ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

Lincoln Global, Inc., The Lincoln Electric Company v. Bobby Butler
Case No. D2026-3019

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 Bobby Butler, United States.

2. The Domain Name and Registrar

The disputed domain name <lincolnelectricgear.shop> is registered with Dynadot Inc (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 9, 2026. On July 9, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 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 (8766cb3a8214ba18e693973c24024b04-Dyna Dynadot Privacy Service, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 14, 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 16, 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 16, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 5, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 11, 2026.

The Center appointed Nels T. Lippert as the sole panelist in this matter on August 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 Complainants (collectively "the Complainant") are sister companies owned by Lincoln Electric Holdings Inc. The Complainant was founded in 1895 and today is a prominent company in the design, development, and manufacture of arc welding products, robotic arc welding systems, plasma and oxy-fuel cutting equipment and has a global position in the brazing and soldering alloys markets. The Complainant's solutions are used across diverse industry sectors in over 160 countries. In 2024, the Complainant was named one of "America's Best Mid-Size Companies" by Time Magazine, one of "America's Greatest Workplaces" by Newsweek, and one of the "World's Most Ethical Companies" by the Ethisphere Institute.

The Complainant operates 71 manufacturing and automation system integration locations across 21 countries and maintains a worldwide network of distributors and sales offices serving customers in over 160 countries. The Complainant employs over 12,000 employees worldwide and in 2024 reported sales of USD 4 billion.

According to the Complaint, the Complainant is the owner of over 270 domain names which incorporate the LINCOLN ELECTRIC trademark and its variations, including its primary domain name, <lincolnelectric.com>, and has a strong social media presence. In addition, the Complainant is the owner of registrations of the LINCOLN ELECTRIC mark in many countries including:

- LINCOLN ELECTRIC – United States Registration No.2350082, registered May 16, 2000;
- LINCOLN ELECTRIC – United States Registration No. 2420805, registered January 16, 2001;
- LINCOLN ELECTRIC – European Union Registration No. 015346935, registered August 31, 2016;
- LINCOLN ELECTRIC – Canadian Registration No. TMA573494, registered January 13, 2003; and
- LINCOLN ELECTRIC – Canadian Registration No. TMA574202, registered January 22, 2003.

The disputed domain name was registered on April 21, 2026. According to the Complaint, prior to a takedown action commenced by representatives of the Complainant, the disputed domain name resolved to a website that offered the Complainant's products, using the Complainant's logo and an "Our Story" text whereby the Respondent referred to itself directly as the Complainant. At the time of filing the instant Complaint, the disputed domain name resolved to an inactive website.

The Respondent appears to be an individual reportedly residing in the United States.

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 registered trademark because it includes the LINCOLN ELECTRIC mark in its entirety and only adds the generic term "gear". The Complainant asserts that the original use of the disputed domain name contributes to the confusion because it resolved to a website that impersonated the Complainant.

The Complainant asserts that the Respondent has no affiliation, sponsorship or connection with the Complainant and has not been permitted by the Complainant to use the Complainant's trademark in the disputed domain name. The Complainant further argues that the Respondent was not commonly known by the disputed domain name prior to the Complainant's adoption and use of its mark. At the time of filing the Complaint, the Complainant notes that the Respondent was using a privacy WhoIs service which the Complainant argues equates to a lack of legitimate interest. Furthermore, the Complainant asserts that the Respondent was not making a bona fide offering of goods or services or legitimate, noncommercial fair use of the disputed domain name because the use of the Complainant's logo on the website to which the disputed domain name resolved amounted to an imitation of the Complainant that constituted "passing off". The Complainant argues that because the Respondent failed to disclose any relationship with the Complainant further evidences attempted "passing off" as the Complainant.

In addition, the Complainant contends that given the well-known reputation of its mark, the Respondent obviously knew of its existence when the Respondent registered the disputed domain name and knew that it had no rights or legitimate interests in the disputed domain name. Moreover, the Complainant asserts that the Respondent registered and originally used the disputed domain name for the purpose of creating confusion with the Complainant's mark to divert or mislead third parties to the Respondent's website where the Complainant's goods were offered without the Complainant's authorization, for the Respondent's own commercial gain. The Complainant contends that the Respondent's use of the disputed domain name was for the purpose of diverting Internet users and disrupting the Complainant's relationship with its customers or potential customers. The Complainant notes that passive holding of a domain name does not prevent a finding of bad faith.

B. Respondent

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

6. Discussion and Findings

As noted above, the Respondent did not respond to the Complainant's contentions. Under the Rules, paragraphs 5(f) and 14(a), the effect of a default by the Respondent is that, in the absence of exceptional circumstances, the Panel shall proceed to a decision on the basis of the Complaint. The Panel does not find any exceptional circumstance in this case.

Paragraph 4(a) of the Policy provides that in order to divest a respondent of a domain name, a complainant must demonstrate each of the following:

(i) the domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and

(ii) the respondent has no rights or legitimate interests in respect of the domain name; and

(iii) the domain name has been registered and is being used in bad faith.

Under paragraph 15(a) of the Rules, "[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable".

In this case, the Panel finds that as a result of the Respondent's failure to submit a Response, the Respondent has failed to rebut any of the reasonable factual assertions that are made and supported by evidence submitted by the Complainant. By failing to respond, the Respondent has failed to offer the Panel any of the types of evidence set forth in paragraph 4(c) of the Policy or otherwise, from which the Panel might conclude that the Respondent has any rights or legitimate interests in the disputed domain name.

Moreover, the Respondent failed to provide any information or reasoning that might rebut the Complainant's arguments that the Respondent has acted in bad faith.

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 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, "gear", may bear on assessment of the second and third elements, the Panel finds the addition of such term 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.

Furthermore, it is well established that the applicable Top-Level Domain in a domain name is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. WIPO Overview 3.1, section 1.11.1.

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.

Panels have held that the use of a domain name for illegitimate activity, here, claimed as applicable to this case: passing off, 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 appears to have registered the disputed domain name to attract Internet users to its website by creating a likelihood of confusion with the Complainant's mark for commercial gain.

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.

Regarding the current non-use of the disputed domain name, 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 distinctiveness or reputation of the Complainant's trademark, the composition and prior use of the disputed domain name, and the Respondent's failure to submit a Response, and finds that in the circumstances of this case the current passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Panels have held that the use of a domain name for illegitimate use, here claimed as passing off 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 <lincolnelectricgear.shop> be transferred to the Complainant.

/Nels T. Lippert/
Nels T. Lippert
Sole Panelist
Date: August 31, 2026