ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Orkin Expansion, Inc. v. vishal shimpi, Digital dynamov
Case No. D2026-4435

1. The Parties

The Complainant is Orkin Expansion, Inc., United States of America ("U.S." or "United States"), represented by Arnall Golden Gregory LLP, United States.

The Respondent is vishal shimpi, Digital dynamov, India.

2. The Domain Name and Registrar

The disputed domain name <orkinpest-control.com> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 30, 2026. On October 1, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 2, 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, Privacy service provided by WITHHELD FOR PRIVACY LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 5, 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 amendment to the Complaint on October 5, 2026.

The Center verified that the Complaint together with the amendment to 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 Respondent of the Complaint, and the proceedings commenced on October 6, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 26, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 27, 2026.

The Center appointed Jane Lambert as the sole panelist in this matter on October 29, 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 Delaware company with a principal office in Atlanta, Georgia. It is the owner of the ORKIN trade mark which has been used continuously in connection with pest control for over 90 years. It first obtained a U.S. federal trade mark registration for the ORKIN mark in 1952 and currently maintains numerous active U.S. trade mark registrations incorporating the ORKIN mark, covering pest control services, extermination services, and related goods and services.

In addition to its U.S. trade marks, the Complainant holds registrations for ORKIN in 38 jurisdictions. These include the following United Kingdom ("UK") trade marks:

Number	Mark	Goods/Services	Filing Date	Registration Date
UK00001465510	ORKIN	Pest control services; all included in Class 37	May 24, 1991	January 29, 1993
UK00905448568	ORKIN	Goods and/or services in classes 37 and 44	November 8, 2006	June 5, 2010

The disputed domain name was registered on February 3, 2025. The disputed domain name resolves to a website that purports to offer termite pest control treatment, pest control, and exterminator services under the ORKIN mark. The website prominently copies the Complainant's copyright works, including photographs of Orkin employees in Orkin branded uniforms and workwear. Screenshots from the site are reproduced in the Complaint.

The website shows a purported business address that corresponds to the address of the London Eye in the United Kingdom.

All that is known of the Respondent is the contact details provided by the Registrar.

5. Parties' Contentions

A. Complainant

The Complainant requests the transfer of the disputed domain name and contends that it has satisfied each of the elements required under the Policy for such transfer.

The Complainant contends that the disputed domain name is confusingly similar to the trade marks in which the Complainant has rights. The Complainant has established rights in the ORKIN mark through its extensive portfolio of trade mark registrations, including its U.S. federal registrations dating back to 1952 and its UK trade mark registrations. The disputed domain name is confusingly similar to the Complainant's ORKIN mark for the following reasons:

- The disputed domain name incorporates the ORKIN mark in its entirety. It is well established under the UDRP that a domain name that wholly incorporates a complainant's registered trade mark is sufficient to

establish confusing similarity (WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 1.7).

- The addition of the descriptive term "pest-control" does nothing to distinguish the disputed domain name from the ORKIN mark.
- The generic Top-Level Domain ".com" is to be disregarded under well-established UDRP precedent when assessing identity or confusing similarity (WIPO Overview 3.1, section 1.11.1).
- The ORKIN mark is a famous and internationally recognized mark that has been in continuous use for over 90 years. The fame of a mark increases the likelihood of consumer confusion when the mark is incorporated into a domain name.
- Numerous UDRP panels have found domain names incorporating the ORKIN mark with additional descriptive terms to be confusingly similar to the Complainant's mark.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name within the meaning of Policy paragraph 4(a)(ii) and 4(c) for the following reasons:

- The Respondent has never been authorized, licensed, or otherwise permitted by the Complainant to use the ORKIN mark in any manner.
- The Complainant has no relationship of any kind with the Respondent and has never granted the Respondent any right to register or use any domain name incorporating the ORKIN mark.
- The Respondent is not commonly known by the disputed domain name or by the name "Orkin". There is no evidence that the Respondent has ever been legitimately known by any name incorporating the ORKIN mark.
- The WhoIs registrant information is concealed behind a privacy shield service in Iceland, and the address displayed on the website is fictitious.
- The Respondent's use of the London Eye as its purported business address is a hallmark of a fraudulent scam operation. This deliberate use of a fictitious address is wholly inconsistent with any legitimate business interest and confirms that the Respondent's operation is designed to deceive.
- The Respondent's website cannot constitute a bona fide offering of goods or services. According to the WIPO Overview 3.1, section 2.13, "Panels have found that the use of a domain name for illegal activity ... can never confer rights or legitimate interests on a respondent".
- The Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. The disputed domain name resolves to a commercial website offering services identical to the Complainant's, using the Complainant's mark and misappropriated images to divert consumers seeking the Complainant's legitimate services.

