

ADMINISTRATIVE PANEL DECISION

LGT Capital Partners v. Names Redacted
Case No. D2024-0884

1. The Parties

The Complainant is LGT Capital Partners, Switzerland, represented by ZeroFox, United States of America (“United States”).

The Respondents are Names Redacted, United States.

2. The Domain Names and Registrar

The disputed domain names <lgccp.com> (the “first disputed domain name”) and <lgtcp.com> (the “second disputed domain name”) are registered with Wild West Domains, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 28, 2024. On February 29, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On February 29 and March 4, 2024, 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 (Registration Private, DomainsByProxy.com) and contact information in the Complaint.

The Center sent an email communication to the Complainant on March 6, 2024, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaints for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that both disputed domain names are under common control. The purported registrant of the second disputed domain name sent an email communication to the Center on March 12, 2024, claiming that it had not been registered by him. The Complainant filed an amendment to the Complaint on March 13, 2024.

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 Respondents of the Complaint, and the proceedings commenced on March 21, 2024. In accordance with the Rules, paragraph 5, the due date for Response was April 10, 2024. Accordingly, the Center notified the Parties of the Commencement of Panel Appointment Process on April 12, 2024.

The Center appointed Antony Gold as the sole panelist in this matter on April 15, 2024. 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. Procedural Issues

A. Consolidation: Multiple Respondents

The Complainant requests the consolidation of the Complaint against the two disputed domain name registrants pursuant to paragraph 10(e) of the Rules. In support of its application, it says that the disputed domain names were registered within a week of each other and with the same Registrar. Both disputed domain names are confusingly similar to the Complainant's trade mark and both use the same typosquat pattern of doubling a character. For these reasons, the Complainant alleges that both the disputed domain name registrants are either the same entity or are under common control. The Panel notes that neither of the Respondents has challenged the Complainant's assertions in this respect.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder. Whilst neither the Policy nor the Rules expressly provides for the consolidation of claims against multiple respondents into a single administrative proceeding, the principles applied by panels considering requests for consolidation are set out at section 4.11.2 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") which explains that: "Where a complaint is filed against multiple respondents, panels look at whether (i) the domain names or corresponding websites are subject to common control, and (ii) the consolidation would be fair and equitable to all parties. Procedural efficiency would also underpin panel consideration of such a consolidation scenario." See also *Speedo Holdings B.V. v. Programmer, Miss Kathy Beckerson, John Smitt, Matthew Simmons*, WIPO Case No. [D2010-0281](#).

The Panel accepts that, for the reasons given by the Complainant, the evidence, in combination, points to both the disputed domain names being under common control. The Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

In these circumstances, it is procedurally efficient, as well as fair and equitable to all Parties, for the Complainant's case in respect of both the disputed domain names to be dealt by means of a single Complaint. The Panel accordingly grants the Complainant's request for consolidation and the Respondents are referred to in the remainder of this decision as "the Respondent".

B. Redaction of Respondent's Identity

The names and addresses given for the registrants of the disputed domain names are that of an individual with an address in Saint Clair Shores, Michigan, United States and a lawyer in San Diego, California, United States. Whilst no response has been received by the Center from the first registrant, the second registrant has sent an email to the Center, dated March 12, 2024, denying that he registered the second disputed domain name issue or that he has ever had an interest in it and stating that he has no objection to the Center "taking whatever action it deems necessary after considering the above facts". On March 13, 2024, the Complainant's representative sent an email to the Center stating its belief that neither of the named registrants have any connection with the disputed domain names.

The circumstances suggest that it is inherently implausible that the named registrants would have engaged in typo-squatting and that, on at least a balance of probabilities, the underlying registrant of both disputed

domain names has provided false registrant details. In these circumstances, the Panel has determined that it is appropriate to redact the registrants' names and information from its decision. See, by way of example, *Lutosa v. Name Redacted*, WIPO Case No. [D2021-0809](#).

5. Factual Background

The Complainant is a large, family-owned private banking and asset management group, owned and managed by the House of Liechtenstein. It has more than 3,600 employees in over 20 countries and over CHF 227.9 billion worth of assets under management.

The Complainant's principal brand is LGT and its wholly owned subsidiary, LGT Gruppe Stiftung, owns many trade marks to protect this trading style. These include, by way of example only, European Union Trade Mark, registration number 0641907, for LGT (figurative) in classes 35 and 36, registered on September 11, 1995. The Complainant also owns and operates the domain names <lgtp.com> and <lgtcp.com> which resolve to websites providing information about its services as well as client login facilities.

