

ADMINISTRATIVE PANEL DECISION

Kyndryl, Inc. v. Anofi Muhammed, kyndrylfirm
Case No. D2026-4065

1. The Parties

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

The Respondent is Anofi Muhammed, kyndrylfirm, Nigeria.

2. The Domain Name and Registrar

The disputed domain name <kyndrylfirm.com> is registered with Tucows Domains Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 10, 2026. On September 10, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 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 (Contact Privacy Inc. Customer 0179263686) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 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 September 14, 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 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 Kateryna Oliynyk as the sole panelist in this matter on October 5, 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 United States company within the Complainant's group Kyndryl Holdings, Inc. It is a leading provider of information technology infrastructure services, specializing in the design, construction, management, and modernization of complex, mission-critical information systems. The Complainant was formed from IBM's former Global Technology Services infrastructure services business and serves more than 4,000 customers worldwide, including approximately 75% of Fortune 100 companies. The Complainant employs over 90,000 people, operates in more than 60 countries, and generated revenues of USD 15.1 billion in fiscal year 2025.

The name "Kyndryl" was publicly announced on April 12, 2021, in connection with the establishment of the Complainant as an independent business. Since its launch, the Complainant has conducted its business globally under the KYNDRYL trademark.

The Complainant operates an official website under the domain name <kyndryl.com>.

The Complainant owns numerous trademark registrations for the KYNDRYL trademark in jurisdictions around the world, including the following:

- Mauritius Trademark Registration No. 30047/2021 for the mark KYNDRYL, registered on March 1, 2021, for goods and services in International Classes 9, 35, 37, 38, 41, and 42.
- French Trademark Registration No. 4754262 for the mark KYNDRYL, registered on April 12, 2021, for goods and services in International Classes 9, 35, 37, 38, 41, and 42.
- International Trademark Registration No. 1628208 for the mark KYNDRYL, registered on June 14, 2021, for goods and services in International Classes 9, 35, 37, 38, 41, and 42.
- United States Trademark Registration No. 7537618 for the mark KYNDRYL, registered on October 15, 2024, for goods in International Class 16.

The disputed domain name was created on August 29, 2026, and was used in connection with a phishing scheme. On September 2, 2026, the Respondent sent a fraudulent email impersonating the Complainant's officer, seeking to attract the recipient's attention by offering a senior-level employment opportunity. The email was sent from an address associated with the disputed domain name.

The disputed domain name does not resolve to an active website.

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.

Identical or Confusingly Similar

The Complainant contends that it owns rights in the KYNDRYL trademark.

The Complainant further alleges that the disputed domain name, which incorporates the KYNDRYL trademark in its entirety with the mere addition of the term “firm”, is confusingly similar to the Complainant's KYNDRYL trademark.

No Rights or Legitimate Interests

The Complainant asserts that the Respondent lacks rights or legitimate interests in the disputed domain name.

The Complainant claims that it has not licensed or authorized the Respondent to register or use the disputed domain name, nor is the Respondent affiliated to the Complainant in any form.

There is no evidence demonstrating that the Respondent might be commonly known by the disputed domain name.

There is no evidence of the Respondent's use of the disputed domain name in connection with a bona fide offering of goods or services, nor any evidence of a legitimate noncommercial or fair use of the disputed domain name by the Respondent.

The Complainant further avers that the use of the disputed domain name for email phishing and impersonation/passing off can never confer rights or legitimate interests on the Respondent.

Registered and Used in Bad Faith

The Complainant contends that the disputed domain name has been registered and is being used in bad faith.

The Complainant submits that the disputed domain name is inherently confusing, as it combines the Complainant's distinctive KYNDRYL mark with an element associated with the Complainant's business, creating a likelihood that Internet users will mistakenly assume an affiliation with the Complainant. The Complainant submits that the Respondent's use of the disputed domain name for a phishing scheme and impersonation fraud is manifestly indicative of bad faith.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs the Panel as to the principles the Panel is to use in determining the dispute: “[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable.”

Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following:

- i. that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- ii. that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- iii. that the disputed domain name has been registered and is being used in bad faith.

