

ADMINISTRATIVE PANEL DECISION

Kimley-Horn and Associates, Inc. v. Whois Agent, Netlify Inc
Case No. D2026-3211

1. The Parties

The Complainant is Kimley-Horn and Associates, Inc., United States of America (“United States”), represented by Nelson Mullins Riley & Scarborough LLP, United States.

The Respondent is Whois Agent, Netlify Inc, United States.

2. The Domain Name and Registrar

The disputed domain name <kimleyhorn-careers.com> is registered with Name.com, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 21, 2026. On July 22, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 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 (Redacted For Privacy, Domain Protection Services, Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 28, 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 28, 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 30, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 19, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 20, 2026.

The Center appointed Phillip V. Marano as the sole panelist in this matter on August 31, 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 planning, engineering, and design consulting firm that was founded in 1967 in Raleigh, North Carolina, United States. The Complainant offers information about its services on its official “www.kimley-horn.com” website. The Complainant owns valid and subsisting registrations for the KIMLEY-HORN trademark in the United States, including KIMLEY-HORN (Reg. No. 2,788,474), registered on December 2, 2003, with earliest first use priority dated back to January 1, 1994.

The Respondent registered the disputed domain name on July 5, 2026. At the time of this Complaint, the disputed domain name resolved to a pay-per-click parking page with hyperlinks for “college education loans”, “online training”, “civil engineering job openings”, “employment benefit plans”, and “free career planning.”

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 asserts ownership of the KIMLEY-HORN trademark and has adduced evidence of trademark registration, dated back to December 2, 2003, with earliest first use priority dated back to January 1, 1994.

The disputed domain name is confusingly similar to the Complainant’s KIMLEY-HORN trademark, according to the Complainant, because it incorporates the entirety of its KIMLEY-HORN trademark combined with the word “careers”, which enhances confusion because it is directly associated with the Complainant’s business.

The Complainant further asserts that the Respondent lacks any rights or legitimate interests in the disputed domain name based on: the lack of any relationship with the Complainant; the lack of any license, permission, or authorization from the Complainant; the lack of any evidence that the Respondent is known by the disputed domain name; implied affiliation between the disputed domain name and the Complainant’s KIMLEY-HORN trademark; the Respondent’s use of the disputed domain name, which is created from the combination of distinctive surnames and not dictionary terms, in connection with pay-per-click parking; and the Respondent’s use of the disputed domain name in connection with illegal activity, namely impersonation, passing off and probably also harvesting of personal information under false pretenses whereby the disputed domain name initially resolved to an active site that appeared as a meeting scheduling site to schedule an appointment with a member of the Complainant’s human resource team.

The Complainant argues that the Respondent has registered and used the disputed domain name in bad faith for numerous reasons, including: the fame and distinctive nature of the Complainant’s KIMLEY-HORN trademark, and the Respondent’s actual or constructive knowledge of the Complainant; the Respondent’s initial use of the disputed domain name to host its job opportunity scam website impersonating the Complainant; and the Respondent’s current use of the disputed domain name to host pay-per-click advertisements.

B. Respondent

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

6. Discussion and Findings

To succeed in its Complaint, the Complainant must establish in accordance with paragraph 4(a) of the Policy:

- i. the disputed domain name is identical or confusingly similar to a trademark 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 has been registered and is being used in bad faith.

Although the Respondent did not reply to the Complainant's contentions, the burden remains with the Complainant to establish by a balance of probabilities, or a preponderance of the evidence, all three elements of paragraph 4(a) of the Policy. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.3 ("A respondent's default ... would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are accurate ... panels have been prepared to draw certain inferences in light of the particular facts and circumstances of the case e.g., where a particular conclusion is prima facie obvious, where an explanation by the respondent is called for but is not forthcoming, or where no other plausible conclusion is apparent."); *The Vanguard Group, Inc. v. Lorna Kang*, WIPO Case No. [D2002-1064](#) ("The Respondent's default does not automatically result in a decision in favor of the complainant. The Complainant must still prove each of the three elements required by Policy paragraph 4(a)").

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 3.1](#), section 1.7.

Ownership of a nationally or regionally registered trademark serves as prima facie evidence that the Complainant has trademark rights for the purposes of standing to file this Complaint. [WIPO Overview 3.1](#), section 1.2.1. The Complainant submitted evidence that the KIMLEY-HORN trademark has been registered in the United States. Thus, the Panel finds that the Complainant's rights in the KIMLEY-HORN trademark have been established pursuant to the first element of the Policy.

The only remaining question under the first element of the Policy is whether the disputed domain name is identical or confusingly similar to the Complainant's KIMLEY-HORN trademark. In this case, the disputed domain name is confusingly similar to the Complainant's KIMLEY-HORN trademark because, disregarding the ".com" generic Top-Level Domain ("gTLD"), the mark is recognizable within the disputed domain name. [WIPO Overview 3.1](#), section 1.7. ("This test typically 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 domain name ... [I]n cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar [...]"). gTLDs, such as ".com" in the disputed domain name, are generally viewed as a standard registration requirement and are disregarded under the first element. [WIPO Overview 3.1](#), section 1.11.

