

ADMINISTRATIVE PANEL DECISION

Nelson Mullins Riley & Scarborough LLP v. JAY SAMYANI

Case No. DCC2025-0016

1. The Parties

The Complainant is Nelson Mullins Riley & Scarborough LLP, United States of America ("United States"), represented internally.

The Respondent is JAY SAMYANI, Canada.

2. The Domain Name and Registrar

The disputed domain name <nelsonmullins.cc> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 31, 2025. On August 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 4, 2025, 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 (Undisclosed) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 7, 2025, 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 August 7, 2025.

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 August 11, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 31, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 2, 2025.

The Center appointed Gonalo M. C. Da Cunha Ferreira as the sole panelist in this matter on September 9, 2025. 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, founded in 1897, is a law firm with more than 1,000 attorneys, policy advisors, and professionals across 37 offices in the United States. The Complainant owns United States trademark registrations, including:

- NELSON MULLINS RILEY & SCARBOROUGH LLP, Registration No. 3757228, registered on December 22, 2009 for Class 45;
- NELSON MULLINS, Registration No. 3754391, registered on March 2, 2010 for Class 45;
- NELSON MULLINS, Registration No. 5361314, registered on December 19, 2017 for Class 45.

The disputed domain name <nelsonmullins.cc> was registered on July 29, 2025, and was used on the same day in a business email compromise (“BEC”) attack, impersonating attorneys of the Complainant and seeking to mislead clients regarding wire transfer instructions.

The Complainant has not authorized the Respondent to use its trademarks and the Respondent is not affiliated with the Complainant in any way.

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.

Notably, the Complainant contends that:

1. the disputed domain name is identical to the Complainant’s registered marks.
2. the Complainant has not authorized the Respondent to use the NELSON MULLINS Marks in any way.
3. the Respondent is not known by the disputed domain name.
4. the Complainant has not authorized any such use, the Respondent is not commonly known by “Nelson Mullins”.
5. the disputed domain name has been used exclusively for fraudulent purposes.
6. the Respondent registered and used the disputed domain name in bad faith, with the clear intent to mislead and defraud clients of the Complainant.

B. Respondent

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

6. Discussion and Findings

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 Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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 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 3.0](#), 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 impersonation and business email compromise scheme fraud, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), 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.

In the present case, the Panel notes that the Respondent registered the disputed domain name with knowledge of the Complainant's well-known marks, and used it on the very day of registration to impersonate the Complainant's employees and conduct a fraudulent business email compromise scheme.

Panels have consistently held that the use of a domain name for illegal activity, such as phishing or impersonation, constitutes bad faith under the Policy. See *Halliburton Energy Services, Inc. v. Gregory Wilson / Infotech Ltd.*, WIPO Case No. [D2017-0956](#).

Having reviewed the record, the Panel concludes that the Respondent's registration and use of the disputed domain name constitute bad faith within the meaning of paragraph 4(b)(iv) of 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 <nelsonmullins.cc> be transferred to the Complainant.

/Gonçalo M. C. Da Cunha Ferreira/

Gonçalo M. C. Da Cunha Ferreira

Sole Panelist

Date: September 22, 2025