

ADMINISTRATIVE PANEL DECISION

Guggenheim Capital, LLC v. genheim Gug, Guggenheim
Case No. D2026-3901

1. The Parties

Complainant is Guggenheim Capital, LLC, United States of America (“US” or “United States”), represented by Snell & Wilmer L.L.P., US.

Respondent is genheim Gug, Guggenheim, US.

2. The Domain Names and Registrar

The disputed domain names <gghmus.com>, <gghmxm.com>, <guggenheimgheg.com>, <guggenheimvgjs.com> (the “Domain Names”) are registered with GMO Internet, Inc. d/b/a Discount-Domain.com and Onamae.com (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 1, 2026. On September 1, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On September 2, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Names, which differed from the named Respondent (Whois Privacy Protection Service by onamae.com) and contact information in the Complaint. The Center sent an email communication to Complainant on September 6, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on September 7, 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 Respondent of the Complaint, and the proceedings commenced on September 8, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 28, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on October 4, 2026.

The Center appointed Christopher S. Gibson as the sole panelist in this matter on October 6, 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 has provided investment management and financial advisory services for more than 20 years, operating 15 offices in 6 countries and employing more than 2,200 employees worldwide. Complainant currently manages over USD 350 billion in assets. Over the years, Complainant states it has invested millions of dollars advertising and promoting its services under the GUGGENHEIM marks in the United States and throughout the world.

Complainant owns and uses through its subsidiary, Guggenheim Partners, LLC, a portfolio of GUGGENHEIM and GUGGENHEIM-formative trademarks used in connection with its financial services business. Complainant has submitted evidence of United States trademark registrations, including:

GUGGENHEIM PARTNERS, US Registration No. 3,110,878, registered July 4, 2006, with first use in commerce claimed in 2002 in International Class 36;

GUGGENHEIM, US Registration No. 3,121,127, registered July 25, 2006, with first use claimed in 2002, 1951, and 2001, in International Classes 16, 36, and 41, respectively;

GUGGENHEIM INVESTMENT ADVISORS, US Registration No. 3,712,544, registered November 17, 2009, with first use claimed in 2001 in International Class 36; and

A stylized letter G within a diamond design, US Registration No. 8,212,854, registered April 14, 2026, with first use claimed in April 2025 in International Class 36 (the “G mark”).

These registrations cover, among other goods and services, financial advisory services, investment management, securities and banking services, financial publications, and educational services relating to finance and investment.

Complainant operates a website at the domain name <guggenheimpartners.com>, which was registered on July 6, 2000, and the site has been in use since at least 2003.

The Domain Names <guggenheimgheg.com> and <guggenheimvgjs.com> were registered on February 12, 2026. The Domain Names <gghmus.com> and <gghmxm.com> were registered on February 14, 2026. Registrar verification disclosed the registrant's name as “genheim Gug” and the organization “Guggenheim,” with underlying contact information in the United States.

Complainant has provided evidence of a website or web-based financial trading interface displaying the GUGGENHEIM mark and a stylized G device mark, similar to Complainant's G mark, with trading-related information and functions. Complainant alleges that the Domain Names were associated with this interface and that it was a fraudulent application impersonating Complainant. Complainant has also submitted screenshots of August 31, 2026 showing that each of the Domain Names resolved to browser error pages. In its verification correspondence, the Registrar reported that the Domain Names had been suspended due to fraudulent activities and will be automatically set to be deleted at their expiry date.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for transfer of the Domain Names.

First, Complainant has provided evidence of ownership of its GUGGENHEIM marks and contends that the Domain Names are confusingly similar to the marks. The term "gghm" in two of the Domain Names is a truncated or abbreviated form of Complainant's GUGGENHEIM marks, using letters found in Complainant's marks (including the beginning "g" and ending "m"), but eliminating certain vowels and consonants. Two of the Domain Names incorporate Complainant's GUGGENHEIM mark in full. Complainant asserts that the addition of words or letters to "gghm" and to the GUGGENHEIM mark does not obviate the confusing similarity of the Domain Names.

Second, Complainant states that Respondent has no rights or legitimate interests in the Domain Names. There is no evidence that Respondent is commonly known as Gghm, Gghmus, Gghmxm, Guggenheim, Guggenheimghg, or Guggenheimvgjs. Complainant states it has not authorized Respondent to use Complainant's GUGGENHEIM marks. Complainant and Respondent are not affiliated, connected, or associated with one another. Further, Complainant asserts its GUGGENHEIM marks are well known worldwide in connection with the offering and sale of financial services and therefore the Domain Names are not ones Respondent would legitimately choose unless seeking to create an impression of an association with Complainant.

