

ADMINISTRATIVE PANEL DECISION

Modine Manufacturing Company. v. paco manelas
Case No. D2026-3144

1. The Parties

The Complainant is Modine Manufacturing Company, United States of America ("United States"), represented by ZeroFox, United States.

The Respondent is paco manelas, American Samoa, United States.

2. The Domain Name and Registrar

The disputed domain name <modineusa.com> (the "Disputed Domain Name") is registered with Nicenic International Group Co., Limited (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 16, 2026. On July 17, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On July 18, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 21, 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 amendment to the Complaint on August 5, 2026.

The Center verified that the Complaint together with the amendment to the 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 August 6, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 26, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 28, 2026.

The Center appointed Lynda M. Braun as the sole panelist in this matter on September 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 Complainant, founded in 1916, is a publicly traded Wisconsin corporation headquartered in Racine, Wisconsin, and is one of the world's leading providers of thermal management technology, designing, engineering, testing, and manufacturing heating, cooling, ventilation, and thermal management products and systems for vehicular, industrial, commercial, and data-center customers around the globe.

The Complainant owns registered trademarks through the United States Patent and Trademark Office ("USPTO") for the following: MODINE, United States Registration No. 668,689, registered on October 21, 1958, in International Class 11; MODINE, United States Registration No. 2,280,971, registered on September 28, 1999, in International Classes 7 and 11; and MODINE, United States Registration No. 7,468,854, registered on August 6, 2024, in International Class 11 (hereinafter collectively referred to as the "MODINE Mark"). The MODINE Mark has been used continuously in commerce for over a century, accumulating substantial goodwill and brand recognition throughout the United States and internationally.

The Complainant owns the domain name <modine.com>, which resolves to its principal website at "www.modine.com", and through which it promotes its services.

The Disputed Domain Name was registered on May 9, 2026, and resolves to an inactive page. The Respondent created an email address associated with the Disputed Domain Name, demonstrating that it was attempting to engage in a fraudulent phishing scheme. Specifically, the Complainant claims that on May 29, 2026, and June 1, 2026, an individual falsely identifying himself as an employee of the Complainant, sent an unsolicited request for a quote from an email address incorporating the Disputed Domain Name to a third-party electrical wire and cable supplier. Copies of the fraudulent e-mail chain, together with the supplier's internal correspondence flagging the communication as suspected fraud and the Complainant's internal confirmation that no such individual was employed by the Complainant, were submitted as Annexes to the Complaint.

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 MODINE Mark because the Disputed Domain Name contains the MODINE Mark in its entirety, followed by the geographical term "usa", followed by the generic Top-Level Domain ("gTLD") ".com", and thus 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 is commonly known by the Disputed Domain Name, and was engaged in a potential email phishing scheme in which the Respondent sent an email incorporating the Disputed Domain Name to a third party supplier of the Complainant, falsely claiming to be an employee of the Complainant; 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 MODINE 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 MODINE Mark, differing only by the addition of the geographical term "usa".

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 MODINE Mark based on its over 100 years of use as well as its registered trademarks for the MODINE Mark in the United States. 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 MODINE Mark. Thus, the Panel finds that the Complainant satisfied the threshold requirement of having trademark rights in the MODINE Mark.

The Disputed Domain Name consists of the MODINE Mark in its entirety, followed by the term "usa", 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 MODINE 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 "usa" to the Complainant's MODINE Mark in the Disputed Domain Name does

not prevent a finding of confusing similarity. See *BHP Billiton Innovation Pty Ltd v. Oloyi*, WIPO Case No. [D2017-0284](#).

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 MODINE 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 MODINE 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 evidence that the Respondent was 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 composition of the Disputed Domain Name and the Complainant’s claim regarding the Respondent’s incorporation of the Disputed Domain Name into a fraudulent email, falsely claiming to be an employee of the Complainant, listing the genuine address of the Complainant in its email signature, in furtherance of a potential phishing scheme.

The Panel concludes that nothing on the record before it would support a finding that the Respondent is making a legitimate noncommercial or fair use of 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 MODINE 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 MODINE Mark as evidenced by the Respondent's use of the trademark in the Disputed Domain Name. Thus, the Panel finds that in the present case, the Respondent had the Complainant's MODINE 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, specifically when creating an email address incorporating the Disputed Domain Name to send to a supplier of the Complainant, indicating bad faith registration and use.

Third, the Panel finds that the Respondent's registration of the Disputed Domain Name was likely an attempt to confuse Internet users due to its likelihood of confusion with the MODINE Mark.

In sum, the Panel concludes that the circumstances of this case, including, but not limited to, the Respondent's use of an email address incorporating the Disputed Domain Name to impersonate the Complainant, 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 <modineusa.com> be transferred to the Complainant.

/Lynda M. Braun/

Lynda M. Braun

Sole Panelist

Date: September 15, 2026