

ADMINISTRATIVE PANEL DECISION

Titan Machinery Inc. v. Eli Poler, ELi Poler
Case No. D2026-4197

1. The Parties

The Complainant is Titan Machinery Inc., United States of America ("United States"), represented by Fredrikson & Byron, P.A., United States.

The Respondents are Eli Poler, United States, and ELi Poler, United Kingdom.

2. The Domain Names and Registrar

The disputed domain names <titanmachinery.com> and <titanmachinerys.com> are registered with NameSilo, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 17, 2026, with the registrant and contact information of different underlying registrants revealed by the Registrar, requesting consolidation of the underlying registrants, arguing that they are in fact the same entity and/or that all domain names are under common control. On September 18, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On September 18, 2026, the Registrar transmitted by email to the Center its verification response confirming that the Respondents are listed as the registrants and providing the contact details.

The Center verified that 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 Respondents of the Complaint, and the proceedings commenced on September 25, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 15, 2026. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on October 19, 2026.

The Center appointed Edoardo Fano as the sole panelist in this matter on October 23, 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.

The Panel has not received any requests from the Complainant or the Respondents regarding further submissions, waivers or extensions of deadlines, and the Panel has not found it necessary to request any further information from the Parties.

Having reviewed the communication records in the case file, the Panel finds that the Center has discharged its responsibility under the Rules, paragraph 2(a) “to employ reasonably available means calculated to achieve actual notice to [the] Respondent”. Therefore, the Panel shall issue its Decision based upon the Complaint, the Policy, the Rules and the Supplemental Rules and without the benefit of a response from the Respondents.

The language of the proceeding is English, being the language of the Registration Agreement, as per paragraph 11(a) of the Rules.

4. Factual Background

The Complainant is a United States company, providing dealership services in the field of agriculture and construction equipment and parts, and owning several trademark registrations for TITAN MACHINERY, among which the following ones:

- United States Trademark Registration No. 7,547,073 for TITAN MACHINERY, registered on October 29, 2024;
- European Union Trade Mark Registration No. 010143675 for TITAN MACHINERY, registered on December 22, 2011; and
- United Kingdom Trademark Registration No. UK00910143675 for TITAN MACHINERY, registered on December 22, 2011.

The Complainant also operates on the Internet, with “www.titanmachinery.com” as its main website.

The Complainant provided evidence in support of the above.

The disputed domain names were registered on the following dates: <titanmachinery.com> on April 1, 2026 and <titanmachinerys.com> on March 27, 2026. The disputed domain names are currently inactive. However, the Complainant has provided evidence that both the disputed domain names have been used as part of a phishing and impersonation scheme targeting a customer of 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 names.

Notably, the Complainant states that the disputed domain names are confusingly similar to its trademark TITAN MACHINERY.

Further to section 6.1 below, the Complainant argues that the disputed domain names are under common control and thus addresses the Respondents in the singular. The Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain names since it has not been authorized by the Complainant to register the disputed domain names or to use its trademark within the disputed domain names, it is not commonly known by the disputed domain names and it is not making either a bona fide offering of goods or services or a legitimate noncommercial or fair use of the disputed domain names. Both the disputed domain names were used by the Respondent for phishing activities, targeting a customer of the Complainant. In light of the above, the Complainant asserts that the Respondent has not used the disputed domain names in connection with any genuine business offering, but rather has attempted to create the false impression that the communications originated from the Complainant.

The Complainant submits that the Respondent has registered the disputed domain names in bad faith, since the Complainant's trademark TITAN MACHINERY is distinctive and known. Therefore, the Respondent targeted the Complainant's trademark at the time of registration of the disputed domain names, and the Complainant contends that the use of the disputed domain names in connection with a phishing scheme, sending fraudulent emails from the email addresses "[...]"@titanmachinery.com" and "[...]"@titanmachinerys.com", by impersonating an employee of the Complainant, with the aim of demanding payment from a customer of the Complainant, qualifies as bad faith registration and use.

B. Respondents

The Respondents have made no reply to the Complainant's contentions and are in default. In reference to paragraphs 5(f) and 14 of the Rules, no exceptional circumstances explaining the default have been put forward or are apparent from the record.

A respondent is not obliged to participate in a proceeding under the Policy, but if it fails to do so, reasonable facts asserted by a complainant – if adequately supported by evidence – may be taken as true, and appropriate inferences, in accordance with paragraph 14(b) of the Rules, may be drawn. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.3.

