

ADMINISTRATIVE PANEL DECISION

Man Group plc v. Domain Administrator, See PrivacyGuardian.org / Phyllis Delgado and Gregory Grace
Case No. D2022-2658

1. The Parties

The Complainant is Man Group plc, United Kingdom (“UK”), represented by Dehns, UK.

The Respondent is Domain Administrator, See PrivacyGuardian.org, United States of America (“USA”) / Phyllis Delgado, USA and Gregory Grace, USA.

2. The Domain Name and Registrar

The disputed domain names <clientportal-man.com> and <noreply-man.com> are both registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 20, 2022. On July 21, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On July 21, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on July 28, 2022, 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 1, 2022.

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 2, 2022. In accordance with the Rules, paragraph 5, the due date for Response was August 22, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 2, 2022.

The Center appointed Marilena Comanescu as the sole panelist in this matter on September 12, 2022. 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 1873, is a globally renowned active investment management company. The Complainant provides a range of funds for private and institutional clients, and manages USD 151.4 billion in funds for its global clients, making it one of the world's largest publicly traded hedge fund.

The Complainant owns trademark registrations for or including the term “man” in several countries, such as the following:

- the UK Trademark Registration No. 2547917 for M MAN with device, filed on May 13, 2010, and registered on September 17, 2010, for services in Class 36; and
- the European Union Trade Mark Registration No. 1046727 for M MAN with device, filed on September 2, 2010, and registered on June 22, 2010, for services in Class 36.

The Complainant promotes its services on various websites, the main one being <man.com>.

The disputed domain name <clientportal-man.com> was registered on May 16, 2022, and the disputed domain name <noreply-man.com> was registered on April 18, 2022.

At the time of filing the Complaint, both disputed domain names resolve to inactive websites.

According to Annexes 10, 11, 12 to the Complaint, the disputed domain names were used in connection with a “phishing scheme” namely for sending emails to individuals, in an attempt to obtain personal information and/or to convince them to invest funds as part of a scam. The emails sent to third parties, using the disputed domain names, referred to the Complainant's website, used the details of its subsidiary and attached a copy of a prospectus featuring the Complainant's marks in order to promote an alleged fund which has no connection with the Complainant or its affiliates.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain names incorporate and are confusingly similar to the well-known trademark and name M MAN, the Respondent has no rights or legitimate interests in the disputed domain names, and the Respondent registered and is using the disputed domain names in bad faith knowing the Complainant's trademark and business. The Complainant requests the transfer of the disputed domain names to it.

B. Respondent

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

6. Discussion and Findings

In view of the Respondent's default, the discussion and findings will be based upon the contentions in the Complaint and any reasonable position that can be attributable to the Respondent. Under paragraph 4(a) of the Policy, a complainant can only succeed in an administrative proceeding under the Policy if the following

circumstances are met:

- (i) the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in the disputed domain names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

The Panel will further analyze the concurrence of the above circumstances.

A. Preliminary Procedural Issue: Consolidation of Multiple Disputed Domain Names and Respondents

According to the provisions of paragraph 10(e) of the Rules, the Panel has the power to decide the consolidation of multiple domain names disputes. Further, paragraph 3(c) of the UDRP Rules provides that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In the present case, there are two disputed domain names, and apparently two Respondents. According to the information provided by the Registrar, the disputed domain name <clientportal-man.com> was registered by the Respondent Phyllis Delgado, and the disputed domain name <noreply-man.com> was registered by the Respondent Gregory Grace.

Both disputed domain names have been registered in 2022, with the M MAN mark incorporated together with descriptive terms related to the Complainant's business, and they are both used in the same manner – as email addresses for phishing activities related to Complainant's services.

Further, the two named Respondents are located in the same country; both websites under the disputed domain names are inactive; both disputed domain names are registered with the same Registrar; and the same privacy service was used to protect the actual identity of the underlying registrants; the evidence provided as Annexes 10, 11, 12 to Complaint shows emails sent using the disputed domain names, *i.e.* "xxxx@clientportal-man.com" and "xxxx@noreply-man.com", with similar content and signed by the same person, Gregory Clarke.

The Respondent had the opportunity to comment on the consolidation request made by the Complainant but it chose to remain silent.

