ADMINISTRATIVE PANEL DECISION

Guggenheim Capital, LLC v. Gug genheim, Guggenheim
Case No. DCC2026-0016

1. The Parties

The Complainant is Guggenheim Capital, LLC, United States of America (the “United States” or “U.S.”), represented by Snell & Wilmer, LLP, United States.

The Respondent is Gug genheim, Guggenheim, United States.

2. The Domain Names and Registrar

The disputed domain names <gughmfiscal.cc>, <gughmghei.cc>, <gughmgrop.cc>, and <gughmgroup.cc> (the “Disputed Domain Names”) are registered with Gname.com Pte. Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 15, 2026. On July 15, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On July 16, 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, Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 17, 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 July 20, 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 August 14, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 3, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 4, 2026.

The Center appointed Elizabeth Ann Morgan as the sole panelist in this matter on September 8, 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 one of the global leaders in providing investment and financial advisory services. For over 20 years, the Complainant has owned and used, through its subsidiary, Guggenheim Partners, LLC, the well-known GUGGENHEIM and GUGGENHEIM-formative marks, including GUGGENHEIM PARTNERS, GUGGENHEIM SECURITIES, GUGGENHEIM INVESTMENTS, and GUGGENHEIM CAPITAL, (the "GUGGENHEIM Marks"), with those services.

The Complainant owns registrations around the world for the GUGGENHEIM Marks. The Complainant owns U.S. trademark registrations for its GUGGENHEIM Marks, including U.S. Reg. Nos. 3,121,127 (registered on July 25, 2006); 3,110,878 (registered on July 4, 2006); and 3,712,544 (registered on November 17, 2006), which is conclusive evidence that Complainant is the owner of the marks and has the exclusive right to use the marks within said jurisdiction for the registered services, including a variety of financial, securities, real estate, and investment services.

The Complainant operates 15 offices in six different countries and employs more than 2,200 employees worldwide. The Complainant currently manages over USD 350 billion in assets. Over the years, the Complainant has invested many millions of dollars advertising and promoting its services under the GUGGENHEIM Marks in the United States and throughout the world.

Since at least as early as 2003, the Complainant has provided a website at "www.guggenheimpartners.com" where it uses its GUGGENHEIM Marks to advertise its finance-related services.

The Respondent registered all of the Disputed Domain Names as confirmed by the Registrar. Further, (i) all of the Disputed Domain Names begin with the same term, "gughm" followed by either a dictionary term (e.g. "fiscal") or a string of letters (e.g. "grop"), and the ".cc" country code Top-Level Domain name ("ccTLD"); (ii) all of these Disputed Domain Names were registered with the same Registrar; (iii) all of the Disputed Domain Names were registered within the span of one week, <gughmfiscal.cc> and <gughmgroup.cc> on February 17, 2026, and <gughmghei.cc> and <gughmgrop.cc> on February 22, 2026; (iv) the Respondent is purportedly located in the U.S. on the information provided by the Registrar; and (v) all of the Disputed Domains Names have been used in a similar manner in resolving to inactive websites displaying similar error messages.

The Complainant asserts that, at times, the Disputed Domain Names have resolved to a fraudulent, web-based financial trading application that displays the Complainant's GUGGENHEIM Marks. At the time of filing the Complaint, the Disputed Domain Names resolved to an inactive websites displaying an error message.

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 contends that the Disputed Domain Names are confusingly similar to the Complainant's GUGGENHEIM Marks. The term "gughm" is a truncated or abbreviated form of Complainant's GUGGENHEIM Marks, using letters found in Complainant's GUGGENHEIM Marks (including the beginning “g” and ending “m”), but eliminating certain vowels and consonants. The Respondent registered the Disputed Domain Names in bad faith. The past use of the Disputed Domain Names in connection with a fraudulent, web-based financial trading application, which seeks to pose as a legitimate application through the use of Complainant’s GUGGENHEIM Marks, constitutes bad faith.

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 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 the GUGGENHEIM mark 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.

Although the addition of other terms here, terms (e.g. “fiscal”, “group”, “grop”, and “ghei”) may bear on assessment of the second and third elements, the Panel finds the addition of such terms does 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.

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 Names. 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 Names such as those enumerated in the Policy or otherwise.

Panels have held that the use of a domain name for an illegal or illegitimate activity here, claimed past use of the Disputed Domain Names in connection with a fraudulent, web-based financial trading application can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1.

The Panel further notes that the Respondent's name identified in the registration details of the Disputed Domain Names is "Gug genheim"; however, there is no evidence before the Panel that the Respondent is actually commonly known by the Disputed Domain Names or "Gug genheim". Rather, it appears most likely that such details were specifically chosen to pass off as the Complainant.

The Panel further notes that the composition of the Disputed Domain Names, consisting either of a truncated or abbreviated form of the Complainant's GUGGENHEIM Marks combined with terms relevant to the Complainant's business, such as "fiscal" and "group", or with misspellings thereof (e.g., "grop"), or, in the case of the disputed domain name <gughmghei.cc>, a variation of the Complainant's GUGGENHEIM Marks, carries a risk of implied affiliation with the Complainant. Accordingly, such composition precludes a finding that the Respondent has rights or legitimate interests in the Disputed Domain Names.
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 the Complainant's unrefuted allegation that the Respondent has used of the Disputed Domain Names in connection with a fraudulent, web-based financial trading application, which constitutes bad faith under the Policy. The Disputed Domain Names resolved to inactive webpages with error messages at the time of filing the Complaint and rendering this Decision.

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. Panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. WIPO Overview 3.1, section 3.3.

Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant's trademark, and the composition of the Disputed Domain Names, 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 Respondent has likely registered the Disputed Domain Names with the Complainant's GUGGENHEIM Marks in mind and with a view of targeting them. This finding is further supported by the registrant details provided by the Respondent for the registration of the Disputed Domain Names.

Further panels have held that the use of a domain name for illegal or illegitimate activity, here in connection with a potential fraudulent, web-based financial trading application constitutes bad faith. WIPO Overview 3.1, section 3.4. Having reviewed the record, the Panel notes the reputation of the Complainant's trademark, the composition of the Disputed Domain Names, the registrant details provided to the Registrar, and the failure of the Respondent to submit any response to the Complaint, and finds the Respondent's registration and use of the Disputed Domain Names 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 names <gughmfiscal.cc>, <gughmghei.cc>, <gughmgrop.cc>, and <gughmgroup.cc> be transferred to the Complainant.

/Elizabeth Ann Morgan/
Elizabeth Ann Morgan
Sole Panelist
Date: September 18, 2026