ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
GF Cork, LDA v. Nykowehok Lukashenok, Transco LLC
Case No. D2026-1288

1. The Parties

The Complainant is GF Cork, LDA, Portugal, represented by Pragma Sociedade de Advogados, SP, R.L., Portugal.

The Respondent is Nykowehok Lukashenok, Transco LLC, Armenia.

2. The Domain Name and Registrar

The disputed domain name <granoflexcork.com> is registered with Realtime Register B.V. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 25, 2026. On March 25, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 27, 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 (unidentified) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 2, 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 amended Complaints on April 2, 2026 and on April 8, 2026.

The Center verified that the Complaint together with the amendment to the 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 April 15, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 5, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 6, 2026.

The Center appointed Rodrigo Azevedo as the sole panelist in this matter on May 12, 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 is a Portuguese company operating in the cork industry.

The Complainant is the owner of rights in the trademark GRANOFLEX, including European Union Trademark Registration No. 016651564, registered on August 22, 2017.

The Complainant also owns and operates the domain name <granoflexcork.pt>, registered on May 26, 2017.

The disputed domain name was registered on February 6, 2026.

The disputed domain name is not currently linked to any active website. According to the Complaint, the disputed domain name was recently used as part of a fraudulent scheme involving unauthorized access to the email account of one of the Complainant's clients, monitoring legitimate business communications, impersonation of the Complainant, and the transmission of fraudulent payment instructions to the Complainant's clients and redirecting payments to unrelated bank accounts.

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:

(i) The disputed domain name is identical or confusingly similar to the Complainant's trademark. The Complainant contends that the disputed domain name reproduces the Complainant's distinctive sign "GRANOFLEX CORK" in its entirety, differing only by the generic Top-Level Domain ".com" instead of ".pt". The term "granoflexcork" is directly associated with the Complainant's business and commercial activities. The Respondent registered the disputed domain name to create confusion among Internet users;

(ii) The Respondent has no rights or legitimate interests in the disputed domain name. The Complainant contends that the Respondent has not been commonly known by the disputed domain name, has not acquired any trademark or service mark rights in the term "granoflexcork", and has not made any bona fide offering of goods or services under the disputed domain name. The disputed domain name was used in connection with fraudulent activity, including impersonation of the Complainant and attempted fraud against one of its clients; and

(iii) The disputed domain name was registered and is being used in bad faith. The Complainant contends that the Respondent intentionally registered a domain name identical to the Complainant's distinctive "name" in order to impersonate the Complainant and create confusion as to the source and legitimacy of communications and online presence. The disputed domain name was used to conduct phishing and fraudulent activities, including the sending of fraudulent payment instructions to one of the Complainant's clients. The Complainant also notes that the disputed domain name has been suspended due to fraudulent activity. Additionally, the Respondent concealed its identity and is not reachable, making any direct resolution impossible.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

Paragraph 4(a) of the Policy provides that in order to be entitled to a transfer of the disputed domain name, a complainant shall prove the following three elements:

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

(ii) the respondent has no rights or legitimate interests in respect of the disputed domain name; and

(iii) 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 Selected UDRP Questions, Third Edition ("WIPO Overview 3.1"), section 1.7.

Based on the available record, the Panel finds 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 entirety of the mark GRANOFLEX is reproduced within the disputed domain name. Although the addition of the term "cork" may bear on assessment of the second and third elements, the Panel finds that such addition does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.8. 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 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 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.

Panels have held that the use of a domain name for illegal activity, here, claimed phishing/identity theft, unauthorized account access/hacking, passing off, or other types of fraud, can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1. The Panel further notes the composition of the disputed domain name, which carries a risk of user confusion, and is also identical to the Complainant's domain name <granoflexcork.pt>.

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.

The Panel concludes that, noting the composition of the disputed domain name and based on the available record, it is not feasible that the Respondent was not aware of the Complainant's trademark and that the registration of the disputed domain name was a mere coincidence.

Annex 2 to the Complaint shows registrations for the GRANOFLEX trademark obtained by the Complainant as early as 2017, and the Complainant's domain name <granoflexcork.pt> was also registered in 2017, while the disputed domain name was registered in 2026.

The disputed domain name includes the distinctive trademark GRANOFLEX in its entirety, and, most importantly, is identical to the Complainant's prior domain name.

Panels have held that the use of a domain name for illegal activity, here, claimed phishing/identity theft, unauthorized account access/hacking, passing off, or other types of fraud constitutes bad faith. 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.

Finally, the absence of a Response from the Respondent to the Complainant's contentions – which included serious allegations – and of any justification of the use of the disputed domain name further support a finding of bad faith in the present case.

Accordingly, 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 <granoflexcork.com> be transferred to the Complainant.

/Rodrigo Azevedo/
Rodrigo Azevedo
Sole Panelist
Date: May 18, 2026