

## **ADMINISTRATIVE PANEL DECISION**

National Commission for the Certification of Crane Operators, Inc. dba  
NCCCO v. Elias Joseph  
Case No. D2026-1800

### **1. The Parties**

Complainant is National Commission for the Certification of Crane Operators, Inc. dba NCCCO, United States of America (“United States”), internally represented.

The Respondent is Elias Joseph, United States.

### **2. The Domain Name and Registrar**

The disputed domain name <ncccoliftdirector.com> is registered with Squarespace Domains LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 27, 2026. On April 28, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 28, 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 (“Squarespace Domains, LLC”) and contact information in the Complaint. The Center sent an email communication to Complainant on April 29, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on May 1, 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 Respondent of the Complaint, and the proceedings commenced on May 8, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 28, 2026. The Response was filed with the Center on May 28, 2026.

The Center appointed Georges Nahitchevansky as the sole panelist in this matter on June 10, 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**

Complainant, National Commission for the Certificate of Crane Operators, is a Washington D.C., United States based non-profit corporation which (i) provides the public with information about the certification of persons who work in and around load handling equipment, (ii) develops performance standards in load handling equipment as well as reliable assessments for such, and (iii) promotes standards of safety in the load handling industry. Complainant operates under the trade name NCCCO which it has registered in the relevant jurisdictions and owns a United States trademark registration for the mark NCCCO (No. 3,359,225) which issued to registration on December 25, 2007. Complainant also owns and uses the domain name <nccco.org> for a website concerning Complainant and its activities.

Respondent is based in New York, United States, and claims to be a member of the crane and lifting industry. Respondent registered the disputed domain name on May 9, 2025. Since registering the disputed domain name, Respondent has not made any direct use of the disputed domain name. Currently, the disputed domain name resolves to an “under construction” page.

#### **5. Parties' Contentions**

##### **A. Complainant**

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 it has rights in the NCCCO name and mark by virtue of its use of NCCCO as the trade name it operates under and its United States trademark registration for NCCCO. Complainant also notes that it is a provider of numerous certifications to personnel in the load handling industry, including a certification to be a “Lift Director,” and has provided evidence in that regard.

Complainant maintains that the disputed domain name is confusingly similar to its NCCCO mark as it is “specific enough to NCCCO’s name and NCCCO’s lift director program, and to the industry with which NCCCO is associated.”

Complainant asserts that Respondent does not have rights or legitimate interests in the disputed domain name as Complainant has established its rights in the NCCCO name and mark and given that Respondent (i) has not acquired any trademark rights in the domain name and (ii) has not made any use of the disputed domain name since registering it.

Lastly, Complainant asserts that Respondent has registered and used the disputed domain name in bad faith given Complainant’s right in the NCCCO name and mark and given that the disputed domain name on its face incorporates the NCCCO mark along with the term “lift director” which is a term associated with Complainant as a leading certifier of crane operator personnel in the United States. Complainant further asserts that in view of the “probability of confusion among industry professionals” who come in contact with the disputed domain name, it is “evident that Respondent’s registration of *ncccoliftdirector.com* was made in bad faith to attract commercial gain and divert customers from NCCCO.”

## **B. Respondent**

Respondent rejects Complainant's contentions.

Respondent maintains that he is a legitimate member of the crane and lifting industry and has a longstanding professional involvement in crane operations, lift directing, operator certification and industry safety education. Respondent notes, inter alia, that he is a licensed crane operator, NCCCO certified lift director and an industry instructor in crane and lifting safety.

Respondent contends that “the domain was acquired in connection with Respondent’s intended future plans to create educational or informational initiative directed towards lift directors and industry professionals in Respondent’s region.”

Respondent asserts that the disputed domain name was never used for any improper purpose and has at all relevant times remained inactive and only displayed an “under construction” page. Respondent notes that Complainant’s assertions of diversion of customers or commercial exploitation are speculative and unsupported by any evidence.

While Respondent acknowledges familiarity with NCCCO on account of his involvement in the crane and lifting industry, Respondent maintains that such does not per se establish bad faith. Respondent argues that he has a legitimate interest in the disputed domain name for his interest in creating informational or educational content concerning lift directors and that Complainant has not produced any evidence showing Respondent ever engaged in any bad faith activity.