Considering that the Respondent did not reply to the Complainant's contentions, in order to determine whether the Complainant has met its burden as stated in paragraph 4(a) of the Policy, the Panel bases its decision on the statements and documents submitted in accordance with the Policy and the Rules.

Under paragraph 5(f) and paragraph 14(b) of the Rules, if a respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint, and where a party does not comply with any provision of the Rules, the Panel “shall draw such inferences therefrom as it considers appropriate”.

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 that the Complainant's KYNDRYL trademark is recognizable within the disputed domain name. The disputed domain name reproduces the Complainant's mark, followed by the term “firm”. The addition of the term “firm” does not prevent a finding of confusing similarity. In accordance with section 1.8 of the [WIPO Overview 3.1](#), the addition of descriptive or other terms does not prevent a finding of confusing similarity where the Complainant's mark remains clearly recognizable within the disputed domain name. The Panel further notes that the generic Top-Level Domain “.com” is required only for technical reasons and is generally disregarded for the purposes of comparison of the Complainant's marks to the disputed domain name. [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.

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.

Despite the Respondent's use of the organization name “kyndrylfirm” when registering the disputed domain name, the evidence on record shows that the Respondent is not commonly known by the disputed domain name. The Respondent is not making legitimate noncommercial or fair use of the disputed domain name or use it for a bona fide offering of goods or services, because the disputed domain name does not direct to an active website. The Respondent has not been authorized by the Complainant to use the Complainant's trademark in a domain name.

There is no evidence that, before notice of the dispute, the Respondent made any demonstrable preparations to use the disputed domain name in connection with a legitimate offering of goods or services.

The evidence before the Panel shows that the Respondent used the disputed domain name to configure email addresses impersonating the Complainant and its Chief Executive Officer and to send fraudulent emails offering fictitious employment opportunities to unsuspecting recipients. The Panel finds that such use was intended to create the false impression that the communications originated from, or were authorized by, the Complainant, thereby inducing recipients to disclose personal or other sensitive information.

Such conduct cannot conceivably constitute a bona fide offering of goods or services within the meaning of paragraph 4(c)(i) of the Policy. Rather, it amounts to a phishing scheme and an attempt to exploit the goodwill associated with the Complainant's trademark for deceptive purposes. As recognized by prior UDRP panels and reflected in section 2.13.1 of the [WIPO Overview 3.1](#), the use of a domain name for illegal activity, including phishing, impersonation, or other forms of fraud, can never confer rights or legitimate interests on a respondent.

Accordingly, the Panel finds that nothing in the record supports a finding that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name. The Panel therefore concludes that the Respondent has no rights or legitimate interests in respect of the disputed domain name within the meaning of paragraph 4(a)(ii) of the Policy.

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.

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. The Panel finds that based on the record, the Complainant has demonstrated the existence of the Respondent's bad faith registration and use of the disputed domain name, 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.

First, based on the circumstances here, the Panel concludes that the Respondent's registration and use of the disputed domain name had been done for the specific purpose of trading on the name and reputation of the Complainant and its KYNDRYL trademark.

Second, panels have held that the use of a domain name for illegal activity constitutes bad faith. [WIPO Overview 3.1](#), section 3.4. Having reviewed the record, the Panel finds that the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy due to the Respondent's reported use of an email phishing scheme in which the Respondent sent fraudulent emails. See [WIPO Overview 3.1](#), section 3.1.4 (use of a domain name for per se illegitimate activity such as phishing or impersonation/passing off is considered evidence of bad faith).

The Panel further establishes that this case presents the following additional circumstances which indicate under the balance of probabilities bad faith registration and use of the disputed domain name:

- a) the Respondent has not formally responded to the Complaint;
- b) the reputation and distinctiveness of the Complainant's trademark;
- c) the inactive status of the disputed domain name, which does not prevent a finding of bad faith under the passive holding doctrine ([WIPO Overview 3.1](#), section 3.3);
- d) the Respondent's choice to retain a privacy protection service.

Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant's trademark, the composition of the disputed domain name and use of the disputed domain name in an email phishing scheme, and finds that the disputed domain name has been registered and used 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 <kyndrylfirm.com> be transferred to the Complainant.

/Kateryna Oliinyk/

Kateryna Oliinyk

Sole Panelist

Date: October 6, 2026