ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

Flex IT Holding B.V. v. Paul Morgan, Paul Morgan C llc
Case No. D2026-3507

1. The Parties

The Complainant is Flex IT Holding B.V., Netherlands (Kingdom of the), represented by Eversheds Sutherland (Netherlands) B.V., Netherlands (Kingdom of the).

The Respondent is Paul Morgan, Paul Morgan C llc, United States of America.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 7, 2026. On August 7, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 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 (The RDAP server redacted the value) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 10, 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 August 12, 2026.[1]

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 August 17, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 6, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 7, 2026.

[1] The Complainant removed one domain name from the proceeding upon receipt of the Center's notice of multiple underlying registrants.

The Center appointed Francine Tan as the sole panelist in this matter on September 9, 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 Netherlands (Kingdom of the)-based company specializing in circular IT solutions for the business market and has operated under the name "Flex IT Distribution" since at least 2017. The Complainant supplies new, refurbished, and nearly new IT hardware and focuses on extending the lifecycle of technology through refurbishment and reuse. Apart from distributing IT hardware, the Complainant offers a range of lifecycle services including hardware rental, buy-back programs, IT Asset Disposition, secure data erasure, and responsible processing of end-of-life IT equipment.

The Complainant and its subsidiaries own trade mark registrations for figurative trade marks containing the word FLEXIT as well as others containing the words "flexit distribution". The Complainant's trade mark registrations include the following:

(i) European Union Registration No. 017895852 for FLEXIT DISTRIBUTION (figurative), registered on December 21, 2018;

(ii) United Kingdom Registration No. UK00917895852 for FLEXIT DISTRIBUTION (figurative), registered on December 21, 2018;

(iii) European Union Registration No. 018434679 for FLEX IT (figurative), registered on July 8, 2021; and

(iv) International Registration No. 1614275 for FLEX IT (figurative), registered on July 20, 2021.

The disputed domain name was registered on August 3, 2026. The disputed domain name does not resolve to any active website. However, the disputed domain name appears to have been used in relation to the sending of fraudulent emails, impersonating the Complainant. The misleading and fraudulent emails were targeted at the Complainant's clients and sent to lead them to transfer funds to bank accounts controlled by the sender(s) of the fraudulent emails.

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, firstly, that the disputed domain name is confusingly similar to a trade mark in which the Complainant has rights. The disputed domain name incorporates the FLEXIT DISTRIBUTION trade mark in its entirety, with the mere addition of the letter "s".

The Complainant contends, secondly, that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent has not been authorized by the Complainant to register or use the disputed domain name, nor is the Respondent in any way connected with the Complainant; there is no evidence that the Respondent has used or made demonstrable preparations to use the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services; and there is no evidence that the Respondent has been commonly known by the disputed domain name. The use of the disputed domain name to send fraudulent emails does not constitute a bona fide offering of goods or services nor does it amount to a legitimate non-commercial or fair use of the disputed domain name.

The Complainant contends, thirdly, that the disputed domain name has been registered and used in bad faith. It is inconceivable, in view of the fraudulent emails, that the Respondent did not know of the Complainant and its trade marks at the time he registered the disputed domain name. The circumstances support a finding that the disputed domain name was registered and is being used in bad faith. Amongst other things, on August 3, 2026, a fraudulent email was sent to a customer of the Complainant, attaching manipulated copies of the Complainant's genuine invoices, in which the bank details in the invoice headers had been altered to reference a fraudulent Portuguese account, as well as a forged "Ownership Certificate" purportedly issued by Banco Santander S.A., falsely certifying that the Complainant is the holder of the Portuguese account. The said email was sent the same day that the disputed domain name was registered. This strongly indicates that the disputed domain name was registered specifically for the purpose of undertaking this kind of fraudulent activity.

B. Respondent

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

6. Discussion and Findings

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 trade mark 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 trade mark or service mark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The entirety of the mark is reproduced and recognizable within the disputed domain name, except for the addition of the letter "s". The additional letter "s" in the disputed domain name does not prevent a finding of the confusing similarity with the Complainant's FLEXIT DISTRIBUTION trade mark. It is well established in relation to cases where the complainant's mark features a design or stylization that "to the extent that design (or figurative/stylized) elements would be incapable of representation in domain names, these elements are largely disregarded for purposes of assessing identity or confusing similarity under the first element".

Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.1, sections 1.7 and 1.10.

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 illegal activity, here, claimed as applicable to this case, namely phishing/identity theft or other types of fraud, 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 this case, the Respondent clearly knew of the Complainant and its distinctive trade marks and sought to mislead clients of the Complainant. There is no evidence of actual or contemplated good-faith use but, instead, evidence of deceptive and bad-faith use.

Panels have held that the use of a domain name for illegal activity, here, claimed as applicable to this case, namely phishing/identity theft or other types of fraud, 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 <flexitdistributions.com> be transferred to the Complainant.

/Francine Tan/
Francine Tan
Sole Panelist
Date: September 15, 2026