ADMINISTRATIVE PANEL DECISION

Lincoln Global, Inc., The Lincoln Electric Company v. Denny Davis
Case No. D2026-2702

1. The Parties

The Complainants are Lincoln Global, Inc. and The Lincoln Electric Company, United States of America ("United States"), represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Denny Davis, United States.

2. The Domain Name and Registrar

The disputed domain name <lincoln-electricus.com> (the "Disputed Domain Name") is registered with Hostinger Operations, UAB (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 22, 2026. On June 22, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On June 22, 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 (Registrant Information Redacted) and contact information in the Complaint. The Center sent an email communication to the Complainants on June 23, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on June 24, 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 June 25, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 15, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 16, 2026.

The Center appointed Lynda M. Braun as the sole panelist in this matter on July 22, 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 Complainants The Lincoln Electric Company and Lincoln Global, Inc. are sister companies owned by Lincoln Electric Holdings Inc. and will hereinafter be referred to as the "Complainant". The Complainant is a leader in the engineering, design, and manufacturing of advanced arc welding solutions, automated joining, assembly and cutting systems, plasma and oxy-fuel cutting equipment, and has a leading global position in brazing and soldering alloys. Headquartered in Cleveland, Ohio, United States, the Complainant operates 71 manufacturing and automation system integration locations across 21 countries, maintains a worldwide network of distributors and sales offices serving customers in over 160 countries, and employs over 12,000 individuals worldwide.

The Complainant owns registered trademarks through the United States Patent and Trademark Office ("USPTO"), including, but not limited to: LINCOLN ELECTRIC, United States Registration No. 2,350,082, registered on May 16, 2000, with a first use in commerce of January 1, 1915, in International Class 9; LINCOLN ELECTRIC, United States Registration No. 2,420,805, registered on January 16, 2001, with a first use in commerce of January 4, 1956, in International Class 35; and LINCOLN ELECTRIC, United States Registration No. 3,114,157, registered on July 11, 2006, with a first use in commerce of January 4, 1956, in International Class 6. The Complainant also owns registered trademarks in Canada and the European Union. The foregoing registered trademarks will hereinafter collectively be referred to as the "LINCOLN ELECTRIC Mark".

The Complainant owns the domain name <lincolnelectric.com>, registered on February 24, 1996, which resolves to its official website at "www.lincolnelectric.com", and which promotes and describes the Complainant's many services offered to the public. The Complainant also owns over 270 additional domain names that incorporate the LINCOLN ELECTRIC Mark and/or variations, that use other generic Top-Level Domains ("gTLD") and country code Top-Level Domains.

The Disputed Domain Name was registered on May 4, 2026, and directs to an inactive page that states: "This site can't be reached." Prior to directing to the landing page, the Respondent was using the Disputed Domain Name to redirect Internet users to the Complainant's official website until the website was taken down.

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 is confusingly similar to the LINCOLN ELECTRIC Mark because the Disputed Domain Name contains the LINCOLN ELECTRIC Mark in its entirety, albeit joined by a hyphen, followed by the term "us", and then followed by the gTLD ".com", which does not prevent a finding of confusing similarity;

- the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because, among other things, there is no evidence that the Respondent has ever used or made preparations to use the Disputed Domain Name in connection with any legitimate business, nor is it making a legitimate, noncommercial or fair use of the Disputed Domain Name; and

- the Disputed Domain Name was registered and is being used in bad faith because, among other things, the Respondent had actual knowledge of the Complainant and the LINCOLN ELECTRIC Mark when it registered the Disputed Domain Name.

The Complainant seeks the transfer of the Disputed Domain Name from the Respondent to the Complainant in accordance with paragraph 4(i) of the Policy.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy requires that the Complainant prove the following three elements in order to prevail in this proceeding:

(i) the Disputed 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 Disputed Domain Name; and

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

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires a two-fold inquiry: a threshold investigation into whether a complainant has rights in a trademark, followed by an assessment of whether the disputed domain name is identical or confusingly similar to that trademark. The Panel concludes that in the present case, the Disputed Domain Name is confusingly similar to the LINCOLN ELECTRIC Mark, differing only by the addition of a hyphen between the terms "lincoln" and "electric", followed by the term "us".

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. See WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 1.7.

It is uncontroverted that the Complainant has established rights in the LINCOLN ELECTRIC Mark based on its over 100 years of use as well as its registered trademarks for the LINCOLN ELECTRIC Mark in the United States, in addition to trademark offices in other jurisdictions worldwide. The registration of a mark satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case. As stated in section 1.2.1 of the WIPO Overview 3.1, "[w]here the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case". The Respondent has not rebutted this presumption, and therefore the Panel finds that the Complainant has rights in the LINCOLN ELECTRIC Mark. Thus, the Panel finds that the Complainant satisfied the threshold requirement of having trademark rights in the LINCOLN ELECTRIC Mark.