The first disputed domain name was registered on January 29, 2024, and the second disputed domain name was registered on February 6, 2024. The first disputed domain name resolves to a holding page containing a banner: "Interested in lgtcp.com? Our Domain Broker Service may be able to get it for you. Find out how". The second disputed domain name does not resolve to an active website. Mail Exchange ("MX") records, which enable domain names to be used for the sending of emails associated with the domain name address, have been activated for at least the second disputed domain name¹. The Complainant says that one of the disputed domain names has already been used in connection with a phishing scam and the Complaint has annexed to it two emails which, the Complainant says, are phishing emails.

6. 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 identical or confusingly similar to a trade mark in which it has rights. The Complaint refers to its LGT trade marks, full details of one of these marks having been set out above, and says that each of the disputed domain names incorporates the Complainant's LGT mark in its entirety and adds either "ccp" or "tcp" at the end. However, these additional characters do not create a new or distinctive phrase which is sufficient to clearly distinguish itself from the Complainant. The disputed domain names are classic examples of typo-squatting;
- the Respondent has no rights or legitimate interests in respect of the disputed domain names. They have not been used nor prepared for use for a bona fide offering of goods and services. Neither disputed domain name resolves to web pages containing content which would qualify as fair use. There is no evidence that the Respondent is known by either of the disputed domain names. There is already evidence that emails associated with the disputed domain names will be used as part of an impersonation campaign;
- the disputed domain names were registered and are being used in bad faith. The incorporation of the entirety of a complainant's trade mark is sufficient to establish bad faith registration. By using one of the disputed domain names in connection with a phishing campaign, the facts show that the Respondent was aware of the Complainant's mark as at the date of registration. Under the doctrine of passive holding, a domain name can still be found to have been used in bad faith if it does not resolve to an active website and

¹ The Complainant alleges MX records are active for both disputed domain names but, based on the Panel's search (see section 4.8 of the [WIPO Overview 3.0](#)), it can only trace MX records for the second disputed domain name.

is parked. The Respondent is attempting to trick consumers into sending money to its account. One of the disputed domain names was captured and reported to the provider and there has been a phishing campaign. Moreover, the Respondent has disguised its contact and registration information by its use of a privacy service.

B. Respondent

Save for the response to the Center dated March 12, 2024, referred to above, the Respondent did not reply to the Complainant's contentions.

7. Discussion and Findings

Dealing, first, with the Respondent's failure to file a reply to the Complainant's contentions, paragraph 14(b) of the Rules provides that if a party, in the absence of exceptional circumstances, does not comply with a provision of, or requirement under, these Rules the Panel shall be entitled to draw such inferences from this omission as it considers appropriate.

Paragraph 4(a) of the Policy provides that a complainant proves each of the following three elements in relation to each domain name in order to succeed in its complaint in respect of it:

- (i) the domain name is identical or confusingly similar to a trade mark or service mark in which the complainant has rights; and
- (ii) the respondent has no rights or legitimate interests with respect to the domain name; and
- (iii) the domain name has been registered and is being used in bad faith.

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; see the [WIPO Overview 3.0](#), section 1.7. As a technical requirement of registration, the generic Top-Level Domain ("gTLD"), that is ".com" in respect of both of the disputed domain names, is usually disregarded when assessing confusing similarity.

The Panel finds that the disputed domain names are confusingly similar to the Complainant's LGT mark, which is clearly recognizable within each of them. See section 1.8 of the [WIPO Overview 3.0](#): "Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element". For the above reasons, 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 by which a respondent may demonstrate rights or legitimate interests in a domain name. Whilst 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 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 the [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 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. In particular, the Panel considers that the record of this case reflects that:

- before any notice to the Respondent of the dispute, the Respondent did not use, nor has it made demonstrable preparations to use, either of the disputed domain names, or a name corresponding to either of the disputed domain names, in connection with a bona fide offering of goods or services. The Complainant has provided two emails which, it says, evidence use of the first disputed domain name in connection with phishing activities. It should be noted that neither email, on its face, contains an email address associated with either of the disputed domain names and the Complainant has not explained why, despite this anomaly, the emails relate to an email address associated with the first disputed domain name. However, the Panel accepts that MX records have been activated for at least the second disputed domain name, permitting it to be used for the purpose of sending emails, and the Panel also takes into account the fact that the Respondent has chosen not to challenge the Complainant's assertions of fraudulent intent. Moreover, neither the use of the first disputed domain name to resolve to a webpage indicating that it may be for sale, nor the fact that the second disputed domain name does not presently resolve to an active website, comprises use in connection with a bona fide offering of goods and services. See, for example, *Harness Racing Australia v. Acronym Wiki Pty Ltd*, WIPO Case No. [DAU2011-0007](#);
- there is no evidence in the record that the Respondent has been commonly known by either of the disputed domain names. In this respect, see paragraph 4(c)(ii) of the Policy and the [WIPO Overview 3.0](#), section 2.3;
- the Respondent is not making a legitimate noncommercial or fair use of the disputed domain names, without intent for commercial gain to misleadingly divert consumers or to tarnish the trade mark or service mark at issue; see paragraph 4(c)(iii) of the Policy and the [WIPO Overview 3.0](#), section 2.4;
- the record contains no other factors demonstrating rights or legitimate interests of the Respondent in the disputed domain names.

Moreover, having regard to the fact that the acronym for the Complainant's full corporate name is "lgtcp" and that the Complainant owns and operates the domain name <lgtcp.com>, the first and second disputed domain names are confusingly similar to this term and this domain name, differing only by the duplication of the "c" and "t" respectively, and comprise typo-squats of them.

For the above reasons, based on the available record, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

For the purpose of assessing the third element the Panel does not place a great deal of emphasis on the two emails which, the Complainant says, evidence the use of the first disputed domain name in connection with a phishing scam in view of the fact that neither email appears to feature an email address associated with either of the disputed domain names. However, the Panel takes note of the following. First, both disputed domain names comprise typo-squat variants on the acronym of the Complainant's full corporate name and domain name <lgtcp.com>, and are confusingly similar to its LGT trade mark. Second, the record indicates that whilst the first disputed domain name is advertised for sale, neither disputed domain name is being actively used. Third, the MX records for at least one of the disputed domain names have been activated which makes it capable of being used for the sending of emails, potentially for dishonest purposes. Fourth, the Respondent has not taken the opportunity to deny the Complainant's assertions that it intends to use the disputed domain names for fraudulent purposes. Fifth, the Respondent has masked its identity by its use of false registration details. These circumstances, collectively, point to the Respondent's registration of the

disputed domain names in bad faith and to its intention to use them in bad faith; see *Caisse d'épargne et de prévoyance Ile-de-France v. Perfect Privacy, LLC / Milen Radumilo*, WIPO Case No. [D2021-4399](#).

From the inception of the UDRP, panelists have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. This would include a blank or “coming soon” page or a webpage of the type to which the first disputed domain name presently resolves; see the [WIPO Overview 3.0](#), section 3.3 and by way of example, *Johnson & Johnson v. Daniel Wistbacka*, WIPO Case No. [D2017-0709](#). Although panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant’s mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good faith use, (iii) the respondent’s concealing its identity or use of false contact details and (iv) the implausibility of any good faith use to which the domain name may be put.

Applying these factors to the circumstances of these proceedings: (i) the Complainant has provided evidence which establishes, for the purpose of the Policy, that its LGT trade mark is distinctive in the context of the services for which it is registered; (ii) the Respondent has not provided a reply to the Complainant’s contentions nor is there any evidence of actual or contemplated good faith use of the disputed domain names; (iii) the Respondent has sought to conceal its identity by the provision of false registration details; and (iv) there is nothing in the record which indicates the Respondent’s intention to put either disputed domain name to a good faith use. Accordingly, 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. See also, for example, *Jones Lang LaSalle IP, Inc. v. Whois Privacy Protection Service by onamae.com / Kunagorn Sirikupt*, WIPO Case No. [D2019-3143](#).

Having reviewed the record, and for the reasons set out above, the Panel finds the Respondent’s registration and use of the disputed domain names has been in bad faith.

8. 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 <lgtcp.com> and <lgttcp.com> be transferred to the Complainant.

For purposes of properly executing this order, the Panel also directs the Registrar’s attention to Annex 1 hereto that identifies the entity listed as registrant of the disputed domain names in the formal record of registration. The Panel directs the Center that Annex 1 shall not be published as part of this Decision.

/Antony Gold/

Antony Gold

Sole Panelist

Date: April 29, 2024