

ADMINISTRATIVE PANEL DECISION

Kyndryl, Inc. v. Bernard Colombel
Case No. D2026-3800

1. The Parties

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

The Respondent is Bernard Colombel, Germany.

2. The Domain Name and Registrar

The disputed domain name <support-kyndryl.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 25, 2026. On August 26, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 27, 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, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 31, 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 amendment to the Complaint on September 9, 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 the Respondent of the Complaint, and the proceedings commenced on September 11, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 1, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 2, 2026.

The Center appointed Igor Alfiorov as the sole panelist in this matter on October 7, 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, Kyndryl, Inc., is a global provider of managed IT infrastructure services, formed as a spin-off of IBM's former Global Technology Services infrastructure services business. The Complainant's brand name "Kyndryl" was announced on April 12, 2021, followed by the separation of its group company, Kyndryl Holdings, Inc., from IBM and start of trading shares on the New York Stock Exchange on November 4, 2021. The Complainant employs more than 90,000 people and operates in over 60 countries.

The Complainant holds numerous registered trademarks for the KYNDRYL mark worldwide, including:

- International Trademark Registration No. 1628208, registered on June 14, 2021, in Classes 9, 35, 37, 38, 41, and 42, designating among others the European Union; and
- United States Trademark Registration No. 7537618, registered on October 15, 2024, in Class 16.

The disputed domain name <support-kyndryl.com> was registered on August 3, 2026. At the time of filing of the Complaint and at the date of this Decision, the disputed domain name is inactive and does not resolve to an active website. However, the evidence in the record shows that the disputed domain name's Domain Name System ("DNS") zone file is configured with Mail Exchange ("MX") and Sender Policy Framework ("SPF") records pointing to Google's mail servers.

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.

First, the Complainant contends that the disputed domain name is confusingly similar to its distinctive KYNDRYL trademark, as it incorporates the mark in its entirety with the addition of the prefix "support" separated by a hyphen.

Second, the Complainant submits that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not licensed or authorized to use the KYNDRYL trademark, is not commonly known by the name "Kyndryl" or by the disputed domain name. Moreover, the Respondent has passively held the disputed domain name while configuring it with MX and SPF records, thereby enabling email communications and creating a risk of misleading emails or impersonation of the Complainant's official customer support channels.

Third the Complainant alleges that the disputed domain name was registered and is being used in bad faith. The Respondent registered the domain name with knowledge of the Complainant's reputable and distinctive KYNDRYL trademark. The Complainant asserts that the passive holding of the disputed domain name, combined with the use of a privacy shield to hide the registrant's identity and the active configuration of MX/SPF records likely to facilitate deceptive communications, constitutes the bad faith registration and use under the Policy.

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.

The Panel finds that the disputed domain name <support-kyndryl.com> incorporates the Complainant's registered KYNDRYL trademark in its entirety. The addition of the prefix "support" and a hyphen does not prevent a finding of confusing similarity, as the Complainant's mark remains highly recognizable within the disputed domain name.

The generic Top-Level Domain suffix ".com" is a standard technical requirement and is disregarded under the first element confusing similarity test.

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.

In particular, the Respondent is not affiliated with or authorized by the Complainant, has not been licensed to use the Complainant's mark, and is not commonly known by the disputed domain name.

Further, the composition of the disputed domain name is inherently misleading, as it incorporates the Complainant's KYNDRYL trademark in its entirety together with the term "support", which is directly associated with the Complainant's business and increases the likelihood of confusion with the Complainant.

Although the disputed domain name is currently inactive, the evidence shows that its DNS zone file has been configured with active Google MX and SPF records, enabling it to send and receive emails, and creating a risk that the disputed domain name could be used for sending fraudulent emails.

The Respondent did not file a response to contest any of these facts.

The Panel therefore finds that the Complainant has established an un rebutted prima facie case, and the second element of the Policy has been satisfied.

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.

The Complainant's KYNDRYL trademark is a distinctive, invented, and well-known trademark, registered years before the creation of the disputed domain name. Given the distinctiveness of the mark and the Complainant's prominent global presence, the Panel finds it inconceivable that the Respondent registered the disputed domain name without knowledge of the Complainant's brand. The incorporation of this famous mark in its entirety with the descriptive prefix "support" separated by a hyphen indicates a deliberate targeting of the Complainant including its customer service channels. This closely mirrors established UDRP precedent where the combination of a distinctive trademark with a descriptive term representing the complainant's business is, by itself, considered sufficient to create a presumption of bad faith.

Although the disputed domain name is currently inactive, the passive holding does not preclude a finding of bad faith under the doctrine established in [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and fame of the Complainant's mark, the Respondent's initial concealment behind a privacy service, the Respondent's failure to file a formal response or contest any of the Complainant's claims on the merits, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Further, the Panel notes that the active configuration of Google MX and SPF records have been set up on the disputed domain name. As noted in prior decisions, the active configuration of mail servers on a domain name confusingly similar to a famous mark represents a severe risk of phishing and impersonation, supporting an inference of bad faith on the Respondent's side.

The Respondent's failure to participate in the proceeding, combined with the target-oriented nature of the registration, and the potential deceptive use of the disputed domain name due to its MX and SPF configuration, leads the Panel to conclude that the disputed domain name was registered and is being used in bad faith.

The Panel therefore 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 <support-kyndryl.com> be transferred to the Complainant.

/Igor Alfiorov/

Igor Alfiorov

Sole Panelist

Date: October 21, 2026