ADMINISTRATIVE PANEL DECISION
Morrison & Foerster LLP v. Gary Mercy
Case No. D2026-2507

1. The Parties

The Complainant is Morrison & Foerster LLP, United States of America ("United States" or "US"), internally represented.

The Respondent is Gary Mercy, United States.

2. The Domain Name and Registrar

The disputed domain name <rmofo.com> is registered with NameSilo, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 10, 2026. On June 10, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 10, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 13, 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 amendment to the Complaint on June 15, 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 June 17, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 7, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 14, 2026.

The Center appointed Stefan Naumann as the sole panelist in this matter on July 18, 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 US law firm with offices in the United States, Asia, and Europe that notably owns the United States trademarks MOFO (Nos. 2 481 879, 2 922 853, and 3 616 394), respectively registered on August 28, 2001, February 1, 2005, and May 5, 2009, respectively indicating first uses in commerce in 1975, 2001, and respectively covering products or services in classes 42, 41 and 25 of the Nice Classification of goods and services.

The Complainant has submitted copies of the registrations of the United States trademarks it owns and of its domain name <mofo.com>.

The disputed domain name was registered on May 13, 2026, and has been used for sending fraudulent emails impersonating 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 its MOFO trademarks predate the disputed domain name and are actively used by the Complainant notably online for its business activities, that the Respondent has no permission from the Complainant to use the Complainant's trademarks or apply for a domain name with the Complainant's trademarks, that the Respondent is not commonly known by and does not have a right or legitimate interest with respect to the disputed domain name in connection with a bona fide offer of goods and services, and that the Respondent registered and is using the disputed domain name in bad faith.

The Complainant submits evidence that starting the day after the registration of the disputed domain name, the disputed domain name was used in emails sent to the Complainant's business partners with the names and signature blocks of the Complainant's employees, and argues that the fraudulent use of the disputed domain name (i) constitutes neither a bona fide offer of goods or services nor a legitimate noncommercial use, and (ii) constitutes bad faith use of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

To succeed in its Complaint, the Complainant must demonstrate that all three elements listed in paragraph 4(a) of the Policy have been satisfied:

(i) the disputed domain name must be identical or confusingly similar to a trademark or service mark in which the Complainant has rights;

(ii) the Respondent must have no rights or legitimate interests with respect to the disputed domain name; and

(iii) the disputed domain name must have been registered and used in bad faith.

Paragraph 15(a) of the Rules provides that a panel shall decide a case based on the statements and documents submitted and in accordance with the Policy, the Rules, and any rules and principles of law that it deems applicable. Paragraphs 10(b) and 10(d) of the Rules provide that a panel shall ensure that the parties are treated with equality and shall determine the admissibility, relevance, materiality, and weight of the evidence.

Paragraph 14(b) of the Rules provides that if a party, in the absence of exceptional circumstances, does not comply with a provision of, or requirement under, the Rules, a panel shall draw such inferences therefrom as it considers appropriate.

In the present matter, the Respondent did not reply to the Complainant's contentions.

While the Respondent's failure to respond does not automatically result in a decision in favour of the Complainant, the Panel is entitled to draw appropriate inferences therefrom, in accordance with paragraph 14(b) of the Rules (see WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.3).

A. Identical or Confusingly Similar

The test for the first element requires a reasoned but straightforward comparison between the Complainant's trademarks and the disputed domain name (WIPO Overview 3.1, section 1.7).

The Complainant has shown rights in respect of its MOFO trademarks for the purposes of the Policy (WIPO Overview 3.1, section 1.2.1).

The disputed domain name combines the MOFO trademarks with the letter "r" ("rmofo") and the generic Top-Level Domain ".com".

For assessing identity or confusing similarity in the present matter, the Panel considers that the MOFO trademarks are fully reproduced and remain recognizable in the disputed domain name. The Panel notes that the addition of the letter "r" constitutes a textbook example of typo squatting that does not prevent a finding of confusing similarity (WIPO Overview 3.1, section 1.9).

The Panel further notes that no website is hosted at the disputed domain name, but that Complainant has provided robust evidence that the disputed domain name was used in emails impersonating the Complainant. The Panel finds that this conduct confirms the finding of confusing similarity.

