ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Kyndryl, Inc. v. Bernard COLOMBEL
Case No. D2026-3850

1. The Parties

The Complainant is Kyndryl, Inc., United States of America, represented by Com Laude Limited, United Kingdom.

The Respondent is Bernard COLOMBEL, France.

2. The Domain Name and Registrar

The disputed domain name <eu-kyndryl.com> is registered with Ligne Web Services SAS dba LWS (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on August 27, 2026. On August 28, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 31, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 1, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. Following the Complainant's request of September 3, 2026, the Center, on September 4, 2026, extended the deadline for filing an amended Complaint to September 11, 2026. The Complainant filed an amended Complaint on September 11, 2026.

On September 1, 2026, the Center informed the parties in French and English that the language of the registration agreement for the disputed domain name is French. On September 11, 2026, the Complainant requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant's request.

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 September 14, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 4, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 5, 2026.

The Center appointed Nesrine Roudane as the sole panelist in this matter on October 12, 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 company incorporated in the United States of America and forms part of the Kyndryl group. It provides information technology infrastructure services, including the design, management and modernization of information systems. The group originated from IBM's managed infrastructure services business, separated in November 2021. The KYNDRYL name was publicly announced on April 12, 2021. The Complainant operates its official website at "www.kyndryl.com".

The Complainant owns a portfolio of KYNDRYL trademark registrations, including:

- Mauritian trademark registration No. 30047/2021 for KYNDRYL, registered with effect from March 1, 2021, in International Classes 9, 35, 37, 38, 41, and 42. Annex 10 to the Complaint includes the certificate recording its assignment from International Business Machines Corporation to the Complainant in March 2022;
- French trademark registration No. 4754262 for KYNDRYL, registered on April 12, 2021, in International Classes 9, 35, 37, 38, 41, and 42. Annex 10 to the Complaint includes the INPI extract records showing the transfer of ownership to the Complainant on February 17, 2022; and
- International trademark registration No. 1628208 for KYNDRYL, registered on June 14, 2021, in International Classes 9, 35, 37, 38, 41, and 42.

The disputed domain name was registered on August 19, 2026. Annex 7 to the Complaint contains an email chain in which messages dated August 20 and 21, 2026, were sent from "[…]@eu-kyndryl.com" to a Slovak supplier. The messages, written principally in Slovak, used the name and purported signature block of a director of the Complainant's Slovak subsidiary ("the director"), together with that subsidiary's corporate details. They requested a quotation for 30 drums of 2,000 meters of optical fiber cable, totaling 60,000 meters. On August 21, 2026, the supplier declined the request because it could not supply the specified product and quantity. A further message from the disputed domain name nevertheless sought an offer that afternoon. Annex 8 to the Complaint provides a machine translation into English of the Slovak messages.

In an internal email dated August 24, 2026, reproduced in Annex 7 to the Complaint, the director expressly denied having sent or authorized the supplier correspondence and stated that he had reported the matter to the Slovak police and filed a criminal complaint against an unknown perpetrator. No separate police filing or court determination is included in the record. Annex 9 to the Complaint shows the disputed domain name resolving to the Registrar's standard parking page. At the time of this Decision, the disputed domain name resolves to an inactive website.

The Registrar disclosed Bernard COLOMBEL, France, as the registrant. That registrant identity is distinct from the Complainant's employee whose identity was used in the fraudulent email scheme. The record contains no submission from the Respondent and no evidence establishing that the disclosed registrant's name was itself stolen.

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.

The Complainant submits that the disputed domain name incorporates its KYNDRYL mark in full and that the letters "eu", understood as referring to the European Union, and the hyphen do not avoid confusing similarity. It asserts that it has not authorized the Respondent's use of its mark, that the Respondent is not commonly known by the disputed domain name, and that the impersonating emails cannot support any rights or legitimate interests. It further relies on the distinctive nature of the mark and the use of the disputed domain name to impersonate an executive of its group as evidence of deliberate targeting and bad faith. It characterizes that use as phishing and contends that the supplier was initially confused. The Complainant requests transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

Language of the Proceeding

The Registrar confirmed that the language of the Registration Agreement is French. French is therefore the starting point under paragraph 11(a) of the Rules, subject to the Panel's authority to determine otherwise considering the circumstances. The Panel must also preserve equality of treatment and give each party a fair opportunity to present its case under paragraph 10(b) of the Rules, while ensuring that the proceeding takes place with due expedition under paragraph 10(c) of the Rules.

The Complainant requests English, relying on the composition of the disputed domain name, the use of Slovak in the supplier emails, its own and its representative's working language, and the cost and delay of translation. The Panel does not regard the coined mark KYNDRYL or the generic Top-Level Domain ("gTLD") ".com" as proof of English proficiency. Nor does the use of Slovak establish that the Respondent understands English.

The Center notified the proceeding in both French and English, expressly identified the request for English, and informed the Respondent that it could comment on that request and file its Response in French. The Respondent submitted neither an objection nor a Response. The Panel treats that silence as one circumstance to be weighed, rather than as consent to English or an admission of English proficiency.

