

ADMINISTRATIVE PANEL DECISION

Hill Mechanical Corp., a/k/a The Hill Group v. Viva Khalid
Case No. D2026-3240

1. The Parties

Complainant is Hill Mechanical Corp., a/k/a The Hill Group, United States of America ("United States"), represented by Berger, Newmark & Frenchel, United States.

Respondent is Viva Khalid, United States.

2. The Domain Name and Registrar

The disputed domain name <hillgrps.com> (the "Domain Name") is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 22, 2026. On July 23, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On July 24, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to Complainant on July 24, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on July 29, 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 Respondent of the Complaint, and the proceedings commenced on August 5, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 25, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on August 26, 2026.

The Center appointed Kimberley Chen Nobles 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

Complainant is a group of companies that provides HVAC and plumbing construction and servicing, fire protection and other services to building owners and managers in the greater Chicago, Illinois area and throughout the midwestern United States. Since around 2001, Complainant has used the word “group” in association with its “Hill” name, initially calling itself “Hill Mechanical Group”. Complainant used the name “Hill Mechanical Group” continuously in advertising itself on the Internet through 2010. Complainant owns United States registered trademark number 2387790 for the HILL HILL MECHANICAL GROUP stylized mark, registered on September 19, 2000.

Around 2010, Complainant updated its name to “The Hill Group” and registered the domain name <hillgrp.com> on September 27, 2010. Following that, around March 2011, Complainant launched its new business website at this domain name, and announced its web presence under the name “The Hill Group”. In the last five years, Complainant has generated nearly USD 1.9 billion, with the revenue of USD 507,400,000 generated in 2024 alone.

Complainant asserts that it has obtained common law trademark rights in THE HILL GROUP mark through continuous and extensive use of the mark since at least 2010. Such use includes an Internet presence at its website located at the domain name <hillgrp.com>, use of the mark “The Hill Group” on its website and social media accounts, in its regular course of business in trade and commerce, in trade publications, participation through engineering job fairs and other industry events.

The Domain Name was registered on June 8, 2026 and was used to send fraudulent phishing communications, impersonating Complainant. In particular, the Domain Name was used to email messages from at least an email address associated with the Domain Name that falsely purport to originate from Complainant. These emails impersonate Complainant and falsely identify the sender as Complainant, using Complainant’s trademark and official website in the signature block in an attempt to obtain information about pricing for a pump from a supplier.

5. Parties’ Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

Notably, Complainant contends that (i) the Domain Name is confusingly similar to Complainant’s trademark; (ii) Respondent has no rights or legitimate interests in the Domain Name; and (iii) Respondent registered and is using the Domain Name in bad faith.

In particular, Complainant contends that it has common law trademark rights for THE HILL GROUP and that Respondent registered and is using the Domain Name, with the intention to confuse Internet users looking for bona fide and well-known products and services of Complainant.

Complainant notes that it has no affiliation with Respondent, nor authorized Respondent to register or use a domain name which includes Complainant's trademark, and that Respondent has no rights or legitimate interests in the registration and use of the Domain Name. Rather, Complainant contends that Respondent has acted in bad faith in acquiring and setting up the Domain Name, when Respondent clearly knew of Complainant's rights.

Specifically, Complainant argues that Respondent used the Domain Name to send fraudulent phishing communications, impersonating Complainant. The Domain Name was used to email messages from an email address associated with the Domain Name that purports to originate from Complainant, in an attempt to obtain information about pricing for a pump from a supplier.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed Complainant must satisfy the Panel that:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name was registered and is being used in bad faith.

Section 4.3 of the WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)") states that failure to respond to complainant's contentions would not by itself mean that complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that complainant's claims are true.

Thus, although in this case Respondent has failed to respond to the Complaint, the burden remains with Complainant to establish the three elements of paragraph 4(a) of the Policy by a preponderance of the evidence.

A. Identical or Confusingly Similar

Under paragraph 4(a)(i) of the Policy, a complainant must demonstrate rights in the mark to which it asserts the disputed domain name is identical or confusingly similar. Here, Complainant has a registered trademark for the HILL HILL MECHANICAL GROUP stylized mark. Therefore, Complainant has established its trademark rights in HILL HILL MECHANICAL GROUP.

In addition, Complainant also claims unregistered trademark rights in THE HILL GROUP. It is well settled that the term "trademark or service mark" as used in paragraph 4(a)(i) encompasses both registered and unregistered marks. See, e.g., *The British Broadcasting Corporation v. Jaime Renteria*, WIPO Case No. [D2000-0050](#); *United Artists Theatre Circuit, Inc. v. Domains for Sale Inc.*, WIPO Case No. [D2002-0005](#); see also section 1.1 of the [WIPO Overview 3.1](#).

To establish unregistered or common law rights in THE HILL GROUP, Complainant must show it acquired secondary meaning, i.e., that the public associates the asserted mark with Complainant's goods and/or services. See *CPP, Inc. v. Nokta Internet Technologies*, WIPO Case No. [D2008-0591](#) (holding that when relying on unregistered or common law rights in UDRP proceedings, "the Complainant must adduce sufficient evidence to demonstrate that the claimed mark has in fact been used as a mark labeling goods or services and, through its use, attracted significant goodwill and reputation associated with the Complainant's goods or services in a definable market"); [WIPO Overview 3.1](#), section 1.3.