The Panel is thus satisfied that the disputed domain name is confusingly similar to the Complainant's MOFO trademarks for the purposes of the Policy.

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 complainants, panels regularly consider that once a complainant has made out a prima facie case that a respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with evidence demonstrating his or her rights or legitimate interests in the domain name. If a respondent fails to come forward with relevant evidence, the complainant is deemed to have satisfied the second element (WIPO Overview 3.1, section 2.1).

The Panel finds that the Complainant has made a prima facie case that the Respondent lacks rights or legitimate interests and finds no indication in the evidence that the Respondent could claim rights or legitimate interests in the disputed domain name.

Panels have recognized that mere registration of a domain name that is comprised of a confirmed dictionary word or phrase may not of itself confer rights or legitimate interests in the domain name unless the domain name is shown to be genuinely used or at least demonstrably intended for use in connection with the relied-upon meaning, and not, for example, to trade off third-party rights in such word or phrase. Panels also tend to look at factors such as the status and fame of the relevant mark and whether a respondent has registered and legitimately used other domain names containing dictionary words or phrases in connection with the respective dictionary meaning (WIPO Overview 3.1, section 2.10).

The Panel notes that the term "mofo" is an US slang word according notably to the Marriam Webster and Cambridge online dictionaries.

The Panel is satisfied that, as a result of the Complainant's use, the term "mofo" is likely to (also) be perceived by the public, including not only the users of the Complainant's services but also the wider public, as an indication of the Complainant's services.

Panels have held that the use of a domain name for illegal activity, here, claimed passing off, phishing, or other types of fraud can never confer rights or legitimate interests on a respondent (WIPO Overview 3.1, section 2.13.1).

Since the Respondent has no permission from the Complainant and chose not to respond to the Complaint, its registration of the disputed domain name is without rights or legitimate interests notably in light of the use of the disputed domain name in emails targeting the Complainant's clients with the names of the Complainant's employees and the Complainant's logo to fraudulently misdirect payments.

Neither the record nor the circumstances of the case point to any circumstances that could potentially support a rights or legitimate interest defense.

The Respondent has chosen not to reply to the Complaint and has not come forward with any evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

Based on the record in the present case, the Panel considers that the Respondent does not have any rights or legitimate interests with respect to the disputed domain name.

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).

Previous panels have held that the use of a domain name for illegal activities such as phishing or impersonation/passing off are considered evidence of bad faith use (WIPO Overview 3.1, section 3.4).

In the present matter, the Complainant argues that the Respondent used the disputed domain name for the purpose of impersonating the Complainant's employees and seeking to misdirect payments from the Complainant's clients.

The Complainant provides partially redacted copies of emails with the disputed domain name that include signature blocks of the Complainant's employees with the Complainant's domain name while using the disputed domain name in the actual email addresses.

The Panel considers that the alleged phishing would squarely fall within the prohibitions of WIPO Overview 3.1, section 3.4.

Here, the record shows that:

(i) the Respondent is apparently located in the United States,

(ii) the Complainant's MOFO trademarks have been used in commerce notably in the United States for half a century and the Complainant's domain name has been used for nearly 34 years,

(iii) the Respondent registered the disputed domain name that fully incorporates the Complainant's MOFO trademarks with the addition of a single letter that is difficult to note when the disputed domain name is used for email addresses,

(iv) the emails sent to the Complainant's clients used the names of the Complainant's employees, the Complainant's logo and domain name in the signature block, email addresses with the disputed domain name and had a fraudulent purpose, specifically misdirecting payments, and

(v) the fraudulent emails were sent starting one day after the disputed domain name's registration.

Based on the necessarily limited record in UDRP proceedings, the Panel finds that the disputed domain name is being used in bad faith by the Respondent.

The targeted use of the disputed domain name in emails apparently addressed to the Complainant's clients starting one day after the disputed domain name's registration supports a finding that the Respondent knew of the Complainant when registering the disputed domain name and is more likely than not the organizer of the fraudulent phishing scheme.

In the present case, the Panel is thus persuaded that the facts of this case as reflected in the limited record available in an UDRP proceeding support a finding that the Respondent's registration and use of the disputed domain name was in 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 <rmofo.com> be transferred to the Complainant.

/Stefan Naumann/
Stefan Naumann
Sole Panelist
Date: July 23, 2026