ADMINISTRATIVE PANEL DECISION

Latham & Watkins LLP v. Martin Macdonald
Case No. D2026-2550

1. The Parties

Complainant is Latham & Watkins LLP, United States of America ("United States" or "U.S."), internally represented.

Respondent is Martin Macdonald, United States.

2. The Domain Name and Registrar

The disputed domain name <lw-itdesk.com> (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 June 11, 2026. On June 12, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On June 15, 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 by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to Complainant on June 16, 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 June 17, 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 June 18, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 8, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on July 9, 2026.

The Center appointed Kimberley Chen Nobles as the sole panelist in this matter on July 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 is a law firm that provides legal services under the names "LW" and "LATHAM & WATKINS". Complainant owns several registered trademarks for the LW and LATHAM & WATKINS marks, including:

- United States registered trademark number 8146386 for the LW word and figurative mark, registered on February 17, 2026, with a first use date of March 7, 2024;
- United States registered trademark number 8146387 for the LW word and figurative mark, registered on February 17, 2026, with a first use date of March 7, 2024;
- United States registered trademark number 8188651 for the LW word and figurative mark, registered on March 24, 2026, with a first use date of March 7, 2024; and
- United States registered trademark number 2413795 for the LATHAM & WATKINS word mark, registered on December 19, 2000, with a first use date of 1934.

Complainant also owns and operates the domain name <lw.com>, which resolves to Complainant's official website.

The Domain Name was registered on May 8, 2026, and was configured to facilitate email sending capabilities to impersonate Complainant by sending fraudulent email. In particular, the Domain Name was used to impersonate one of Complainant's actual employees, to contact and target Complainant's personnel by email.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

Notably, Complainant contends that (i) the Domain Name is confusingly similar to Complainant's trademarks; (ii) Respondent has no rights or legitimate interests in the Domain Name; and (iii) Respondent registered and is using the Domain Name in bad faith.

In particular, Complainant contends that it has trademark registrations and rights for LW and LATHAM & WATKINS marks and that Respondent registered and is using the confusingly similar Domain Name, with the intention to impersonate Complainant's employee and send phishing emails to Complainant's personnel.

Complainant notes that it has no affiliation with Respondent, nor authorized Respondent to register or use a domain name which includes Complainant's trademark, and that Respondent has no rights or legitimate interests in the registration and use of the Domain Name. Rather, Complainant contends that Respondent has acted in bad faith in acquiring and setting up the Domain Name, when Respondent clearly knew of Complainant's rights. Specifically, Complainant argues that Respondent used the Domain Name to impersonate Complainant's employee in furtherance of an illegal scheme to contact and mislead Complainant's other personnel.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

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

(i) the 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 Domain Name; and
(iii) the Domain Name was registered and is being used in bad faith.

Section 4.3 of the WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1") states that failure to respond to the complainant's contentions would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true.

Thus, although in this case Respondent has failed to respond to the Complaint, the burden remains with Complainant to establish the three elements of paragraph 4(a) of the Policy by a preponderance of the evidence.

A. Identical or Confusingly Similar

Complainant has provided evidence of its rights in the LW trademarks, as noted above. The Domain Name was registered after the registrations of Complainant's U.S. federally registered LW trademark. Complainant has therefore proven that it has the requisite rights in the LW trademark.

With Complainant's rights in the LW trademarks established, the remaining question under the first element of the Policy is whether the Domain Name, typically disregarding the Top-Level Domain ("TLD") in which it was registered (in this case, ".com"), is identical or confusingly similar to Complainant's trademark. See, e.g., *B & H Foto & Electronics Corp. v. Domains by Proxy, Inc. / Joseph Gross*, WIPO Case No. D2010-0842.

Here, the Domain Name is confusingly similar to Complainant's LW trademarks. The LW trademarks are recognizable in the Domain Name. The addition of a hyphen and the terms "it" and "desk" after the LW trademark in the Domain Name does not prevent a finding of confusing similarity between the Domain Name and the LW trademarks. See section 1.8 of the WIPO Overview 3.1.

Thus, the Panel finds that Complainant has satisfied the first element of the Policy.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, a complainant must make a prima facie showing that a respondent possesses no rights or legitimate interests in a disputed domain name. See, e.g., *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. D2008-1393. Once a complainant makes such a prima facie showing, the burden of production shifts to the respondent, though the burden of proof always remains on the complainant. If the respondent fails to come forward with relevant evidence showing rights or legitimate interests, the complainant will have sustained its burden under the second element of the UDRP.

