

ADMINISTRATIVE PANEL DECISION

Nelson Mullins Riley & Scarborough LLP v. Redacted for Privacy, Privacy Service Provided by Withheld for Privacy ehf / Mike Dave, NelsonNeded
Case No. D2022-1636

1. The Parties

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

The Respondent is Redacted for Privacy, Privacy Service Provided by Withheld for Privacy ehf, Iceland / Mike Dave, NelsonNeded, United States.

2. The Domain Name and Registrar

The disputed domain name <nelsonmullins.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 5, 2022. On May 6, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 6, 2022, the Registrar transmitted by email to the Center its verification response, disclosing registrant and contact information for the disputed domain name(s) which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on May 13, 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 May 17, 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 May 24, 2022. In accordance with the Rules, paragraph 5, the due date for Response was June 13, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 16, 2022.

The Center appointed Evan D. Brown as the sole panelist in this matter on June 20, 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 is among the largest law firms in the United States. It owns the trademark NELSON MULLINS and enjoys the benefits of registration of that mark in the United States (Reg. No. 3,754,391, registered on March 2, 2010). According to the Whois records, the disputed domain name was registered on February 28, 2022. It has used the disputed domain name to send fraudulent email messages impersonating the Complainant and at least one of its attorneys, thereby successfully and wrongfully diverting funds.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is identical or confusingly similar to the Complainant's trademark; that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and that the disputed domain name was registered and is being used in bad faith.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (i) the disputed domain name is 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 respect of the disputed domain name, and (iii) the disputed domain name has been registered and is being used in bad faith. The Panel finds that all three of these elements have been met in this case.

A. Identical or Confusingly Similar

This element requires the Panel to consider two issues: first, whether the Complainant has rights in a relevant mark; and, second, whether the disputed domain name is identical or confusingly similar to that mark. This element under the Policy functions primarily as a standing requirement. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. See *Advance Magazine Publishers Inc., Les Publications Conde Nast S.A. v. Voguechen*, WIPO Case No. [D2014-0657](#). The Complainant has demonstrated its rights in the NELSON MULLINS mark by providing evidence of its trademark registration.

The disputed domain name is confusingly similar to these marks. In particular, the only difference between the disputed domain name and the NELSON MULLINS mark results from a minor misspelling. Such insignificant modifications to trademarks are commonly referred to as "typosquatting", as such conduct seeks to wrongfully take advantage of errors by Internet users. See, *Six Continents Hotels, Inc. v. null John Zuccarini d/b/a Country Walk*, WIPO Case No. [D2003-0161](#). "Domain names which constitute typo-squatting are confusingly similar by definition; it is this similarity which makes them attractive." *Dell Computer Corp. v. Clinical Evaluations*, WIPO Case No. [D2002-0423](#); see also *American Home Products Corporation v.*

Privateer Ltd., WIPO Case No. [D2000-0455](#) (<advil.com> held confusingly similar to ADVIL).

For the foregoing reasons, the Panel finds that this first element of the Policy has been satisfied.

B. Rights or Legitimate Interests

The Complainant has successfully shown, *prima facie*, that the Respondent lacks rights or legitimate interests in the disputed domain name. The use of the disputed domain name to fraudulently impersonate the Complainant and at least one of its attorneys is a clear example of a respondent lacking rights or legitimate interests. *Faegre Baker Daniels, LLP v. WhoisGuard Protected, WhoisGuard, Inc. / Douglas Ocenasek*, WIPO Case No. [D2019-2688](#); citing *Advance Magazine Publishers Inc. v. Registration Private, Domains By Proxy LLC / Phillip Watson*, WIPO Case No. [D2016-1582](#). The Respondent has not submitted any evidence that overcomes this *prima facie* showing. Accordingly, this second element of the Policy has been satisfied.

C. Registered and Used in Bad Faith

The Policy requires a complainant to establish that the disputed domain name was registered and is being used in bad faith. The facts of this case demonstrate that the Respondent registered the disputed domain name for commercial gain or otherwise to interfere in the business of the Complainant, and to trade on the Complainant's goodwill and reputation. By impersonating the Complainant and at least one of its attorneys, the Respondent's actions likely constituted fraud. *Faegre Baker Daniels, LLP v. WhoisGuard Protected, WhoisGuard, Inc. / Douglas Ocenasek*, WIPO Case No. [D2019-2688](#). For these reasons, the Panel finds that the disputed domain name was registered and is being used in bad faith.

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 <nelsonmulillns.com> be transferred to the Complainant.

/Evan D. Brown/

Evan D. Brown

Sole Panelist

Date: July 3, 2022