6. Discussion and Findings

6.1 Consolidation of Multiple Respondents

The Complainant has requested consolidation of multiple respondents and stated that the disputed domain names belong to the same person or organization. No objection to this request was made by the Respondents.

Pursuant to the [WIPO Overview 3.1](#), section 4.11.2, "[w]here a complaint is filed against multiple respondents, panels look at whether (i) the domain names or corresponding websites are subject to common control, and (ii) the consolidation would be fair and equitable to all parties. Procedural efficiency would also underpin panel consideration of such a consolidation scenario". The Panel may consider a range of factors to determine whether consolidation is appropriate, such as examining relevant registrant contact information, and any naming patterns in the disputed domain names, or other evidence of respondent affiliation that indicate common control of the disputed domain names.

The Panel considers the following factors:

- the named registrant is the same for both of the disputed domain names, save for one registrant's name being spelled with a capital "L";
- the Registrar of both the disputed domain names is the same;
- the disputed domain names were created within a few days of each other;

- the disputed domain names share the same name servers;
- the disputed domain names follow the same naming pattern, being both a typo of the Complainant's trademark; and
- the disputed domain names were both used in email addresses impersonating an employee of Complainant to send fraudulent emails to a Complainant's customer in an attempt to obtain a payment.

The Panel finds that there is evidence that the disputed domain names are subject to common control, and that it would be procedurally efficient, fair, and equitable to all Parties to accept the Complainant's consolidation request. The Panel further notes that the Respondents did not object to the consolidation request. The Panel therefore accepts the Complainant's consolidation request. Hereinafter, the Panel will refer to the Respondents in the singular, i.e., "the Respondent".

6.2 Substantive Issues

Paragraph 4(a) of the Policy lists three elements, which the Complainant must satisfy in order to succeed:

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

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 names. [WIPO Overview 3.1](#), section 1.7.

Based on the available record, the Panel finds 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 trademark TITAN MACHINERY is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7. The addition of the letter "s" at the end of the disputed domain name <titanmachinerys.com> and the addition of the letter "e" before the letter "y" of the disputed domain name <titanmachinerey.com> could both be seen as typos. [WIPO Overview 3.1](#), section 1.9.

It is also well accepted that a Top-Level Domain, in this case ".com", is typically ignored when assessing the similarity between a trademark and a 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.

While the overall burden of proof in UDRP proceedings is on the complainant, UDRP panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often-impossible 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 names. 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.

The Complainant in its Complaint, and as set out above, has established a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain names. It asserts that the Respondent, who is not associated with the Complainant in any way, is not using the disputed domain names in connection with a bona fide offering of goods or services.

The prima facie case presented by the Complainant is enough to shift the burden of production to the Respondent to demonstrate that it has rights or legitimate interests in the disputed domain names. However, the Respondent has not presented any evidence of any rights or legitimate interests it may have in the disputed domain names. The disputed domain names have been used as part of a phishing and impersonation scheme targeting a customer of the Complainant, with the aim of demanding payment from that customer.

Panels have held that the use of a domain name for illegal activity, here phishing/identity theft as well as impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

Furthermore, the disputed domain names can both be seen as consisting of a typo variation (misspelling referred to as typosquatting) of the Complainant’s trademark, the only differences being the addition of the letter “s” at the end of the disputed domain name <titanmachinerys.com> and the addition of the letter “e” before the letter “y” of the disputed domain name <titanmachinerye.com>. Such compositions, absent any explanation from the Respondent, reinforce the finding that the Respondent lacks rights or legitimate interests in the disputed domain names.

Based on the available record, 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, regarding the registration in bad faith of the disputed domain names, the reputation of the Complainant’s trademark TITAN MACHINERY is clearly established and the Panel finds that the Respondent more likely than not knew of the Complainant and deliberately registered the disputed domain names, especially because the disputed domain names were both used to send scam emails, by impersonating an employee of the Complainant.

Panels have held that the use of a domain name for illegal activity, here phishing/identity theft as well as impersonation/passing off, constitutes bad faith. [WIPO Overview 3.1](#), section 3.4.

Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain names here constitute bad faith under the Policy.

Based on the available record, the Panel finds the third element of the Policy has been established.

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 names <titanmachinerey.com> and <titanmachinerys.com> be transferred to the Complainant.

/Edoardo Fano/

Edoardo Fano

Sole Panelist

Date: October 27, 2026