By virtue of the evidence Complainant has made of record and as noted above, the Panel finds Complainant has established secondary meaning to support a finding of unregistered or common law trademark rights in the THE HILL GROUP mark.

Complainant's HILL HILL MECHANICAL GROUP and THE HILL GROUP trademarks will hereinafter be referred to collectively as "the Mark".

With Complainant's rights in the Mark established for purposes of the Policy, the remaining question under the first element of the Policy is whether the Domain Name, typically disregarding the Top-Level Domain ("TLD") in which it was registered (in this case, ".com"), is identical or confusingly similar to the Mark.

As prior panels have recognized, where a trademark is incorporated in its entirety in a domain name or where at least a dominant feature of the relevant mark is recognizable in the domain name, this will generally be sufficient to establish that a domain name is confusingly similar to Complainant's trademark for purposes of the Policy. [WIPO Overview 3.1](#), section 1.7. In the current situation, the Panel finds that the Mark is recognizable in the Domain Name, therefore, the Domain Name is confusingly similar to the Mark. The Panel further notes that the Domain Name has been used in a fraudulent email scheme in an attempt to impersonating Complainant, which demonstrates Respondent's intention in registering the Domain Name to trade off the reputation of the Mark. Therefore, the Panel finds that such conduct affirms a finding of confusing similarity. [WIPO Overview 3.1](#), section 1.15.

Thus, the Panel finds that Complainant has satisfied the first element of the Policy.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, a complainant must make a prima facie showing that a respondent possesses no rights or legitimate interests in a disputed domain name. See, e.g., *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. [D2008-1393](#). Once a complainant makes such a prima facie showing, the burden of production shifts to the respondent, though the burden of proof always remains on the complainant. If the respondent fails to come forward with relevant evidence showing rights or legitimate interests, the complainant will have sustained its burden under the second element of the UDRP.

From the record in this case, it is evident that Respondent was, and is, aware of Complainant and its Mark and does not have any rights or legitimate interests in the Domain Name. Complainant has confirmed that Respondent is not affiliated with Complainant, or otherwise authorized or licensed to use its Mark or to seek registration of any domain name incorporating it. Respondent is also not known to be associated with the Mark and there is no evidence showing that Respondent has been commonly known by the Domain Name.

In addition, Respondent has not used the Domain Name in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use. Rather, the record shows that Respondent has used the Domain Name to engage in illegal activity, namely, the impersonation of Complainant by falsely identifying the sender as Complainant, using Complainant's standard signature block, with a duplication of Complainant's logo, within the body of the message. The signature block identified the sender as "Vice President Hill Mechanical Services", followed by "THE HILL GROUP".

UDRP panels have consistently held that use of a domain name for illegal activity — such as email phishing, impersonation, or passing off — can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

Accordingly, Complainant has provided evidence supporting its prima facie showing that Respondent lacks any rights or legitimate interests in the Domain Name. Respondent has failed to produce countervailing evidence of any rights or legitimate interests in the Domain Name.

Thus, the Panel concludes that Respondent does not have any rights or legitimate interests in the Domain Name and Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds that Respondent's actions indicate that Respondent registered and is using the Domain Name in bad faith.

Paragraph 4(b) of the Policy provides a non-exhaustive list of circumstances indicating bad faith registration and use on the part of a respondent, namely:

"(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your 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 your website or location or of a product or service on your website or location."

The Panel finds that Complainant has provided ample evidence to show that the use of the Mark long predates the registration of the Domain Name. Complainant is also well established and known; indeed, the record shows that Complainant's Mark and related services are widely known and recognized in the relevant industry for purposes of the Policy. Therefore, and also noting the use analysis below, Respondent was clearly aware of the Mark when it registered the Domain Name.

The Panel therefore finds that Respondent's awareness of Complainant's trademark rights at the time of registration suggests bad faith. Respondent's knowledge of Complainant is further supported by the fact that the Domain Name differs from Complainant's domain name, <hillgrp.com>, only by the addition of the letter "s" at the end of "hillgrp".

As noted above, the record shows that Respondent has used the Domain Name to engage in illegal activity, namely the impersonation of one of Complainant's employees in sending fraudulent emails. The Domain Name was used to send communications while presenting the purported sender as being reachable at an email address associated with the Domain Name. The fraudulent communications included deceptive identification of the sender as Complainant, displaying Complainant's standard signature block, with a duplication of Complainant's logo, within the body of the message. The signature block identified the sender as "Vice President Hill Mechanical Services", followed by "THE HILL GROUP", so as to mislead or deceive recipients into believing they were engaged in legitimate business communications with Complainant.

Panels have held that the use of a domain name for illegal activity here, claimed phishing, passing off, or other types of fraud constitutes bad faith. [WIPO Overview 3.1](#), section 3.4. Moreover, such use of the Domain Name may potentially result in tarnishing Complainant's reputation and goodwill.

Finally, the Panel also notes the failure of Respondent to submit a response. The Panel thus considers such factor as further evidence of Respondent's registration and use in bad faith.

Having reviewed the available record, the Panel finds that Respondent registered and is using the Domain Name in bad faith.

Therefore, the Panel finds that Complainant succeeds under the third element of paragraph 4(a) 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 Domain Name <hillgrps.com> be transferred to Complainant.

/Kimberley Chen Nobles/

Kimberley Chen Nobles

Sole Panelist

Date: September 8, 2026