ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

HedgeServ Holding L.P v. Kim Kay
Case No. D2026-3557

1. The Parties

The Complainant is HedgeServ Holding L.P, United States of America (United States), represented by Safenames Ltd, United Kingdom.

The Respondent is Kim Kay, Canada.

2. The Domain Name and Registrar

The disputed domain name <hedqeserv.com> is registered with NameSilo, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 11, 2026. On August 11, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 11, 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 ("Privacy User #4d7f86ff, See PrivacyGuardian.org") and contact information in the Complaint. The Center sent an email communication to the Complainant on August 12, 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 13, 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 August 18, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 7, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 8, 2026.

The Center appointed Fabrice Bircker as the sole panelist in this matter on September 11, 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

According to undisputed elements provided by the Complainant, the latter, HedgeServ Holding L.P, is a United States company founded in 2008 and globally active in the field of fund administration (with more than USD 700 billion in assets under administration) and financial technology.

The Complainant's activities are notably protected by the following trademark registration:

HEDGESERV European Union trademark registration No. 008212359, filed on April 10, 2009, registered on January 28, 2010 and designating services of classes 35, 36 and 42.

The Complainant has also an online presence through the <hedgeserv.com> domain name. This domain name was registered on October 11, 2007, and resolves to the Complainant's official website. In addition, it is also used to host the Complainant's email addresses.

The disputed domain name, <hedqeserv.com>, was registered on July 3, 2026.

According to the evidence on record, the disputed domain name was used to send at least one email by which the Respondent impersonated the Complainant and sought to induce the recipient to transfer funds to the Respondent in connection with a purported capital call.

At the time of this Decision, the disputed domain name is inactive, having been suspended by the Registrar following a successful takedown request submitted by the Complainant.

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 its HEDGESERV trademark because it consists of an obvious misspelling of said trademark which remains recognizable within the disputed domain name.

Besides, the Complainant argues that the Respondent has no rights or legitimate interests in respect of the disputed domain name, in substance because:

- to the best of the Complainant's knowledge, the Respondent does not have any trademark rights to the term HEDGESERV or any similar term,

- the Respondent did not receive any license from the Complainant to use a domain name featuring the HEDGESERV trademark,

- the disputed domain name was used to carry out phishing activity through which the Respondent was impersonating the Complainant in order to solicit payments with the aim of stealing sensitive information and money from the Complainant's client,

- the disputed domain name does not resolve to an active webpage,
- to the best of the Complainant's knowledge, the Respondent is not commonly known by the term "hedgeserv", "hedqeserv", or anything similar,
- there is no plausible reason for the registration and use of the disputed domain name, other than the motive of taking advantage of the goodwill and reputation attached to the HEDGESERV mark.

Finally, the Complainant contends that the disputed domain name has been registered and is being used in bad faith, notably because:

- the Complainant's trademark registration predates the registration of the disputed domain name by over 16 years,
- the longstanding use of the HEDGESERV name in the field of finance has garnered substantial goodwill and a reputation for providing global fund administration and financial technology services,
- when performing searches on popular search engines, such as Google, using the term "hedgeserv", the top results clearly pertain to the Complainant's brand and services,
- the Complainant's trademarks are also accessible for Internet users to view on public trademark databases,
- the selection of the disputed domain name that is so obviously connected to the Complainant's trademark strongly suggests opportunistic bad faith, particularly where it is used by someone with no affiliation with the Complainant,
- the disputed domain name typosquats the HEDGESERV trademark,
- the Respondent used the disputed domain name to impersonate the Complainant with a view to intercepting payments that were intended for the Complainant,
- the current non-use of the disputed domain name following its suspension by the Registrar further to a takedown request sent by the Complainant amounts to a bad faith use under the passive holding doctrine.

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

The Panel finds the HEDGESERV mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

Indeed, it is constant that "a domain name which consists of a variation of a trademark (typically a common, obvious, or intentional misspelling, referred to as typosquatting) is considered by panels to be confusingly similar to the relevant mark for purposes of the first element". WIPO Overview 3.1, section 1.9.

Here, the disputed domain name reproduces the HEDGESERV trademark in its entirety, with the sole exception of the substitution of the letter "g" with the letter "q", a difference that is hardly noticeable given the visual similarity of these letters and the overall resemblance between the Complainant's trademark and the disputed domain name.

Finaly, regarding the generic Top-Level Domain ("gTLD") ".com" in the disputed domain name, it is well established that gTLDs do not generally affect the assessment of domain names for the purpose of determining identity or confusingly similarity. WIPO Overview 3.1, section 1.11.1.

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.

Indeed, the Complainant has not given its consent to the Respondent to use its HEDGESERV trademark in domain name registrations or in any other manner.

Furthermore, there is nothing in the record of the case to indicate that the Respondent may be commonly known by the disputed domain name.

Finally, according to unrebutted explanations and supporting material provided by the Complainant, the disputed domain name has been used in connection with a fraudulent phishing scheme in which the Respondent impersonated the Complainant in an attempt to induce a third party to transfer funds in connection with a purported financial transaction.

In this respect, panels have held that the use of a domain name for illegal activity (such as phishing, impersonation/passing off, 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

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.

In the present case, the Panel notes that:

- the disputed domain name is confusingly similar to the Complainant's prior trademark,

- further, the disputed domain name is almost identical to the Complainant's prior domain name, which is used in connection with the Complainant's email addresses,

- the disputed domain name has been used for a phishing scheme, as the Respondent used it to send an email fraudulently impersonating the Complainant and seeking to induce its recipient to transfer funds to the Respondent,

- the Respondent has remained silent in this procedure.

It necessarily results from the above findings that the Respondent registered the disputed domain name being fully aware of the Complainant's prior rights, and intentionally used it in an attempt to deceive a third party by fraudulently impersonating the Complainant for financial gain.

In this respect, Panels have held that the use of a domain name for illegitimate or illegal activity (such as phishing, impersonation/passing off, or other types of fraud) constitutes bad faith. WIPO Overview 3.1, section 3.4.

Lastly, the fact that the disputed domain name does not resolve to an active website does not prevent a finding of bad faith on the Respondent, in particular because this situation results from the takedown request sent by the Complainant to the Registrar before filing the Complaint.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitute 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 <hedqeserv.com> be transferred to the Complainant.

/Fabrice Bircker/
Fabrice Bircker
Sole Panelist
Date: September 15, 2026