

## **ADMINISTRATIVE PANEL DECISION**

Baciu & Asociații – Societate Civilă de Avocați v. Tolstenkov Andrey  
Case No. DRO2025-0004

### **1. The Parties**

The Complainant is Baciu & Asociații – Societate Civilă de Avocați, Romania.

The Respondent is Tolstenkov Andrey, Cyprus.

### **2. The Domain Name and Registrar**

The disputed domain name <simionbaciu.ro> (the “Domain Name”) is registered with ROTLD (the “Registrar”).

### **3. Procedural History**

The Complaint was filed in Romanian with the WIPO Arbitration and Mediation Center (the “Center”) on May 26, 2025. On May 27, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On May 28, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (“Doe”) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 28, 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 in English on June 2, 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 June 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 23, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 24, 2025.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on June 26, 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 to ensure compliance with the Rules, paragraph 7.

#### **4. Factual Background**

The Complainant is a business law firm and was the previous owner of the Domain Name, which was used in connection to a website promoting the Complainant's services. It changed its name from Simion & Baciu to Baciu & Asociații in 2024. Around the same time, on April 6, 2025, it requested deletion of the Domain Name that the Respondent registered five days later.

The Complainant owns several trademark registrations, the most relevant to this Decision being a figurative trademark with the text SIMION & BACIU, Romanian trademark no 165745 registered July 30, 2019. The Complainant has used its trademarks to offer legal services nationally and internationally. The Complainant has been recognized by legal rankings such as Legal500.

The Domain Name was registered on April 11, 2025. The Complainant provides evidence that the Respondent has used the Domain Name to host a website displaying material copied from the Complainant's former website, including photos of members of the Complainant's team. The Complainant also provides evidence that the Respondent has set up email accounts from the Domain Name and sent fraudulent notifications to third parties to obtain confidential information and that hyperlinks have been displayed in the Domain Name which direct Internet users to gambling websites. At the time of drafting the Decision, the Domain Name was blocked and resolved to an error page.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant provides evidence of trademark registrations and argues that the Domain Name has been registered for fraudulent reasons.

The Complainant argues that the Respondent has no rights or legitimate interests in respect of the Domain Name. The Respondent is not authorized to register or use a domain name incorporating the Complainant's trademark. The Respondent aims at making Internet users believe that the Domain Name is directly linked to, or operated by, the Complainant.

The Complainant argues that the Respondent had knowledge of the Complainant when the Respondent registered the Domain Name. Moreover, the Respondent's use of the Domain Name is also evidence of bad faith use. The Respondent takes unfair advantage of the Complainant's reputation, and the Respondent tries to confuse internet users.

##### **B. Respondent**

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

## **6. Discussion and Findings**

### **A. Identical or Confusingly Similar**

The test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the Domain Name. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has established that it has rights in SIMION & BACIU. The Domain Name differs from the trademark in deletion of the ampersand "&". This difference does not prevent a finding of confusing similarity. See [WIPO Overview 3.0](#), sections 1.7 and 1.8. For the purpose of assessing the confusing similarity under paragraph 4(a)(i) of the Policy, the Panel may ignore the country code Top-Level Domain; see [WIPO Overview 3.0](#), section 1.11.1.

Based on the available record, 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, 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 name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. See [WIPO Overview 3.0](#), section 2.1.

Having reviewed the record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the Domain Name. The Respondent has not rebutted the Complainant's showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Domain Name. The Respondent is not affiliated or related to the Complainant. There is no evidence that the Respondent has registered the Domain Name as a trademark or acquired trademark rights. There is no evidence of the Respondent's use of, or demonstrable preparations to use, the Domain Name in connection with a bona fide offering of goods or services. The Respondent's use of the Domain Name is rather evidence of bad faith as it effectively impersonates the Complainant, see below.

Based on the available record, 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.

Based on the use and composition of the Domain Name, it is evident that the Respondent had actual knowledge of the Complainant when the Respondent registered the Domain Name. The said use and composition of the Domain Name reflects the Respondent's intention to create confusion with the Complainant's trademark and serves as evidence of bad faith use under the paragraph 4(b)(iv) of the Policy. The Respondent has used the Domain Name to impersonate the Complainant and set up an email account used for what appears to be an attempt at fraud.

The Panel also notes that the Respondent has used the Domain Name to direct Internet users to gambling websites and thus, has intentionally attempted to attract, for commercial gain, Internet users to said websites by creating a likelihood of confusion with the Complainant's mark.

For the reasons set out above, the Panel concludes that the Domain Name was registered and is being used in bad faith, within the meaning of paragraph 4(a)(iii) of the Policy.

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 the Domain Name <simionbaciu.ro> be transferred to the Complainant.

*/Mathias Lilleengen/*

**Mathias Lilleengen**

Sole Panelist

Date: July 7, 2025