

ADMINISTRATIVE PANEL DECISION

Rand Refinery (Pty) Limited v. Mulindwa Isaac, FRUITS PROPERTY PTY LTD

Case No. D2026-1156

1. The Parties

The Complainant is Rand Refinery (Pty) Limited, South Africa, represented by KISCH AFRICA INC., South Africa (the “Complainant”).

The Respondent is Mulindwa Isaac, FRUITS PROPERTY PTY LTD, Uganda (the “Respondent”).

2. The Domain Name and Registrar

The disputed domain name <randrefinerygold.com> (the “Disputed Domain Name”) 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 18, 2026. On March 18, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On March 19, 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 the Complainant on March 19, 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 24, 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 25, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 14, 2026. Auto-reply emails with no content were received from the Respondent's email on March 19 and 25, and April 16 and 22, 2026. The Center notified the Parties of the commencement of panel appointment process on April 16, 2026.

The Center appointed Ike Ehiribe as the sole panelist in this matter on April 22, 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 Complainant, Rand Refinery (Pty) Limited, is a South African company established in 1920 under the laws of South Africa and is stated to operate from an address in South Africa. The Complainant is described as one of the largest integrated single-site precious metals refining and smelting complex in the world. The Complainant also specialises in recovering low grade precious metals and concentrates through an advanced smelting process, catering to both primary and secondary depositors by leveraging extensive expertise in the sampling of various metals. It is said that with over 100 years of operative history, the Complainant has been transforming and adding value to metals and has built a substantial reputation within the melting industry, by turning raw materials into valuable products, in addition to minted bars, and customised legal tender blank coins on request. It is further stated that over the past 105 years the Complainant has refined over 70,000 tonnes of newly-mined gold which is said to be more than one third of all gold mined worldwide.

The Complainant's reputation it is said, has given rise to global accreditation, international referee status, and ISO certification such that the Complainant now owns a large global portfolio of registered trademarks some of which are listed below as follows:

- a) South African trademark No. 2010/03554 RAND REFINERY registered on October 15, 2012 in class 40;
- b) European Union Trade Mark No. 009203341 RAND REFINERY registered on December 10, 2010;
- c) The African Regional Intellectual Property Organization (ARIPO) trademark No. AP/M2010/000912 RAND REFINERY registered on March 15, 2012;
- d) Organisation Africaine de la Propriété Intellectuelle (OAPI) trademark No. 3201001623 RAND REFINERY registered on March 30, 2011; and
- e) Chinese trademark No. 8481249 RAND REFINERY registered on June 13, 2012.

The Respondent is reportedly based in Uganda. According to the WhoIs record, the Respondent created the Disputed Domain Name on September 7, 2024. Based on the Complaint, the Disputed Domain Name is linked to a parking page that provides the designation "Proudly Served by LiteSpeed Web Server at randrefinerygold.com Port 443", and was used to send an email to one of the Complainant's clients by falsely purporting to be an employee of the Complainant.

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 Complainant contends that upon a comparison of the Complainant's trademark and the Disputed Domain Name it will be discovered that the Disputed Domain Name includes the Complainant's trademark despite the addition of another term in the Disputed Domain Name. Therefore, the Disputed Domain Name is confusingly similar to the Complainant's RAND REFINERY trademark. The Complainant cites *Philip Morris USA Inc. v. Steven Scully, J&S Auto Repair*, WIPO Case No. [D2015-1001](#) amongst other cases. Furthermore, the Complainant contends that the addition of the applicable Top-Level Domain ("TLD") to the Disputed Domain Name would normally be disregarded when conducting a confusing similarity test. It is also contended that the mere addition of generic, descriptive, or geographical words, such as in this case "gold", to the Disputed Domain Name would normally be insufficient in itself to prevent a finding of confusing similarity. The Complainant cites *AB Electrolux v. ID Shield Service, Domain ID Shield Service CO., Limited / Maksim, zanussi-shop.com*, WIPO Case No. [D2015-2027](#).

