

ADMINISTRATIVE PANEL DECISION

Barrick Gold of North America, Inc. and Barrick Mining Corporation v. Affing, Aff

Case No. D2026-0938

1. The Parties

The Complainants are Barrick Gold of North America, Inc. United States of America ("United States"), and Barrick Mining Corporation, Canada, represented by Dorsey & Whitney, LLP, United States.

The Respondent is Affing, Aff, Poland.

2. The Domain Name and Registrar

The disputed domain name <barrick-gold.net> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (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 6, 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 Complainants on March 6, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants 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 April 9, 2026.

The Center appointed Dilek Zeybel as the sole panelist in this matter on April 16, 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 Complainants, Barrick Gold North America, Inc. and Barrick Mining Corporation, are part of a global mining group engaged in gold, copper, and precious metals. The group has been active in more than thirteen countries since at least 1983 and operates some of the world's largest gold mining operations.

The Complainants own trademark registrations for BARRICK and BARRICK GOLD in numerous jurisdictions worldwide, including, inter alia, the following:

- United States trademark BARRICK GOLD no. 4,683,358, registered on February 10, 2015.
- United States trademark BARRICK GOLD no. 4,944,505, registered on April 26, 2016.
- European Union trademark BARRICK no. 008890386, registered on August 10, 2010.

The Respondent registered the disputed domain name <barrick-gold.net> on December 6, 2025.

The Complainants have submitted evidence showing that the disputed domain name previously resolved to a website displaying the BARRICK GOLD mark and offering an online trading platform, including promotional content, user testimonials, and a registration interface.

At the time of the Panel's review, however, the disputed domain name does not resolve to an active website.

5. Parties' Contentions

A. Complainants

The Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

In particular, they submit that the disputed domain name is confusingly similar to their earlier registered trademarks BARRICK and BARRICK GOLD and is used to suggest an affiliation with the Complainants and to take unfair advantage of the reputation of their marks.

It is further contended that, as of February 13, 2026, the disputed domain name resolved to a website prominently displaying the BARRICK marks in connection with a purported cryptocurrency trading platform. The website was designed to attract Internet users to download a mobile application and/or to provide personal information through a registration interface.

According to the Complainants, the Respondent is thereby attempting to pass itself off as, or at least as being affiliated with, the Complainants by misleading Internet users into believing that the website is operated or endorsed by the Complainants.

It is further submitted that the website purports to allow users to download a cryptocurrency mobile application, while in fact no such functionality is available, as the links lead only to informational content rather than to any genuine download or access.

The Complainants also point out that the website includes purported information about its management team, including images presented as executive "headshots", thereby reinforcing the misleading impression of an official website.

The Complainants state that the Respondent is not authorized to use their trademarks, has no rights or legitimate interests in the disputed domain name, and is not related in any way to the Complainants. Finally, the Complainants contend that the Respondent is not making a bona fide offering of goods or services, nor a legitimate or fair use of the disputed domain name, but is instead using it with the intention of misleading Internet users for commercial gain by creating a false impression of affiliation.

B. Respondent

The Respondent did not reply to the Complainants' contentions.

6. Discussion and Findings

Paragraph 15(a) of the Rules directs the Panel as to the principles to be applied in determining the dispute: "A Panel shall decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

The Policy provides, at paragraph 4(a), that each of the three elements must be made for a complaint to prevail:

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

Pursuant to paragraph 14(b) of the Rules, where a party does not comply with any provision of the Rules, the Panel may draw such inferences as it considers appropriate.

Considering the Parties' submissions, the Policy, the Rules, the Supplemental Rules, and applicable law, the Panel's findings with respect to each of the above elements are set out below.

6.1 Preliminary Issue: Consolidation of Multiple Complainants

The Panel is satisfied that (a) the Complainants, which are part of a group of companies, have a specific common grievance against the Respondent and the Respondent has engaged in common conduct that has affected the Complainants in similar fashion and (b) it would be equitable and procedurally efficient to allow this proceeding to be filed by both Complainants. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.11.

In the present case, the Complainants form part of the same corporate group operating in the mining sector. They both use the "Barrick Gold" name in their business activities and corporate identities and share a common interest in the BARRICK trademark. The Panel therefore finds that there is a sufficient connection between the Complainants to justify the filing of a single Complaint. In light of these circumstances, the Panel considers it appropriate to allow the consolidation of the Complainants, hereinafter referred to as the "Complainant."

6.2. Substantive Issues

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 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 Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

The Panel notes that the addition of the hyphen in the disputed domain name <barrick-gold.net> or the inclusion of the term “gold” does not prevent a finding of confusing similarity between the disputed domain name and the Complainant’s trademarks under the first element 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 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.

Furthermore, the Respondent registered the disputed domain name without the Complainant’s authorization or approval and is neither a distributor, partner, nor a licensee of the Complainant. The disputed domain name resolves to an inactive website, on which no bona fide offering of goods or services has been indicated, which underlines the Panel’s view of no rights or legitimate interests.

Panels have categorically held that the use of a domain name for illegal or illegitimate activity, including impersonation or other forms of fraud, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1. In the present case, this includes the use of purported information about the Complainant’s management team, which reinforces the conclusion that the Respondent is engaged in illegitimate activity.

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 which, if found to be present, shall be evidence of the registration and use of a domain name in bad faith. In the present case, the Panel finds that the Respondent’s conduct falls within paragraph 4(b)(iv) of the Policy.

The disputed domain name almost entirely reproduces the Complainant's BARRICK GOLD trademark, and the addition of a hyphen in the disputed domain name <barrick-gold.net> is immaterial. The Panel finds it implausible that the Respondent arrived at this composition by mere coincidence. This supports a finding that the Respondent knew or should have known of the Complainant's trademark and deliberately targeted it.

The evidence shows that the disputed domain name previously resolved to a website prominently displaying the Complainant's trademarks in connection with a purported cryptocurrency trading platform, thereby creating a misleading impression of association with the Complainant. Such use demonstrates clear targeting of the Complainant and supports a finding of bad faith. [WIPO Overview 3.1](#), section 3.2.1.

The Panel further notes that the website purported to offer the download of a cryptocurrency mobile application and included fabricated elements, such as purported information about the Complainant's management team and user endorsements, as well as contact details that appear to be inaccurate, thereby reinforcing the misleading impression associated with the Complainant. In the Panel's view, such use is deceptive and supports a finding that the disputed domain name was used in bad faith.

Panels have held that the use of a domain name for illegitimate activity, including impersonation or other forms of deception, constitutes bad faith. [WIPO Overview 3.1](#), section 3.4.

At the time of the Panel's review, the disputed domain name does not resolve to an active website. However, panels have found that the non-use of a domain name does not prevent a finding of bad faith. In the circumstances of this case, particularly in light of the Respondent's prior use of the disputed domain name and the distinctive nature of the Complainant's trademarks, such inactivity does not prevent a finding of bad faith. [WIPO Overview 3.1](#), section 3.3.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes 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 <barrick-gold.net> be transferred to the Complainant.

/Dilek Zeybel/

Dilek Zeybel

Sole Panelist

Date: April 30, 2026