ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Kyndryl, Inc. v. stephen im, kyndryl
Case No. D2026-4316

1. The Parties

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

The Respondent is stephen im, kyndryl, India.

2. The Domain Names and Registrar

The disputed domain names <recruiting-kyndryl.com> and <talentacquisition-kyndryl.com> are registered with Squarespace Domains II LLC.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 24, 2026. On September 25, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On September 25, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Redacted for Privacy, kyndryl) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 28, 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 30, 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 October 1, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 21, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 22, 2026.

The Center appointed Uwa Ohiku as the sole panelist in this matter on October 26, 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 company incorporated in the United States, and part of the group Kyndryl Holdings, Inc. The Complainant designs, builds, manages and modernizes complex, mission-critical information systems. According to available records, the Complainant employs more than 90,000 people and operates in more than 60 countries, including in India. The Complainant owns the KYNDRYL trademark in many jurisdictions, some of which are:

-International Trademark Registration No. 1628208 registered on June 14, 2021, designating multiple jurisdictions including India; and
-United States Trademark Registration No. 7537618 registered on October 15, 2024.

The Complainant also owns the domain name <kyndryl.com>, which hosts its official website at "www.kyndryl.com".

The Respondent appears to be an individual located in India.

The disputed domain name <talentacquisition-kyndryl.com> was registered on April 9, 2026, and the disputed domain name <recruiting-kyndryl.com> was registered on June 5, 2026.

At the time of filing this Complaint and the rendering of this Decision, the disputed domain names both resolve to identical landing pages displaying the following message: "We're under construction. Please check back for an update soon". However, Domain Name System (DNS) records confirm that Google's Mail Exchange ("MX") and Sender Policy Framework ("SPF") records have been configured for both disputed domain names, making them ready for email exchanges.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied all three elements required under the Policy for a transfer of the disputed domain names (that the disputed domain names are confusingly similar to the trademark KYNDRYL in which the Complainant has earlier and established rights; that the Respondent does not have any rights or legitimate interests in the disputed domain names; and that the disputed domain names were registered and are being used in bad faith), and provides copious information and documentary evidence by way of several annexures and references to previous UDRP panel decisions (including UDRP panel decisions upholding the Complainant's mark KYNDRYL), as well as the WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), in support of its contentions in this Complaint.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

This element functions primarily as a standing requirement and involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain names. 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 entirety of the Complainant's mark KYNDRYL is reproduced and 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. Further, the Panel finds that the additions of the terms "talentacquisition" and "recruiting", as well as the hyphen "-" before the Complainant's mark KYNDRYL, in each disputed domain name, do not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.8. Per the generic Top-Level Domain ".com", this is a standard registration requirement, which is disregarded when determining confusing similarity.

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

B. Rights or Legitimate Interests

The overall burden of proof in UDRP proceedings always remains on the complainant. Panels have however 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. Therefore, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production shifts to the respondent to come forward with relevant evidence demonstrating that it indeed, has rights or legitimate interests in the domain name, and paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may do so. 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 several contentions of the Complainant which are supported with copious evidence and references to previous UDRP jurisprudence, the Panel finds that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names. The Panel finds that, before notice to the Respondent of the dispute, the Respondent did not use or make demonstrable preparations to use the disputed domain names or a name corresponding to the disputed domain names in connection with a bona fide offering of goods or services; that the Respondent has not been commonly known by the disputed domain names or a name corresponding to the disputed domain names, and that the Respondent has not made a legitimate noncommercial or fair use of the disputed domain names.

The Respondent has not rebutted the Complainant's prima facie showing or come forward with any relevant evidence demonstrating its rights or legitimate interests in the disputed domain names such as enumerated in the Policy or otherwise. The composition of the disputed domain names includes employment-related terms along with the Complainant's trademark. Such use naturally suggests affiliation with or endorsement by the Complainant. WIPO Overview 3.1, section 2.5.1.

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

C. Registered and Used in Bad Faith

For purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes a list of non-exhaustive circumstances that, if found by the Panel to be present, may indicate that a domain name was registered and used in bad faith, but other circumstances may also be relevant in making this assessment. WIPO Overview 3.1, section 3.2.1.

In the present case, the Panel notes particularly, that the replication of the Complainant's mark KYNDRYL in the disputed domain name, with the addition of the terms "talentacquisition" and "recruiting" was not a coincidence, but a deliberate step by the Respondent to take advantage of the reputation and goodwill attaching to the Complainant's trademark KYNDRYL, to mislead Internet users into believing there exists an affiliation or connection between the parties. This is particularly instructive, given the Complainant's continued business operations in India, where the Respondent is supposedly located. The addition of the term "kyndryl" in the Respondent's registration details is also noted as one of the deliberate steps taken by the Respondent, which supports a finding that the Respondent registered the disputed domain names in bad faith, to at the very minimum, give the false impression of an affiliation or connection with the Complainant, or having received authorization from the Complainant to register the disputed domain names, and/or worse, to pass off itself as, and/or impersonate the Complainant.

The disputed domain names resolve to inactive pages. Panels have however found that the non-use of a domain name, including a landing page with the following message: "We're under construction. Please check back for an update soon", as in the present case, would not by itself prevent a finding of bad faith under the doctrine of passive holding. Panels will look at the totality of circumstances in each case in determining whether the registration and non-use of a domain name constitutes bad faith for purposes of the Policy. WIPO Overview 3.1, section 3.3.

Having reviewed the available record, the Panel notes as follows: the distinctiveness of the Complainant's trademark KYNDRYL; its reputation; the Complainant's multiple business locations in India where the Respondent appears to be located; the composition of the disputed domain names; the unauthorized addition of the term "kyndryl" to the Respondent's registration details; the Respondent's failure to participate in the proceeding; and finds that in the circumstances of this case, the passive holding of the disputed domain names does not prevent a finding of bad faith under the Policy.

The Panel finds that the Complainant has established the third element of the Policy, and that the Respondent's registration and use of the disputed domain names constitutes bad faith under 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 names <recruiting-kyndryl.com> and <talentacquisition-kyndryl.com> be transferred to the Complainant.

/Uwa Ohiku/
Uwa Ohiku
Sole Panelist
Date: November 2, 2026