The confusing similarity is not prevented by combination with the term "careers". [WIPO Overview 3.1](#), section 1.8 (Additional terms "whether descriptive, geographic, pejorative, meaningless, or otherwise" do not prevent a finding of confusing similarity where the relevant trademark is recognizable within the disputed domain name). Furthermore, it is well established that neither the mere addition or removal of a hyphen is sufficient to dispel confusing similarity. See *Chernow Communications, Inc. v. Jonathan D. Kimball*, WIPO Case No. [D2000-0119](#) (holding "that the use or absence of punctuation marks, such as hyphens, does not alter the fact that a name is identical to a mark").

Accordingly, 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 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. Where, as in this case, the Respondent fails to come forward with any relevant evidence, the Complainant is deemed to have satisfied the second element of the Policy. [WIPO Overview 3.1](#), section 2.1.

Service of pay-per-click advertisements through the disputed domain name attempts to trade off the goodwill of the Complainant and accordingly cannot constitute any bona fide offering of goods or services using the disputed domain name. [WIPO Overview 3.1](#), section 2.9 (“the use of a domain name to host a parked page comprising [pay-per-click] links does not represent a bona fide offering where such links compete with or capitalize on the reputation and goodwill of the complainant’s mark or otherwise mislead Internet users.”). While the pay-per-click ads at issue, for links like “college education loans” and “free career planning”, are generally related to the generic term “careers”, they do not share a clear relationship with either the individual or combined surnames “Kimley” and “Horn”, and therefore clearly appear to trade off of the goodwill associated with the Complainant’s KIMLEY-HORN trademark.

Moreover, the Complainant has raised the possibility that the Respondent registered and used the disputed domain name to engage in illegal activity, specifically impersonation of the Complainant’s human resources personnel in furtherance of an apparent job opportunity scam. However, the Complainant was unable to provide any direct website screen capture evidence of that scam, or provide any indirect circumstantial evidence in corroboration. Nevertheless, for the reasons discussed herein, such evidence was not necessary for the Complainant to establish either the second or third elements of the Policy.

Accordingly, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy proscribes the following non-exhaustive circumstances as evidence of bad faith registration and use of the disputed domain name:

- i. Circumstances indicating that the Respondent has registered or the Respondent has acquired the disputed domain name primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name registration to the Complainant who is the owner of the trademark to a competitor of that Complainant, for valuable consideration in excess of the Respondent’s documented out of pocket costs directly related to the disputed domain name; or
- ii. the Respondent has registered the disputed domain name in order to prevent the owner of the trademark from reflecting the mark in a corresponding domain name, provided that the Respondent has engaged in a pattern of such conduct; or

- iii. the Respondent has registered the disputed domain name primarily for the purpose of disrupting the business of a competitor; or
- iv. by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Respondent's website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product or service on the Respondent's website or location.

The circumstances of this case corroborate the Respondent's actual knowledge of the Complainant and the Complainant's KIMLEY-HORN trademark at the time the Respondent registered the disputed domain name, and the Respondent's intentional targeting of the Complainant. First, both Parties are both located in the United States and the Complainant has obtained a federal trademark registration which well predates the Respondent's disputed domain name registration. See e.g., *Champion Broadcasting System, Inc. v. Nokta Internet Technologies*, WIPO Case No. [D2006-0128](#) (Applying the principle of constructive notice where both parties are located in the United States). Second, the composition of the disputed domain name is more likely than not intended to specifically target individuals interested in "careers" with the Complainant, namely "Kimley-Horn".

As regards the use in bad faith, the Panel considers that parking websites with pay-per-click links, cannot be disclaimed by Respondent to prevent a finding of bad faith. [WIPO Overview 3.1](#), section 3.5 ("A respondent cannot disclaim responsibility for content appearing on the website associated with its domain name" regardless of whether "such links [are] generated by a third party such as a registrar or auction platform (or their affiliate), or the fact that the respondent itself may not have directly profited...."). See *SAP SE v. Domains by Proxy, LLC / Kamal Karmakar*, WIPO Case No. [D2016-2497](#) ("It is well established that where a domain name is used to generate revenue in respect of 'click through' traffic, and that traffic has been attracted because of the name's association with the Complainant, such use amounts to use in bad faith ... Revenue will be generated by such visitors clicking on the provided links and it does not matter whether that revenue accrues to the Respondents or the operator of the parking site") (internal citations omitted). Therefore, the Respondent's use of the disputed domain name constitutes bad faith under paragraph 4(b)(iv) of the Policy.

Furthermore, where it appears that a respondent has used one or more proxy services, or has purposefully selected a Registrar that applies proxy services by default, merely to avoid being notified of a UDRP proceeding filed against it, UDRP panels tend to find that this supports an inference of bad faith. [WIPO Overview 3.1](#), section 3.6. Use of a proxy registration service to shield a respondent's identity and elude or frustrate enforcement efforts by a legitimate complainant demonstrates bad-faith use and registration of a disputed domain name. See *Fifth Third Bancorp v. Secure Whois Information Service*, WIPO Case No. [D2006-0696](#) (the use of a proxy registration service to avoid disclosing the identity of the real party in interest is also consistent with an inference of bad faith when combined with other evidence of evasive, illegal, or irresponsible conduct). Here, the actual user of the disputed domain name has used an apparent two-tiered obfuscation method for its actual contact information, through "Domain Protection Services, Inc." (the proxy service affiliated with the Registrar) which merely masked "Whois Agent / Netlify Inc." (the proxy service affiliated with the Registrar's Reseller).

Thus, the Panel finds 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 <kimleyhorn-careers.com> be transferred to the Complainant.

/Phillip V. Marano/

Phillip V. Marano

Sole Panelist

Date: September 22, 2026