The Panel has considered the language issue under paragraph 11(a) of the Rules and WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), sections 4.5.1 and 4.5.2. The Panel is able to consider the English and French materials. The dispute concerns a limited documentary record, including the original supplier correspondence and its English translation, and the Respondent was expressly afforded the opportunity to participate in French. In these circumstances, requiring translation of the Complaint and annexes would add cost and delay without an identified procedural benefit. The international character of the correspondence provides context but is not treated as proof of English proficiency.

Balancing those circumstances, including the French Registration Agreement and the safeguards afforded by the bilingual notifications and the right to respond in French, the Panel considers that proceeding in English is fair to both parties.

The Panel accordingly determines under paragraph 11(a) of the Rules that the language of the proceeding and of this decision is English, and accepts the Complaint and its annexes as filed.

The Respondent's Default

Under paragraph 4(a) of the Policy, the Complainant must establish confusing similarity to a mark in which it has rights, the Respondent's lack of rights or legitimate interests, and registration and use in bad faith. The Panel assesses the evidence on the balance of probabilities. Default does not establish those elements by itself; any inference under paragraph 14(b) of the Rules must be grounded in the record. WIPO Overview 3.1, sections 4.2 and 4.3.

A. Identical or Confusingly Similar

For the first element, the Panel compares the mark with the disputed domain name to determine whether the mark remains recognizable. WIPO Overview 3.1, section 1.7.

Annex 10 to the Complaint establishes the Complainant's registered rights in KYNDRYL, including international registration No. 1628208 and the documented assignments of the Mauritian and French registrations. Those rights satisfy the standing requirement under paragraph 4(a)(i) of the Policy. WIPO Overview 3.1, section 1.2.1.

The entirety of the KYNDRYL trademark appears in the disputed domain name. The letters "eu" and the hyphen do not prevent a finding of confusing similarity between the disputed domain name and the Complainant's trademark. WIPO Overview 3.1, sections 1.7 and 1.8.

The Panel disregards the gTLD ".com" for this comparison. 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.

The Complainant retains the burden of proof. Once it supports a prima facie case that no rights or legitimate interests exist, the Respondent must produce evidence of any such entitlement. WIPO Overview 3.1, section 2.1. The Complainant denies having licensed or authorized the Respondent to use KYNDRYL, and the record supports no affiliation or evidence that the Respondent is commonly known by the disputed domain name. The name "Bernard COLOMBEL" disclosed by the Registrar provides no such indication. Moreover, the composition of the disputed domain name, including the letters "eu" combined with the entirety of the KYNDRYL mark falsely suggests an authorized European connection, and therefore carries a risk of implied affiliation with the Complainant. WIPO Overview 3.1, sections 2.3 and 2.5.1.

The emails in Annex 7 to the Complaint and the director's express denial of authorization substantiate impersonation, rather than a bona fide procurement inquiry on behalf of the Complainant's group. Seeking a supplier's offer under that false identity is neither a bona fide offering under paragraph 4(c)(i) nor legitimate noncommercial or fair use under paragraph 4(c)(iii) of the Policy. Deceptive impersonation cannot generate an entitlement to the disputed domain name. WIPO Overview 3.1, sections 2.13.1 and 2.13.2. The prima facie case is established and remains unrebutted. This conclusion rests on the documentary evidence, not simply on the Respondent's default.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The circumstances listed in paragraph 4(b) of the Policy are illustrative rather than exhaustive. The Panel therefore considers whether the registration and the demonstrated use are abusive under paragraph 4(a)(iii), without needing to fit the conduct into a particular example in paragraph 4(b).

The Complainant's registered KYNDRYL rights predate the disputed domain name's registration by several years. The Complainant's mark's distinctive character, its incorporation in full within the disputed domain name along with the letters "eu", a common abbreviation for "European Union", and the detailed impersonation of the Complainant's Slovak subsidiary starting the day after registration establish, on the balance of probabilities, that the Respondent was aware and deliberately targeted the Complainant and its mark when registering the disputed domain name. The contemporaneous emails demonstrate specific knowledge; the Panel need not rely solely on the mark's asserted reputation. WIPO Overview 3.1, sections 3.2.1 and 3.2.2.

The messages used an address under the disputed domain name "[…]@eu-kyndryl.com", the director's name and purported signature block, and some of the Complainant's Slovak subsidiary corporate contact details in the signature block to solicit a substantial commercial quotation. The director's denial of authorization corroborates their deceptive nature. The Panel finds this impersonation to be bad-faith use of the disputed domain name. WIPO Overview 3.1, section 3.4.

The evidence establishes deceptive supplier correspondence. It does not establish that goods were delivered, money was paid, credentials were harvested, or any fraud was completed. None of those further outcomes is necessary to the finding of bad faith. Although the supplier responded as though addressing the director, the Panel need not determine whether the supplier was actually deceived.

Taken together, the evidence establishes both registration and use in bad faith. 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 <eu-kyndryl.com> be transferred to the Complainant.

/Nesrine Roudane/
Nesrine Roudane
Sole Panelist
Date: November 3, 2026