

ADMINISTRATIVE PANEL DECISION

Kyndryl, Inc. v. Martin Devos, Information Delivery Technologies
Case No. D2026-3415

1. The Parties

Complainant is Kyndryl, Inc., United States of America (“United States”), represented by Com Laude Limited, United Kingdom.

Respondent is Martin Devos, Information Delivery Technologies, United States.

2. The Domain Name and Registrar

The disputed domain name <kyndrylconsultants.com> is registered with Amazon Registrar, Inc. (“Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (“Center”) on July 31, 2026. On August 4, 2026, the Center transmitted by email to Registrar a request for registrar verification in connection with the disputed domain name. On August 4, 2026, Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name that differed from that in the Complaint (e.g., the Complaint named “On behalf of kyndrylconsultants.com OWNER c/o whoisproxy.com”). The Center sent an email communication to Complainant on August 5, 2026, providing the registrant and contact information disclosed by Registrar and inviting Complainant to submit an amendment to the Complaint. Complainant submitted an amendment to the Complaint on August 7, 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 (“Policy”), the Rules for Uniform Domain Name Dispute Resolution Policy (“Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (“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 10, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 30, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on September 1, 2026.

The Center appointed Debra J. Stanek 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

Complainant designs, builds and manages information systems. It owns a registrations, in the United States and elsewhere for the KYNDRYL mark, including:

- Mauritius Reg. No. 30047/2021, registered on March 1, 2021, for, among other things, computers and telecommunications services.
- International Reg. No. 1628208, registered on June 14, 2021, for, among other things, computers and telecommunications services.
- United States Reg. No. 7,537,618, registered on October 15, 2024, for print publications, stationery and related items (e.g., pen and pencil sets, desk pads, etc.).

Complainant also owns and operates a website at the <kyndryl.com> domain name.

The disputed domain name was created on February 24, 2026. Prior to the filing of the Complaint, visitors to the disputed domain name were redirected to the <hsbc.co.uk> domain name which hosted a banking website; at the time the Complaint was filed and of this Decision, the disputed domain name redirected users to <santanderbank.com>, hosting a different banking website.

Prior to filing the Complaint, Complainant arranged for a letter to be sent to Respondent concerning the disputed domain name at the email address in the Whois record, but did not receive a response.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

In particular:

- Complainant's mark is highly distinctive and the disputed domain name consists of the KYNDRYL mark followed by the dictionary word "consultants."
- Complainant's earliest registration of KYNDRYL predates registration of the disputed domain name by close to five years.
- Complainant has not authorized Respondent to register and use the disputed domain name.
- Redirecting visitors to an unrelated third-party websites does not grant Respondent rights or legitimate interests in the disputed domain name and is not a bona fide offering of goods or services.
- Respondent did not respond to its correspondence concerning the disputed domain name.
- Registration of the disputed domain name creates a presumption of bad faith.

- Respondent's registration and use of the disputed domain name will disrupt Complainant's business because it implies a connection with Complainant but visitors are redirected to a banking website.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

To prevail under the Policy a complainant must prove, as to the domain name at issue, that: (a) it is identical or confusingly similar to a mark in which the complainant has rights, (b) respondent has no rights or legitimate interests in respect to it, and (c) it has been registered and is being used in bad faith. Policy, paragraph 4(a). A respondent's failure to respond does not automatically result in a finding for the complainant; the complainant continues to have the burden of establishing each element. Rules, paragraphs 5(f) and 14(a); see also WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.3. The Panel may, however, draw appropriate inferences from the default. See Rules, paragraph 14(b).

The Panel determines that "Martin Devos, Information Delivery Technologies" is the appropriate Respondent. See [WIPO Overview 3.1](#), section 4.4.5 (in cases involving a privacy service, the panel has discretion to determine appropriate respondent).

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 Complainant's trademark and the disputed domain name. [WIPO Overview 3.1](#), section 1.7.

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 disputed domain name is not identical to Complainant's mark; however, the entire KYNDRYL mark is contained in the disputed domain name, followed by "consultants." Despite this addition, the Panel finds the mark is recognizable within the disputed domain name. Although the addition may bear on assessment of the second and third elements, the Panel finds that here it does not prevent a finding of confusing similarity 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 Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in proceedings under the Policy 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 remains on the complainant). If the respondent fails to come forward with relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.1](#), section 2.1.

The Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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.

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 sets out a list of circumstances that may indicate that a domain name was registered and used in bad faith for purposes of paragraph 4(a)(iii) of the Policy. The list is not exhaustive; other circumstances may be relevant. [WIPO Overview 3.1](#), section 3.2.1.

Complainant's evidence shows: Complainant's rights in its KYNDRYL mark predate registration of the disputed domain name. The KYNDRYL mark is distinctive and the disputed domain name reproduces it with the descriptive term "consultants". It is most likely that Respondent knew of Complainant and Complainant's mark. Respondent did not respond to Complainant's communication or to the Complaint and concealed its identity in the publicly available Whois. The Panel finds that Respondent used the KYNDRYL mark to attract visitors to its website by creating a likelihood of confusion with Complainant's mark. While the facts do not fall literally within the circumstances outlined in paragraph 4(b)(iv) of the Policy, under these circumstances, the Panel finds that a finding of bad faith under the Policy is not precluded and is appropriate.

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 <kyndrylconsultants.com> be transferred to Complainant.

/Debra J. Stanek/

Debra J. Stanek

Sole Panelist

Date: September 14, 2026