

ADMINISTRATIVE PANEL DECISION

Guggenheim Capital, LLC v. Gug genheim, Guggenheim
Case No. D2026-2968

1. The Parties

The Complainant is Guggenheim Capital, LLC, United States of America ("United States"), represented by Snell & Wilmer, LLP, United States.

The Respondent is Gug genheim, Guggenheim, United States.

2. The Domain Names and Registrar

The disputed domain names <guggenheimfx.com>, <guggenheimfxu.com>, <guggenheimin.com>, <guggenheimuk.com>, <guggenheimus.com>, and <guggenheimus.cc> are registered with Gname.com Pte. Ltd. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 6, 2026. On July 7, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On July 8, and July 9, 2026, the Registrar transmitted by email to the Center its verification response, disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Unknown et al.) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 10, 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 amended Complaint on July 11, 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 21, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 10, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 13, 2026.

The Center appointed Kathryn Lee as the sole panelist in this matter on August 26, 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 parent holding company for a global network of financial services, investment management, and advisory entities operating under the Guggenheim name and mark, including Guggenheim Partners, LLC. The Complainant operates 15 offices in six countries, employs more than 2,200 people worldwide, and manages over USD 350 billion in assets. The Complainant owns trademark registrations for the GUGGENHEIM and GUGGENHEIM formative marks worldwide including the following in the United States:

- GUGGENHEIM – Trademark Registration Number 3,121,127 registered on July 25, 2006;
- GUGGENHEIM PARTNERS – Trademark Registration Number 3,110,878 registered on July 4, 2006;
- and
- GUGGENHEIM INVESTMENT ADVISORS – Trademark Registration Number 3,712,544 registered on November 17, 2009.

The Complainant registered the domain name <guggenheimpartners.com> on July 6, 2000 and has used it for its official website since 2003.

According to the Registrar-provided registration data, the Respondent purports to be located in the United States.

The disputed domain names were registered between January 8, 2026 and February 5, 2026. At the time reflected in the evidence submitted with the Complaint, the disputed domain names <guggenheimfx.com>, <guggenheimfxu.com>, <guggenheimin.com>, <guggenheimuk.com>, and <guggenheimus.cc> did not resolve to websites displaying active content. The disputed domain name <guggenheimus.com> displayed a Cloudflare warning stating “Warning”, “Suspected Phishing”, and “This website has been reported for potential phishing. Phishing is when a site attempts to steal sensitive information by falsely presenting as a safe source”.

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 names.

Notably, the Complainant contends that the disputed domain names are confusingly similar to the Complainant’s GUGGENHEIM mark as each contains the GUGGENHEIM mark in its entirety, and the additional elements in the disputed domain names do not obviate the confusing similarity.

The Complainant also contends that the Respondent has no rights or legitimate interests in the disputed domain names and confirms that it has not authorized or licensed rights to the Respondent in any respect. The Complainant further contends that there is no evidence of the Respondent’s use of or demonstrable preparations to use the disputed domain names in providing any bona fide offering of goods or services, nor any evidence that the Respondent has been commonly known by the disputed domain names or is making legitimate noncommercial or fair use of them. The Complainant also contends that the disputed domain name <guggenheimus.com> was reported for potential phishing, indicating bad faith.

Finally, the Complainant contends that its GUGGENHEIM mark is well known worldwide, and as such, the Respondent had constructive or actual knowledge of the Complainant's rights in the mark and registered the disputed domain names in bad faith. The Complainant also contends that bad faith can be found despite the passive holding of the Respondent, based on the strong reputation of the GUGGENHEIM mark, the Respondent's provision of false name ("Gug genheim" and "Guggenheim") and incorrect contact details, and the fact that it is impossible to identify any good faith use to which the disputed domain names may be put. In addition, the Complainant contends that the notification regarding suspected phishing on the website at the disputed domain name <guggenheimus.com> indicates the Respondent's bad faith registration and use.

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 Panel finds the mark GUGGENHEIM is recognizable within the disputed domain names. Accordingly, the disputed domain names are 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, "fx", "fxu", "in", "uk", and "us" – 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 names 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 names. 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 names such as those enumerated in the Policy or otherwise.

Here, the disputed domain names all have the GUGGENHEIM mark in its entirety and the only difference is the additional descriptive terms added at the end of the mark. Specifically, the term "fx" is commonly understood in the financial sector as an abbreviation for "foreign exchange", and therefore, the disputed domain names <guggenheimfx.com> and <guggenheimfxu.com> are likely to mislead Internet users into believing that the websites at the disputed domain names are related to and/or operated by the Complainant's foreign exchange service. As for the terms "in", "uk", and "us", they are geographic references for India, United Kingdom, and United States, and therefore, the Panel finds, on balance, such composition signals the Respondent's intention to mislead Internet users to believe that the disputed domain names <guggenheimin.com>, <guggenheimuk.com>, <guggenheimus.com>, and <guggenheimus.cc> are domain names of the Complainant's offices in the respective countries. The Panel notes that the registrant organization identified in the registration details of the disputed domain names is "Guggenheim", however, there is no evidence before the Panel that the Respondent is actually commonly known by the disputed domain names or "Guggenheim". Rather, it appears most likely that such details were specifically chosen to falsely suggest an affiliation with the Complainant, possibly in connection to a planned fraudulent use of the disputed domain names.

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 multiple disputed domain names which are confusingly similar to the Complainant's mark. Based on the confusing similarity of the disputed domain names to the Complainant's mark, the reputation of the Complainant's mark, and the Respondent's registration of six domain names containing the GUGGENHEIM mark, it is likely that the Respondent targeted the Complainant in registering the disputed domain names, and that the Respondent likely did so in order to take advantage of the Complainant's mark in some manner. The Panel also notes that the Respondent has failed to submit any response to the Complaint.

With respect to the disputed domain name <guggenheimus.com>, the record shows that Cloudflare displayed a warning stating that the website had been reported for potential phishing. The record does not establish that the Respondent actually engaged in phishing. Nevertheless, in the circumstances of this case, the warning is consistent with possible deceptive use and provides additional support for the Respondent's bad faith. Panels have held that the use of a domain name for illegal activity – here, claimed phishing constitutes bad faith. [WIPO Overview 3.1](#), section 3.4.

As for the disputed domain names <guggenheimfx.com>, <guggenheimfxu.com>, <guggenheimin.com>, <guggenheimuk.com>, and <guggenheimus.cc>, there is no evidence that are connected with any website. But panels have found that the non-use of a domain name would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the reputation of the Complainant's trademark, the composition of the disputed domain names, and the failure of the Respondent to submit any response to the Complaint, and finds that in the circumstances of this case, the passive holding of the disputed domain names does not prevent a finding of bad faith under the Policy.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain names constitute 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 names <guggenheimfx.com>, <guggenheimfxu.com>, <guggenheimin.com>, <guggenheimuk.com>, <guggenheimus.com>, and <guggenheimus.cc> be transferred to the Complainant.

/Kathryn Lee/

Kathryn Lee

Sole Panelist

Date: August 31, 2026