records for the disputed domain name.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

Therefore, the Panel finds that the Complainants have 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 <barrick-gold.org> be transferred to the Complainants.

/Stefan Bojovic/
Stefan Bojovic
Sole Panelist
Date: April 24, 2026