Complainant indicates there is no evidence that Respondent has used or is preparing to use the Domain Names in connection with the bona fide offering of goods or services or has made or is making a legitimate noncommercial or fair use of the Domain Names. Instead, Complainant asserts that at times, the Domain Names have resolved to a fraudulent, web-based financial trading application that displays Complainant's GUGGENHEIM mark and similar G mark. The Domain Names currently resolve to error messages. Complainant contends that Respondent registered and is using the Domain Names in bad faith, meaning that Respondent lacks rights or legitimate interests in them.

Third, Complainant asserts Respondent registered and is using the Domain Names in bad faith. Complainant claims that Respondent was necessarily aware of the well-known GUGGENHEIM marks when registering the Domain Names, that the apparent impersonation constitutes bad-faith registration and use, and that the subsequent error pages do not negate bad faith.

Complainant owns numerous registrations around the world for its GUGGENHEIM marks. The oldest of these registrations issued nearly two decades before Respondent registered the Domain Names, and many of Complainant's US registrations have achieved incontestable status and were issued over a decade before Respondent registered the Domain Names. Complainant contends that given its worldwide rights in its GUGGENHEIM marks, how well known the marks are worldwide, and Complainant's management of over USD 350 billion in assets under its marks, it is not plausible to conceive of a circumstance in which Respondent would have been unaware of these facts at the time Respondent registered the Domain Names. Respondent thus registered the Domain Names in bad faith. Complainant's longstanding use of and trademark registrations for its GUGGENHEIM marks show Respondent had constructive or actual knowledge of Complainant's rights in its GUGGENHEIM marks and thus registered the Domain Names in bad faith.

Indeed, Complainant submits Respondent's display of a logo similar to Complainant's G mark on the fraudulent, web-based financial trading application linked to the Domain Names confirms that Respondent had actual knowledge of Complainant when registering the Domain Names and did so in bad faith. The use of the Domain Names in connection with this fraudulent, web-based financial trading application, which seeks to pose as a legitimate application through use of Complainant's GUGGENHEIM and G marks, constitutes bad faith use.

Complainant also claims the Domain Names have resolved to error pages, which constitute “passive holding” or non-use and supports a finding of bad faith, especially where Complainant’s GUGGENHEIM marks are highly distinctive and well known and given the implausibility of any good faith use to which the Domain Names could be put.

Finally, Complainant submits that Respondent provided false and inaccurate contact information when registering the Domain Names, identifying itself as “genheim Gug” and providing a nonexistent address. This further demonstrates Respondent’s bad faith.

B. Respondent

Respondent did not reply to Complainant’s contentions.

6. Discussion and Findings

In order to succeed on its Complaint, Complainant must demonstrate that the three elements set forth in paragraph 4(a) of the Policy have been satisfied. These elements are that:

- (i) the Domain Names are identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Names; and
- (iii) Respondent has registered and is using the Domain Names in bad faith.

A. Preliminary Matters: Consolidation

Complainant seeks consolidation of the four Domain Names. Paragraph 10(e) of the Rules provides in relevant part that “[a] Panel shall decide a request by a Party to consolidate multiple domain name disputes in accordance with the Policy and these Rules.” Section 4.11.2 of the WIPO Overview of WIPO Panel Views on Select UDRP Questions ([“WIPO Overview 3.1”](#)), provides further guidance on a range of factors to be considered, including whether the domain names are under common control and whether consolidation would be fair and equitable.

Here, the Registrar’s disclosure of the same underlying registrant and contact information as to each Domain Name for Respondent, the common Registrar, the registrations taking place within a two-day period, the related naming patterns, and the similar alleged use of the Domain Names support a finding of common control. Respondent has not objected. The Panel finds consolidation appropriate and fair and equitable to the parties.

B. 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 3.1](#), section 1.7.

Complainant has shown rights in respect of its GUGGENHEIM mark and G mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1. The Domain Names <guggenheimgheg.com> and <guggenheimvgjs.com> reproduce the recognizable GUGGENHEIM element in its entirety. The appended letter strings “gheg” and “vgjs” do not prevent a finding of confusing similarity. See [WIPO Overview 3.1](#), section 1.8 (“Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity.”)