The Disputed Domain Name consists of the LINCOLN ELECTRIC Mark in its entirety, albeit joined by a hyphen, followed by the term "us", then followed by the gTLD ".com". The test for confusing similarity involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name. Here, the LINCOLN ELECTRIC Mark is recognizable within the Disputed Domain Name. As stated in section 1.8 of WIPO Overview 3.1, "where the relevant trademark is recognizable within the disputed domain name, the addition of another term (whether descriptive, geographical […] or otherwise) would not prevent a finding of confusing similarity under the first element". Thus, the addition of the term "us" to the Complainant's LINCOLN ELECTRIC Mark in the Disputed Domain Name does not prevent a finding of confusing similarity. See e.g., *Allianz Global Investors of America, L.P. and Pacific Investment Management Company (PIMCO) v. Bingo-Bongo*, WIPO Case No. D2011-0795; and *Hoffmann-La Roche Inc. v. Wei-Chun Hsia*, WIPO Case No. D2008-0923.

Moreover, it is well established that a disputed domain name that wholly incorporates a trademark will normally be considered confusingly similar to that trademark for purposes of the Policy despite the addition of a hyphen. The presence or absence of punctuation marks such as hyphens cannot on their own avoid a finding of confusing similarity. See *Six Continents Hotels, Inc. v. Helen Siew*, WIPO Case No. D2004-0656.

Finally, the addition of a gTLD such as ".com" in a domain name is a technical requirement. Thus, it is well established that, as here, such element may typically be disregarded when assessing whether a domain name is identical or confusingly similar to a trademark. See *Proactiva Medio Ambiente, S.A. v. Proactiva*, WIPO Case No. D2012-0182 and WIPO Overview 3.1, section 1.11.1. Thus, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant's LINCOLN ELECTRIC Mark.

Based on the available record, 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.

In this case, given the facts as set out above, the Panel finds that the Complainant has made out a prima facie case that the respondent lacks rights or legitimate interests. The Respondent has not submitted any arguments or evidence to rebut the Complainant's prima facie case. Furthermore, the Complainant has not authorized, licensed, or otherwise permitted the Respondent to use its LINCOLN ELECTRIC Mark. Nor does the Complainant have any type of business relationship with the Respondent. There is also no evidence that the Respondent is commonly known by the Disputed Domain Name or by any similar name, nor any evidence that the Respondent is using or making demonstrable preparations to use the Disputed Domain Name in connection with a bona fide offering of goods or services. See Policy, paragraph 4(c).

Moreover, the Panel finds that the Respondent lacks rights or legitimate interests in respect of the Disputed Domain Name based on the Respondent's initial redirection of the Disputed Domain Name to the Complainant's official website. Numerous past panels have confirmed that such use does not bestow legitimate rights or interests upon a respondent. See WIPO Overview 3.1, section 2.5.3 ("[A] respondent's use of a complainant's mark to redirect users (*e.g.*, to a competing site) would not support a claim to rights or legitimate interests."). See also *Mandarin Oriental Services B.V. v. Domain Administrator, Matama*, WIPO Case No. D2017-0615 ("The Panel cannot otherwise find any rights or legitimate interests of the Respondent either. In particular, the fact that the Respondent was redirecting the disputed domain name to the Complainant's own website […] does not constitute rights or legitimate interests of the Respondent in the disputed domain name.").

Based on the available record, the Panel finds that the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel finds that based on the record, the Complainant has demonstrated the existence of the Respondent's bad faith registration and use of the Disputed Domain Name pursuant to paragraph 4(a)(iii) of the Policy.

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. 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.

First, the Panel finds that the Respondent must have had actual knowledge of the Complainant and its rights in the LINCOLN ELECTRIC Mark when registering the Disputed Domain Name, emblematic of bad faith registration and use. It strains credulity to believe that the Respondent did not know of the Complainant or its well-known LINCOLN ELECTRIC Mark as evidenced by the Respondent's use of the trademark, although joined by a hyphen, in the Disputed Domain Name. Thus, the Panel finds that in the present case, the Respondent had the Complainant's LINCOLN ELECTRIC Mark in mind when registering and using the Disputed Domain Name.

Second, the Respondent's registration and use of the Disputed Domain Name indicates that such registration and use had been done for the specific purpose of targeting the Complainant, indicating bad faith registration and use.

Third, the Panel finds that the Respondent's registration of the Disputed Domain Name was likely to confuse Internet users into incorrectly believing that the Respondent was authorized by or affiliated with the Complainant, another example of bad faith. This is especially true since the Respondent first used the Disputed Domain Name to redirect Internet users to the Complainant's official website. See WIPO Overview 3.1, section 3.1.4.

Finally, the registration of a domain name that is identical or almost identical to a registered trademark by an entity that has no relationship to that mark may be sufficient evidence of opportunistic bad faith. See *Ebay Inc. v. Wangming*, WIPO Case No. D2006-1107; *Veuve Clicquot Ponsardin, Maison Fondée en 1772 v. The Polygenix Group Co.*, WIPO Case No. D2000-0163 (use of a name connected with such a well-known service and product by someone with no connection to the service and product suggests opportunistic bad faith). Based on the circumstances here, the Respondent registered and used the Disputed Domain Name in bad faith in an attempt to create a likelihood of confusion with the Complainant's LINCOLN ELECTRIC Mark.

In sum, the Panel concludes that the circumstances of this case, including, but not limited to, the Respondent's initial redirection of the Disputed Domain Name to the Complainant's official website, and the failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good faith use, support an inference of bad faith.

Based on the available record, the Panel finds that the third element of the Policy has been established.

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 <lincoln-electricus.com> be transferred to the Complainant.

/Lynda M. Braun/
Lynda M. Braun
Sole Panelist
Date: August 5, 2026