## **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, to succeed Complainant must satisfy the Panel that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) 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 Select UDRP Questions (“[WIPO Overview 3.1](#)”), section 1.7.

Complainant has shown rights in its NCCCO mark for purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1. Here, the NCCCO mark is fully incorporated in the disputed domain name. Although the addition of the words “liftdirector” at the tail of the disputed domain name may bear on the assessment of the second and third elements, the Panel finds the addition of such words does not prevent a finding of confusing similarity between the disputed domain name and the NCCCO mark for 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 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.

Here Complainant has put forward a prima facie case that Respondent has no rights or legitimate interests in the disputed domain name. In doing so, Complainant points to the inherently misleading nature of the disputed domain name and Respondent’s lack of use of the disputed domain name for an active website.

In response, Respondent claims to have a legitimate interest in the disputed domain name because he has future plans to create an educational or informational initiative directed towards lift directors and industry professionals in Respondent’s region. While Respondent makes these claims, Respondent has provided no evidence to support such planned use, notwithstanding that Respondent has held the disputed domain name for over a year. What is lacking is anything beyond unilateral and conclusory assertions by Respondent that would tend to show or support that Respondent was actively creating such a claimed initiative. To be sure, conclusory allegations or assertions that are unsubstantiated with specific evidence are entitled to little or no weight. See [WIPO Overview 3.1](#), sections 2.2, 3.1, and 4.2.

But beyond the evidentiary holes in Respondent’s case, Respondent’s own actions undermine a claim of having a legitimate interest in the disputed domain name. Respondent chose to register a domain name that on its face is likely to be seen by consumers as suggesting a connection with Complainant and its NCCCO mark, particularly as the use of the term “lift director” relates specifically to a certification provided by Complainant and related services. As such, the disputed domain name carries a degree of implied affiliation with Complainant and puts into question the legitimacy of Respondent’s actions or whether Respondent would have a fair use right in the disputed domain name. [WIPO Overview 3.1](#), section 2.5.1.

In all, Respondent has failed to show that he has a legitimate interest in the disputed domain name that on its face is likely to be seen as being sponsored, authorized, or endorsed by Complainant.

Based on the available record, the Panel finds the second element of the Policy has been established in Complainant’s favor.

## **C. Registered and Used in Bad Faith**

The Panel notes that, for 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, there is no dispute that Respondent was well aware of Complainant and its NCCCO name and mark and its activities in the load handling industry. Respondent not only admits that he is familiar with NCCCO on account of his involvement in the crane and lifting industry, but claims to be a NCCCO certified lift director.

Given Respondent’s awareness of Complainant, Respondent should have appreciated that by registering a domain name that consumers would likely see as connected to Complainant, Respondent was potentially

running afoul of Complainant's rights in the NCCCO mark. That being said, while Respondent claims that he never acted in bad faith, the fact that he registered the disputed domain name which on its face copies Complainant's mark and adds a term that is clearly connected with the activities of Complainant in itself carries a presumption of bad faith. WIPO Overview, sections 3.1.4 and 3.2.1.

Respondent attempts to overcome such a presumption by making the unsubstantiated claim that he legitimately registered the disputed domain name for his "interest in creating informational or educational content concerning lift directors." But, as already noted, Respondent has provided no evidence to support this claim. The lack of any evidence tending to substantiate Respondent's assertions is telling, particularly as Respondent has held the disputed domain name for over a year. Moreover, Respondent has not provided any bona fide justification for the prominent inclusion of the NCCCO mark in the disputed domain name, nor the appropriateness of using that mark for Respondent's own purposes without Complainant's authorization.

Given Respondent's failure to provide any evidence supporting his claimed intention, the Panel views the explanation provided for registering the disputed domain name based on the NCCCO mark as likely being pretextual in nature. Simply put, the evidence before the Panel makes it more likely than not that Respondent registered and used the inherently misleading disputed domain name in bad faith to opportunistically take advantage of Complainant's rights in its NCCCO name and mark.

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 <ncccoliftdirector.com> be transferred to Complainant.

*/Georges Nahitchevansky/*

**Georges Nahitchevansky**

Sole Panelist

Date: June 24, 2026