From the record in this case, it is evident that Respondent was, and is, aware of Complainant and its LW trademarks and does not have any rights or legitimate interests in the Domain Name. Complainant also owns the domain name <lw.com>. Complainant has confirmed that Respondent is not affiliated with Complainant, or otherwise authorized or licensed to use the LW trademarks or to seek registration of any domain name incorporating these trademarks. Respondent is also not known to be associated with the LW trademark and there is no evidence showing that Respondent has been commonly known by the Domain Name.

In addition, Respondent has not used the Domain Name in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use. Rather, the record shows that Respondent had used the Domain Name to engage in illegal activity, namely, the impersonation of one of Complainant's actual employees in an attempt to contact and target other actual employees of Complainant.

UDRP panels have consistently held that use of a domain name for illegal activity - such as email phishing, impersonation, or passing off - can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1.

Accordingly, Complainant has provided evidence supporting its prima facie showing that Respondent lacks any rights or legitimate interests in the Domain Name. Respondent has failed to produce countervailing evidence of any rights or legitimate interests in the Domain Name. Thus, the Panel concludes that Respondent does not have any rights or legitimate interests in the Domain Name and Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds that Respondent's actions indicate that Respondent registered and is using the Domain Name in bad faith.

Paragraph 4(b) of the Policy provides a non-exhaustive list of circumstances indicating bad faith registration and use on the part of a respondent, namely:

"(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your website or location."

The Panel finds that Complainant has provided ample evidence to show that registration and use of the LW trademark long predate the registration of the Domain Name. Complainant is also well established and known; indeed, the record shows that Complainant's LW trademark and related services are widely known and recognized for purposes of the Policy. Therefore, and also noting the use analysis below, Respondent was clearly aware of the LW trademark when it registered the Domain Name.

The Panel therefore finds that Respondent's awareness of Complainant's trademark rights at the time of registration suggests bad faith. See *Red Bull GmbH v. Credit du Léman SA, Jean-Denis Deletraz*, WIPO Case No. D2011-2209; *Nintendo of America Inc v. Marco Beijen, Beijen Consulting, Pokemon Fan Clubs Org., and Pokemon Fans Unite*, WIPO Case No. D2001-1070; and *BellSouth Intellectual Property Corporation v. Serena, Axel*, WIPO Case No. D2006-0007.

Moreover, the Domain Name's inclusion of Complainant's trademark in its entirety, with the addition of the term "-itdesk" (suggesting the website is affiliated with Complainant's informational technology support team), is clearly an attempt to impersonate Complainant, and is clearly intended to confuse Internet users into believing the Domain Name belongs to Complainant. Such adoption of Complainant's trademark at the time of registration of the Domain Name is a common tactic for phishing schemes, where individuals seek to pass themselves off as prominent law firms in the hopes of seeking confidential information and, potentially, transfers of funds from current or potential clients of those law firms. See, e.g., *Gibson, Dunn & Crutcher, LLP v. Jason Leonardo*, WIPO Case No. D2025-2989 (transferring the domain name <gibsomdunn.com> to complainant); *Latham & Watkins LLP v. Name Redacted*, WIPO Case No. D2021-2877 (transferring the domain name <lathamwatkins-llp.com> to Complainant); *Ropes & Gray LLP v. matthew rolland, ropes gray*, WIPO Case No. D2023-0288 (transferring the domain name <ropesgray-us.com> to the law firm Ropes & Gray LLP).

As noted above, the record shows that Respondent had used the Domain Name to engage in illegal activity, namely, the impersonation of Complainant's actual employee in an attempt to contact and target several of Complainant's personnel.

UDRP panels have consistently held that a respondent's use of a domain name to trade off goodwill in a complainant's well-known trademark and impersonate complainant, as here, constitutes bad faith. See *Philip Morris Products S.A. v. homn mohmoodi*, WIPO Case No. D2022-4158. Moreover, such use of the Domain Name may potentially result in tarnishing Complainant's reputation and goodwill.

Finally, the Panel also notes the failure of Respondent to submit a response, Respondent's use of a proxy service or selection of a registrar with default proxy services to mask its identity. The Panel thus considers such factors as further evidence of Respondent's registration and use constitutes bad faith.

In the present circumstances, considering the reputation of the LW trademarks, and the fraudulent use of the Domain Name, the Panel finds that Respondent registered and is using the Domain Name in bad faith.

Therefore, the Panel finds that Complainant succeeds under the third element of paragraph 4(a) 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 <lw-itdesk.com> be transferred to Complainant.

/Kimberley Chen Nobles/
Kimberley Chen Nobles
Sole Panelist
Date: July 20, 2026