The Complainant asserts that the Respondent lacks any right or legitimate interest in the Disputed Domain Name in that the Complainant has not licensed or otherwise permitted the Respondent to use any of its trademarks or to register a domain name incorporating its RAND REFINERY trademark. Furthermore, it is argued that the Respondent is not making a legitimate noncommercial or fair use of the Disputed Domain Name as the Respondent's conduct demonstrates a clear intent to obtain an unfair commercial gain with a view to misleadingly divert consumers or to tarnish the trademark owned by the Complainant. In the first instance it is stated that the Respondent is not an authorised reseller, agent, or licensee of the Complainant's "Rand Refinery Offerings or trademarks". Secondly, it is stated that the parking page associated with the Disputed Domain Name does not meet the requirements set out by numerous panel decisions for a bona fide offering of goods. The Complainant refers to *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#). It is therefore submitted that as the parking page displays no information regarding the identity of the provider of the parking page, that omission further serves to perpetuate the false impression of an official relationship between the owner of the Disputed Domain Name and the Complainant contrary to the conditions specified in *Oki Data Americas, Inc. v. ASD, Inc.*, supra. Furthermore, it is argued that the placement of the Disputed Domain Name on a standard form Registrar's parking page does not in itself represent a use of the Disputed Domain Name that legitimises registration by establishing legitimate noncommercial or fair use nor does it establish preparations for a bona fide offering of goods or services. It is also submitted that as the Registrar is making commercial use of the Disputed Domain Name on behalf of the Respondent such use cannot be described as noncommercial even if the Registrar is not receiving financial benefit, therefore, such use is sufficient to exclude a legitimate interest in the form of a bona fide offering of goods, citing *MasterCard International Incorporated v. Paul Barbell*, WIPO Case No. [D2007-1139](#).

With regards to bad faith registration and use, the Complainant first refers to an email received on May 9, 2025 from an individual who falsely purports to be an employee of the Complainant. The email address used ([...][@randrefinerygold.com](mailto:[...]@randrefinerygold.com)) wholly incorporates both the Disputed Domain Name and indeed the Complainant's trademark. The Complainant advances three points in this regard. First that the Respondent deliberately incorporated the Disputed Domain Name as a platform to create a false impression of affiliation with the Complainant and second that the email itself demonstrates an intention of the Respondent to attract consumers for commercial gain. The third point made is that the Respondent must have known of the Complainant's RAND REFINERY trademark when registering the Disputed Domain Name considering that the term "RAND REFINERY" is a purely imaginative term unique to the Complainant. Finally, it is submitted that the fact that the Respondent used a privacy protection service to hide its true identity may in itself constitute a factor indicating bad faith use.

B. Respondent

The Respondent did not reply to the Complainant's contentions and therefore, the Panel shall draw such adverse inferences from the Respondent's failure to respond as may be deemed appropriate.

6. Discussion and Findings

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 Complainant has shown through various trademark registrations in South Africa, the European Union, and other jurisdictions registered rights in respect of the RAND REFINERY trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the RAND REFINERY trademark is reproduced within the Disputed Domain Name. Accordingly, the Disputed Domain Name is confusingly similar to the RAND REFINERY trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

In addition, the Panel finds the addition of a term such as "gold" to the Disputed Domain Name does not prevent a finding of confusing similarity between the Disputed Domain Name and the RAND REFINERY trademark for the purposes 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 the Disputed Domain Name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognised 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 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. On the contrary, the Respondent's activities demonstrate a clear intention to obtain an unfair commercial gain or to tarnish the RAND REFINERY trademark owned by the Complainant.

The Panel also notes the nature of the Disputed Domain Name, incorporating the entirety of the RAND REFINERY trademark plus the additional term "gold" which is directly related to the Complainant's area of activity, and finds that such composition cannot constitute fair use as it effectively impersonates the Complainant. Moreover, the Panel notes the Respondent's use of the Disputed Domain Name to send an email to a client of the Complainant by falsely purporting to be an employee of the Complainant.

Panels have held that the use of a domain name for illegal or illegitimate activity such as passing off or other types of fraud as claimed in this case can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

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

C. Registered and Used 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.

Panels have held that the use of a domain name for illegal or illegitimate activity such as passing off or other types of fraud as claimed in this case constitutes bad faith. In this case the Respondent's bad faith registration and use is demonstrated by the distribution of an email communication emanating from an email address set up by using the Disputed Domain Name which evidently incorporates the Complainant's RAND REFINERY mark, created to give a false impression of affiliation with the Complainant by falsely purporting to be an employee or authorised representative of the Complainant. See [WIPO Overview 3.1](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the Disputed Domain Name constitutes bad faith under the Policy considering that the Disputed Domain Name, incorporating the entirety of the RAND REFINERY trademark plus the additional term "gold" which is directly related to the Complainant's area of activity, is being deliberately used to mislead consumers for commercial gain and/or to tarnish the Complainant's RAND REFINERY trademark. The Panel also finds that the Respondent's use of a privacy service to shield its identity when registering the Disputed Domain Name is an additional indication of bad faith.

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 <randrefinerygold.com> be transferred to the Complainant.

/Ike Ehiribe/

Ike Ehiribe

Sole Panelist

Date: May 6, 2026