The Complainant submits that it has made a prima facie case that the Respondent lacks rights or legitimate interests; the burden of production therefore shifts to the Respondent to demonstrate such rights. See WIPO Overview 3.1, section 2.1 and also *Orkin Expansion, Inc. v. HOLA DOMAINS*, WIPO Case No. D2025-1592; and *Orkin Expansion, Inc. v. khaled alshayeb,* WIPO Case No. D2023-2910.

The Complainant asserts that the disputed domain name was registered and is used in bad faith within the meaning of paragraph 4(a)(iii) and 4(b) of the Policy.

As the ORKIN mark is well known and has been in continuous use for over 90 years, it is inconceivable that the Respondent registered the disputed domain name without knowing about the Complainant's ORKIN mark. The combination of "ORKIN" with the descriptive term "pest-control" (the very services for which the Complainant is known) indicates that the Respondent targeted the Complainant's mark.

By registering and using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, internet users to the Respondent's website, by creating a likelihood of confusion with the Complainant's ORKIN mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website and the services offered thereon. That satisfies Policy paragraph 4(b)(iv).

The Respondent's website offers termite pest control treatment, pest control, and exterminator services for which the Complainant's ORKIN mark is famous, thereby creating an unmistakable impression that its website is operated by, or affiliated with, the Complainant.

The Respondent's use of the London Eye's address as its purported business address demonstrates intentional deception. The deliberate selection of a world-famous landmark's address as a fake business address is powerful evidence of a fraudulent scam operation. Combining a famous trade mark in the disputed domain name with a fictitious business address at a famous tourist landmark is consistent with an operation designed to exploit consumer trust in the ORKIN brand to perpetrate fraud or divert business.

The wholesale copying of the Complainant's proprietary branding and imagery demonstrates a deliberate and calculated attempt to pass off the Respondent's fraudulent operation as the Complainant's legitimate business. The combination of (a) incorporating the Complainant's famous mark in the disputed domain name, (b) copying the Complainant's proprietary images and branding, (c) offering identical services, and (d) using a fake address at a world-famous tourist landmark collectively constitutes overwhelming evidence of bad faith registration and use.

The Respondent has taken steps to conceal its true identity through a WhoIs privacy service. While use of a privacy service alone does not establish bad faith, panels have found that it is a factor supporting a finding of bad faith when considered together with other indicia of bad faith. The concealment of the Respondent's identity, combined with the use of a plainly fraudulent business address, is indicative of a registrant that knows its conduct is illegitimate and seeks to evade accountability (see WIPO Overview 3.1, section 3.6).

B. Respondent

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

6. Discussion and Findings

The agreement for the registration of the disputed domain name incorporates by reference Paragraph 4 (a) of the Policy:

"**Applicable Disputes**. You are required to submit to a mandatory administrative proceeding in the event that a third party (a "complainant") asserts to the applicable Provider, in compliance with the Rules of Procedure, that
(i) your domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
(ii) you have no rights or legitimate interests in respect of the domain name; and
(iii) your domain name has been registered and is being used in bad faith.
In the administrative proceeding, the complainant must prove that each of these three elements are present."

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 trade mark and the disputed domain name. WIPO Overview 3.1, section 1.7.

The Complainant has shown rights in respect of a trade mark for the purposes of the Policy, namely



which was registered on January 29, 1993 with the Trade Marks Registry of the UK Intellectual Property Office as a UK trade mark for pest control services in class 37 under registration number UK00001465510 with effect from May 24, 1991. WIPO Overview 3.1, section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

Although the addition of other terms, here, "pest-control", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.8.

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.

Panels have held that the use of a domain name for illegal activity, here, claimed copycat site, passing off, or other types of fraud, can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1.

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, 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. One of those circumstances is paragraph 4(b)(iv) of the Policy:

"by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location,"

The Panel has already found the disputed domain name to be confusingly similar to the Complainant's UK trade mark number UK00001465510. By using the disputed domain name, the Respondent has intentionally

attempted to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant's mark as to the source or affiliation of its website and/or products and services on that website.

Panels have held that the use of a domain name for illegal activity, here, claimed copycat site, passing off, or other types of fraud, 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 name constitutes bad faith under the Policy.

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 <orkinpest-control.com> be transferred to the Complainant.

/Jane Lambert/
Jane Lambert
Sole Panelist
Date: November 9, 2026