The Domain Names <gghmus.com> and <gghmxm.com> call for closer consideration because “gghm” is not the full mark. The Panel observes that “gghm” retains selected consonants from GUGGENHEIM in their original order, including the initial “g” and final “m.” Viewed in isolation, the abbreviation is less immediately recognizable than the complete mark. Nevertheless, the evidence of common control with the two full-mark Domain Names and their use in the same apparent impersonation scheme supplies context supporting recognition of “gghm” as a deliberate abbreviation of Complainant’s mark. The Panel finds, on balance, that the mark is recognizable in these circumstances and that these two Domain Names constitute confusingly similar variations of the mark. See, e.g., *Vitamin World, Inc. v. Registration Private, Domains By Proxy, LLC / Rob Shibley, Net Partner Services, LLC*, WIPO Case No. [D2016-0171](#) (finding domain name <vtmn-world.com> confusingly similar to complainant’s VITAMIN WORLD marks); see also [WIPO Overview 3.1](#), section 1.9 (recognizing that plays on the mark (e.g., abbreviations or combinations of select elements of the mark) makes a domain name confusingly similar to complainant’s mark for purposes of the first element).

Accordingly, the Panel finds the first element of the Policy has been established.

C. Rights or Legitimate Interests

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.

Here, having reviewed the available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Domain Names. Complainant denies any authorization or affiliation with Respondent, and the record contains no evidence of demonstrable preparations for a bona fide offering, legitimate noncommercial or fair use, or that Respondent is commonly known by the Domain Names. Although the registration record uses “Guggenheim” as an organization name, this designation does not establish rights or legitimate interests, particularly in light of the alleged impersonation scheme and absence of any evidence of an independent existing business under that name. The trading interface linked for a period to the Domain Names displayed Complainant’s mark and branding in the context of purported financial services. On the record, the Panel finds that this presentation was designed to imply a connection with Complainant that did not exist. Impersonation and passing off cannot confer rights or legitimate interests. [WIPO Overview 3.1](#), section 2.13.1.

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 Domain Names. Accordingly, the Panel finds the second element of the Policy has been established.

D. 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. [WIPO Overview 3.1](#), section 3.1, provides further guidance that “bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant’s mark.”

Here, the Panel finds that each of the Domain Names was registered and used in bad faith. First, the Panel determines, on the balance of probabilities, that Respondent registered the Domain Names with knowledge of Complainant and its GUGGENHEIM marks. Complainant’s registered trademark rights substantially predate Respondent’s February 2026 registrations. The selection of two domain names incorporating the full

mark, two related abbreviated forms, and the use of a financial trading interface displaying Complainant's name and similar G mark, together establish that Respondent likely knew of and targeted Complainant. The Panel does not rely on constructive notice alone; the website content supplies evidence of actual targeting. See, e.g., *Guggenheim Capital, LLC v. Candice Silverstein, guggenhiempartnersllc*, WIPO Case No. [D2025-3570](#) (finding it "beyond question" that respondent was "fully aware" of complainant's trademarks when respondent registered the domain name <guggenhiempartnersllc.com>).

Further, the use of the Domain Names for a purported financial trading platform, which in turn used Complainant's branding, was apt to induce visitors to believe that they were interacting with a platform authorized or operated by Complainant. See, e.g., *Virgin Enterprises Limited v. "Richards Branson,"* WIPO Case No. [D2020-2996](#) (respondent's use of complainant's mark on website demonstrated bad faith registration and use). The Panel finds that Respondent intentionally attempted to attract Internet users through confusion concerning affiliation with Complainant, within paragraph 4(b)(iv) of the Policy. Further, the Registrar reported that the Domain Names had been suspended due to fraudulent activities. Although the Registrar did not provide a detailed factual account of underlying activities, its statement is consistent with the other evidence of apparent impersonation submitted by Complainant. See, e.g., *LeapFrog Investments Platform, LTD v. Monday Gilbert*, WIPO Case No. [D2023-0572](#) (bad faith use found where respondent impersonated complainant and offered services related to complainant's investment services).

Further, Respondent appears to have provided false and inaccurate contact information when registering the Domain Names, identifying itself as "genheim Gug" and providing a nonexistent address. In the circumstances, this further demonstrates Respondent's bad faith.

Accordingly, the Panel finds that 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 Domain Names <gghmus.com>, <gghmxm.com>, <guggenheimgheg.com>, and <guggenheimvgjs.com> be transferred to Complainant.

/Christopher S. Gibson/

Christopher S. Gibson

Sole Panelist

Date: October 20, 2026