

ADMINISTRATIVE PANEL DECISION

Kyndryl, Inc. v. Plutus Racine
Case No. D2026-1348

1. The Parties

The Complainant is Kyndryl, Inc., United States of America (“United States”), represented by Com Laude Limited, United Kingdom.

The Respondent is Plutus Racine, Spain.

2. The Domain Name and Registrar

The disputed domain name <kyndryl.help> (the “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 30, 2026. On March 30, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On March 31, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Redacted for Privacy, Privacy service provided Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 31, 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 April 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 April 9, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 29, 2026. The Respondent sent email communications to the Center on March 31, 2026, April 2, 2026, and April 6, 2026.

The Center appointed Ian Lowe as the sole panelist in this matter on May 5, 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 member of the Kyndryl Holdings, Inc group. It is incorporated in the United States and comprises IBM's former Global Technology Services infrastructure services business, designing, building, managing and modernizing complex, mission-critical information systems. The Complainant employs more than 90,000 people and operates in over 60 countries. It adopted the "KYNDRYL" name in April 2021.

The Complainant is the proprietor of a substantial number of registered trademarks in respect of KYNDRYL, including France trademark number 4754262 registered on August 6, 2021; International trademark number 1628208 registered on June 14, 2021, designating a number of territories including the European Union; and the United States trademark number 7070586 registered on June 6, 2023. The Complainant operates its official website at "www.kyndryl.com".

The Domain Name was registered on February 4, 2026. It does not resolve to an active website.

5. Parties' Contentions

A. Complainant

The Complainant contends that the Domain Name is identical to its KYNDRYL trademark (the "Mark"), that the Respondent has no rights or legitimate interests in respect of the Domain Name, and that the Respondent registered and is using the Domain Name in bad faith.

B. Respondent

The Respondent did not reply formally to the Complainant's contentions. In its email to the Center dated March 31, 2026, the Respondent stated that it was not aware of any company or entity associated with the name KYNDRYL at the time of registration, and it relied on the fact that the Domain Name was available. Its subsequent emails related to possible settlement of the Complaint, in which the Respondent stated that it needs 5000 USD for the transfer of the Domain Name.

6. Discussion and Findings

According to paragraph 4(a) of the Policy, for this Complaint to succeed in relation to the Domain Name the Complainant must prove that:

- (i) the 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 Domain Name; and
- (iii) the 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 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.

Ignoring the generic Top-Level Domain ".help", the Domain Name is identical to the Mark.

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. Accordingly, 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.

The Respondent has not used the Domain Name for a bona fide offering of goods or services. There is no question of the Respondent being known by the Domain Name or of the Complainant having given permission to the Respondent to register or use the Domain Name. In the circumstances of this case, the inactive Domain Name cannot in the Panel's view indicate rights or legitimate interests.

Having reviewed the available evidence, the Panel finds that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the Domain Name. The Respondent did not reply formally to the Complaint and gave no explanation for having registered a domain name comprising KYNDRYL, an invented neologism that could only refer to the Complainant. 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 Domain Name such as those enumerated in the Policy or otherwise.

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

C. Registered and Used in Bad Faith

The Domain Name is identical to the Complainant's KYNDRYL mark. In the Panel's view, the term KYNDRYL, a neologism, can only be taken to refer to the Complainant. The Panel is therefore satisfied that, despite the Respondent's denial, the Respondent had the Complainant and its rights in the Mark in mind when it registered the Domain Name.

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 cannot conceive a legitimate use of the Domain Name by the Respondent. Panels have found that the non-use of a domain name would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, UDRP panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available evidence, the Panel notes the distinctiveness and reputation of the Complainant's trademark, the Respondent's offer to transfer the disputed domain name for USD 5000, despite the fact that the Complainant offered to cover the costs directly related to the disputed domain name, and finds that in the circumstances of this case the passive holding of the Domain Name does not prevent a finding of bad faith under the Policy. [WIPO Overview 3.1](#), section 3.3.

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 Domain Name <kyndryl.help> be transferred to the Complainant.

/Ian Lowe/

Ian Lowe

Sole Panelist

Date: May 18, 2026