For the above, the Panel finds that the disputed domain names and corresponding websites are subject to common control and it would be equitable and procedurally efficient to decide the consolidation of multiple disputed domain names and the Respondents in the present procedure. See also section 4.11.2 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)).

B. Identical or Confusingly Similar

The Panel finds that the Complainant holds rights in the trademark M MAN.

The disputed domain name <clientportal-man.com> incorporates the dominant element of the Complainant's trademark M MAN with additional terms, "client portal", and a hyphen. Likewise, the disputed domain name <noreply-man.com> incorporates the dominant element of the Complainant's trademark with the additional terms "no reply" and a hyphen.

Such additions do not prevent a finding of confusing similarity as the Complainant's trademark is recognizable within the disputed domain names. Numerous UDRP panels have considered that the addition of other terms (whether descriptive or geographic term, pejorative, meaningless or otherwise) to trademarks

in a domain name is not sufficient to escape a finding of confusing similarity. See section 1.8 of the [WIPO Overview 3.0](#).

Also the Panel notes the broader case context (fraudulent emails) which supports a finding of confusing similarity. See section 1.7 of the [WIPO Overview 3.0](#).

Further, it is well established in decisions under the UDRP that the generic Top-Level Domain (“gTLD”) (e.g., “.com”, “.info”, “.one”) may typically be disregarded for the purposes of consideration of confusing similarity between a trademark and a domain name. See section 1.11 of the [WIPO Overview 3.0](#).

Given the above, the Panel finds that the disputed domain names are confusingly similar to the Complainant’s trademark, pursuant to the Policy, paragraph 4(a)(i).

C. Rights or Legitimate Interests

The Complainant asserts that the Respondent does not hold any trademark rights, license, or authorization whatsoever to use its trademark, that the Respondent is not commonly known by the disputed domain names, and that the Respondent has not used the disputed domain names in connection with a legitimate noncommercial or fair use or a *bona fide* offering of goods or services.

Under the Policy, “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 names. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element”. See section 2.1 of the [WIPO Overview 3.0](#).

As provided in the Complaint, the disputed domain names have been used to fraudulently impersonate the Complainant in order to try to unduly obtain personal and financial information/documentation from third parties, including deceiving them to transfer funds to the Respondent. In this regard, panels have categorically held that the use of a domain name for illegal activity (such as swindle, fraud, identity theft, phishing and impersonation) can never confer rights or legitimate interests in a respondent. See section 2.13 of the [WIPO Overview 3.0](#).

For these reasons, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain names, pursuant to the Policy, paragraph 4(a)(ii).

D. Registered and Used in Bad Faith

The Complainant holds trademark rights in M MAN since at least 2010, and acquired significant goodwill and worldwide reputation in connection with this mark/name in the field of financial and investment services. See also *Man Group plc v. Thomas Victorie*, WIPO Case No. [D2020-1130](#).

The disputed domain names were registered in 2022, and incorporate the Complainant’s mark with additional non-distinctive terms.

For the above reasons, the Panel finds that the disputed domain names were registered in bad faith, with knowledge of the Complainant, its business and particularly targeting the Complainant’s trademark.

At the time of filing the Complaint, the disputed domain names were directed to an error page.

However, the disputed domain names have been used to fraudulently impersonate the Complainant in order to try to unduly obtain personal and financial information/documentation from third parties, including deceiving them to transfer funds to the Respondent. In this regard, UDRP panels have held that the use of a domain name for purposes other than to host a website may constitute bad faith. Such purposes include sending email, phishing, identity theft, or malware distribution.

The findings that the Respondent targeted and impersonated the Complainant compel the Panel to conclude that the Respondent used the disputed domain names in bad faith to impersonate the Complainant, and take unfair advantage of the Complainant's trademark and reputation in the field of financial and investment services, attempting to mislead third parties. See also section 3.4 of the [WIPO Overview 3.0](#).

UDRP panels additionally view the provision of false contact information (or an additional privacy or proxy service) underlying a privacy or proxy service as an indication of bad faith. See section 3.6 of the [WIPO Overview 3.0](#).

For all the above reasons, the Panel finds that the Respondent registered and is using the disputed domain names in bad faith, pursuant to the Policy, paragraph 4(a)(iii).

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 <clientportal-man.com> and <noreply-man.com> be transferred to the Complainant.

/Marilena Comanescu/

Marilena Comanescu

Sole Panelist

Date: September 26, 2022