ADMINISTRATIVE PANEL DECISION

Barrick Gold of North America, Inc, Barrick Mining Corporation v. Philip İkechukwu
Case No. D2026-2918

1. The Parties

The Complainants are Barrick Gold of North America, Inc, United States of America (“United States” or “U.S.”), and Barrick Mining Corporation, Canada, represented by Dorsey & Whitney LLP, United States.

The Respondent is Philip İkechukwu, Nigeria.

2. The Domain Name and Registrar

The disputed domain name <barrickgoldprivateequity.com> is registered with Atak Domain Hosting Internet ve Bilgi Teknolojileri Limited Sirketi d/b/a Atak Teknoloji (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 2, 2026. On July 3, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 6, 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 (APINAME, Ltd) and contact information in the Complaint. The Center sent an email communication to the Complainants on July 6, 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 July 6, 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 July 7, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 27, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 28, 2026.

The Center appointed William A. Van Caenegem as the sole panelist in this matter on August 3, 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 form a large gold mining conglomerate. The Complainants have used the trademark BARRICK in connection with gold and copper mining and precious metal goods and services in 13 countries since at least 1983. The Complainants will be jointly referred as the "Complainant" hereinafter.

The Complainant, as a licensee and assignee, is a rights holder in the United States in relation to numerous U.S. trademark registrations, including U.S. Trademark Registration No. 4578245 for the BARRICK & Design mark, registered on August 5, 2014, covering "[g]old mining extraction and mining of silver, copper and base metals" in International Class 37, and "[m]ine design and engineering in the field of mine exploration of precious and base metals" in International Class 42; U.S. Trademark Registration No. 4683358 for the BARRICK GOLD mark, registered on February 10, 2015, covering "[m]ine design and engineering in the field of mine exploration of precious and base metals" in International Class 42; U.S. Trademark Registration No.4944505 for the BARRICK GOLD mark, registered on April 26, 2016, covering "[g]old mining extraction and the mining of silver, copper and base metals" in International Class 37; and numerous other registrations in the United States and in other jurisdictions.

Since at least as early as October 1995, the Complainant and its affiliates have used the domain name < barrick.com> to advertise and promote its services and commercial endeavors.

The disputed domain name was registered on June 15, 2026. On June 16, 2026, the disputed domain name resolved to a scrape of the Complainant's website. As of June 20, 2026, it has resolved to a webpage prompting users to create an account to purchase a "private equity package", while also inviting users to enter personal information.

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 Complainant's BARRICK marks, its corporate name, and its associated <barrick.com> domain name. The Complainant points out that the disputed domain name consists entirely of the Complainant's BARRICK marks and BARRICK GOLD trade name, differing only by the addition of the descriptive terms "private equity," which will be recognized by consumers as descriptive such that the dominant portion of the disputed domain name is "barrickgold". The Complainant adds that the BARRICK marks are easily identifiable within the disputed domain name and hence there is confusing similarity in the requisite sense.

The Complainant asserts that it has been using its BARRICK trademarks since 1983 and its <barrick.com> domain name since 1995, long before the registration of the disputed domain name. The Complainant's trademark registrations provide the Respondent with constructive knowledge of Complainant's ownership of the BARRICK marks, the latter contends. The Complainant also says that the Respondent is not a licensee of Complainant, nor has the Complainant otherwise authorized the Respondent to register the disputed domain name or otherwise use the Complainant's BARRICK marks.

The Complainant points out that as of June 16, 2026, the disputed domain name resolved to a webpage that was a complete scrape of the Complainant's legitimate website. As of June 20, 2026, it has resolved to a webpage prompting users to create an account to purchase a "private equity package" in the Complainant's business, spanning from USD50,000 to USD10,000,000. The Complainant offers no such services, and the Respondent is clearly engaged in a fraudulent exercise that previous panels have consistently held cannot give rise to rights or legitimate interests, the Complainant says. Internet users are also asked to fill in private information via a "Create Account" button which is clearly aimed at deceiving them, by the Respondent also passing itself off as the Complainant, thus confusing Internet users into believing the relevant website is authorized or sponsored by the Complainant. The Complainant further points out that the term "barrick" has been so widely used by Complainant that it has no significance with the consuming public aside from its trademark and trade name significance in relation to the Complainant and its affiliates.

The Complainant points out that prior panels have held that bad faith is found if it is unlikely that the registrant would have selected the domain name without knowing of the reputation of the trademark in question. The Complainant adds that such a finding is particularly apt where the complainant's trademark is well-known, as the Complainant says is the case with the BARRICK marks. The Complainant then reiterates that the disputed domain name previously resolved to a website that was a scrape of Complainant's website, but has since changed to a website prompting users to create accounts or log in to existing accounts to purchase private equity stakes in the Complainant's business. The Complainant asserts that such use is undoubtedly for the purpose of defrauding consumers and obtaining sensitive information, which is clear evidence of bad faith. The Complainant concludes by maintaining that it is clear that the Respondent has used the BARRICK marks, and registered the disputed domain name, in bad faith to pass itself off as the Complainant, or at the very least, create an improper affiliation.

B. Respondent

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

6. Discussion and Findings

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 mark BARRICK GOLD is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

Although the addition of other terms here "private" and "equity" may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the 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 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.

There is nothing before the Panel to indicate that the Respondent is known by the name "Barrick" or the disputed domain name or had any relevant prior rights to the mark BARRICK and/or similar marks. The Respondent is not authorized or licensed to use the BARRICK GOLD trademark of the Complainant in any way.

Panels have held that the use of a domain name for illegitimate activity, here impersonation, and further the operation of a deceptive imitation website likely designed to access and obtain the personal and private information of Internet users, can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1.

The Panel finds 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 Respondent registered a domain name that includes the distinctive BARRICK trademark of the Complainant, which the latter had used in business for many years prior to the registration of the disputed domain name. A simple search would have revealed the rights of the Complainant.

Having included a distinctive third-party trademark in the disputed domain name, and combined it with the deliberately chosen terms "private" and "equity", the Respondent then set up an imitation website, where it, more likely than not, sought to obtain private and confidential information from Internet users. The Panel finds that the Respondent probably sought to rely on the false and deceptive suggestion of a connection with the Complainant, to obtain such information, and most likely use it to obtain some financial advantage at the expense of unsuspecting Internet users.

Panels have held that the use of a domain name for the establishment of copycat/impersonation sites, and deception of this kind constitutes bad faith. WIPO Overview 3.1, section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes 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 <barrickgoldprivateequity.com> be transferred to the Complainant.

/William A. Van Caenegem/
William A. Van Caenegem
Sole Panelist
Date: August 17, 2026