

ADMINISTRATIVE PANEL DECISION

Enerpac Tool Group Corp v. Luong Hong Quang
Case No. D2026-1457

1. The Parties

The Complainant is Enerpac Tool Group Corp, United States of America, represented by Allen & Gledhill LLP, Singapore.

The Respondent is Luong Hong Quang, Viet Nam.

2. The Domain Name and Registrar

The disputed domain name <enerpacvietnam.com> is registered with Mat Bao Corporation (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 6, 2026. On April 7, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 8, 2026, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. The Center sent an email communication to the Complainant on April 8, 2026, providing the registrant and contact information disclosed by the Registrar.

The Center verified that 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 24, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 14, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 19, 2026.

The Center appointed Zoltán Takács as the sole panelist in this matter on May 28, 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, founded in 1910 is a publicly-listed industrial tools and services company whose stocks trade on the New York Stock Exchange.

The Complainant has 28 facilities in 22 countries of the world and distributes its products globally through 1,400 partners.

The Complainant's extensive portfolio of trademarks consisting of or containing the term "Enerpac" includes the European Union Trademark Registration No. 008853947 for the word mark ENERPAC registered since September 2, 2010.

The Complainant's primary global portal is located at "www.enerpac.com" with the corresponding domain name <enerpac.com> being registered since October 2, 1995.

The disputed domain name was registered on March 22, 2023.

According to the April 6, 2026, dated screen capture submitted by the Complainant, the disputed domain name resolved to a predominantly Vietnamese language website that displayed the Complainant's trademark and promoted products purported to be the Complainant's products as well a number of other items.

Currently, the dispute domain name resolves to a static webpage displaying the "Account Suspended" message.

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:

- the disputed domain name, which fully incorporates its ENERPAC trademark is confusingly similar to it because the addition of the term "Vietnam" to the trademark in the disputed domain name is not sufficient to distinguish the disputed domain name from the trademark;
- the Respondent has no rights or legitimate interests in respect of the disputed domain name since it is unable to rely on any of the circumstances set out in paragraphs 4(c)(i), (ii), or (iii) of the Policy;
- given that the website at the disputed domain name displays products bearing the Complainant's mark it is implausible that the Respondent did not know of the Complainant's mark and has registered the disputed domain name to target the mark.

The Complainant requests that the disputed domain name be transferred from the Respondent to the Complainant.

B. Respondent

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

6. Discussion and Findings

A complainant must evidence each of the three elements required by paragraph 4(a) of the Policy in order to succeed on the complaint, namely that:

- (i) the 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 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.

The entirety of the ENERPAC trademark is reproduced in the disputed domain name. The addition of the term "Vietnam" to the trademark in the disputed domain name does not prevent a finding of confusing similarity between the disputed domain name and the trademark for the purposes of the Policy.

Accordingly, the disputed domain name is confusingly similar to the trademark for the purposes of the Policy. [WIPO Overview 3.1](#), sections 1.7 and 1.8.

The Panel 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 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.

The Complainant has established that it has not authorized, licensed, or allowed the Respondent to use its trademark in the disputed domain name or in any other way.

As mentioned above, the Respondent was using the disputed domain name to resolve to its website that promoted products purported to be the Complainant's products, as well as a number of other items. Even if these products existed and were genuine, the absence of any disclaimer as to the Respondent's relation to the Complainant and promotion of competing products excludes the applicability of the *Oki Data* criteria. [WIPO Overview 3.1](#), section 2.8.

Furthermore, the replication of the trademark in the construction of the disputed domain name carries a risk of implied affiliation with the Complainant and the overall presentation of the website at the disputed domain name gave a false impression that the website was operated or at least authorized by the Complainant. [WIPO Overview 3.1](#), sections 2.5.1 and 2.5.2.

The Panel finds that 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.

In the present case, the Panel notes that the disputed domain name reproduces the Complainant's ENERPAC trademark and that the registration of the disputed domain name occurred long after the Complainant's registration and use of the trademark.

These facts and circumstances, coupled with the display of the Complainant's trademark and products on the website at the disputed domain name indicate that the Respondent had actual knowledge of the Complainant's business and trademark at the time of registration of the disputed domain name and obtained the disputed domain name in order to create a false impression of an association with the Complainant and target its business. [WIPO Overview 3.1](#), section 3.1.4.

As mentioned above, currently the disputed domain name does not resolve to any active website. However, this does not prevent a finding of bad faith when considering the totality of the circumstance of this case. [WIPO Overview 3.1](#), section 3.3.

Having reviewed the available record, the Panel in this regard notes the distinctiveness and reputation of the Complainant's trademark and the failure of the Respondent to submit a response and finds that in the circumstances of this case the current passive holding of the disputed domain name does not prevent a finding of 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 <enerpacvietnam.com> be transferred to the Complainant.

/Zoltán Takács/

Zoltán Takács

Sole Panelist

Date: May 8, 2026