

ADMINISTRATIVE PANEL DECISION

Man Group plc v. Veronica Sandoval
Case No. D2022-1735

1. The Parties

The Complainant is Man Group plc, United Kingdom, represented by Dehns, United Kingdom.

The Respondent is Veronica Sandoval, United States of America.

2. The Domain Name and Registrar

The disputed domain name <mansolutionsusa.com> (the “Domain Name”) is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 12, 2022. On May 13, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On May 16, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on May 17, 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 20, 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 23, 2022. In accordance with the Rules, paragraph 5, the due date for Response was June 12, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 16, 2022.

The Center appointed Jeremy Speres as the sole panelist in this matter on June 24, 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 an investment management company that has used the name MAN for at least 25 years. The Complainant uses a number of marks containing the term “Man”, including a stylised uppercase “M” above the word “Man”. The Complainant’s M MAN and MAN marks have been recognised as well-known by numerous prior UDRP panels. The Complainant’s main website is located at <man.com>.

The Complainant owns numerous registrations for its M MAN mark in many jurisdictions, including International Registration No. 1046727 M MAN logo in class 36, registered on June 22, 2010, designating, amongst others, the United States of America (the Respondent’s country).

The Domain Name was registered on November 9, 2021 and resolves to a website for a business named “Man Solutions USA LLC” that ostensibly offers financial escrow, closing and insurance services.

5. Parties’ Contentions

A. Complainant

The Complainant contends that the Domain Name is confusingly similar to its M MAN and MAN marks, that the Respondent has no rights or legitimate interests in the Domain Name, and the Domain Name was registered and used in bad faith given that it has been used to impersonate the Complainant in order to attract users to a competing business and to harvest users’ credentials.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant’s evidence establishes that its extensive use of the MAN mark in various forms for over 25 years has generated significant goodwill in the mark to the extent that it is widely associated with the Complainant and is well-known in the investment management industry. Where the mark or a dominant feature of it is recognisable within the domain name, the domain name will normally be considered confusingly similar to the mark (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”) at section 1.7). The dominant feature of the Complainant’s registered M MAN mark, as well as the Complainant’s well-known MAN mark, are wholly contained within the Domain Name as its first element, and the additional elements “solutions” and “usa” do not prevent a finding of confusing similarity. The Complainant has satisfied the standing requirement under paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Complainant’s evidence establishes that its M MAN mark was registered and well-known, and its MAN mark well-known, long prior to registration of the Domain Name. The Domain Name is confusingly similar to the Complainant’s marks and the Complainant has certified that the Domain Name is unauthorised by it.

The Complainant’s evidence shows that the Domain Name has been used for a website that impersonates the Complainant (discussed below). UDRP Panels have categorically held that the use of a domain name for illegal activity (e.g. impersonation or passing off) can never confer rights or legitimate interests on a respondent ([WIPO Overview 3.0](#) at section 2.13).

There is no evidence that any of the circumstances set out in paragraph 4(c) of the Policy, nor any others that may confer rights or legitimate interests upon the Respondent, pertain. The Complainant has satisfied paragraph 4(a)(ii) of the Policy by virtue of having made out an unrebutted *prima facie* case ([WIPO Overview 3.0](#) at section 2.1).

C. Registered and Used in Bad Faith

The Respondent listed a physical address in the Whois that is nearly identical to that of the Complainant's New York presence, and the website to which the Domain Name resolves displays an address identical to that of the Complainant's New York presence. This, combined with the composition of the Domain Name and the subsequent use to which the Domain Name has been put, shows that the address in the Whois for the Domain Name cannot have been a coincidence and evidences a clear intention on the part of the Respondent to target the Complainant at the time of registration of the Domain Name (*Intesa Sanpaolo S.p.A. v. Intesasanpaolo*, WIPO Case No. [D2009-1550](#)).

As for bad faith use, the website to which the Domain Name resolves is ostensibly for a business incorporated as a Limited Liability Company (LLC) – a company designation in the United States of America. However, the Complainant's searches of the company registration databases in relevant jurisdictions reveal that no such company exists. The website offers financial services that compete with those of the Complainant, using the Complainant's well-known MAN mark, and specifies the address of the Complainant in New York. This clearly indicates that the Respondent's intention was to deceive users into assuming some association with the Complainant for the Respondent's competing commercial gain ([WIPO Overview 3.0](#) at section 3.1.4). This falls squarely within paragraph 4(b)(iv) of the Policy.

The Respondent's intentions may in fact have been more sinister than competition. As the Complainant points out, the Respondent's website features a login portal seeking users' credentials. Tellingly, the Panel's independent research shows a) that the Complainant's website at <man.com> also features a login portal for its customers; and b) that no option is provided to register an account on the Respondent's website. This suggests that the Respondent's business is a sham, consistent with no evidence of the company registration having been found, and that the goal (or part of it) was to harvest the credentials of the Complainant's customers. Furthermore, the Panel's independent research establishes that MX records are set for the Domain Name, enabling use for email. This raises the risk of email-based fraud (*Statoil ASA v. Registration Private, Domains By Proxy, LLC / Eldar Saetre*, WIPO Case No. [D2018-0563](#)).

The Panel draws adverse inferences from the Respondent's failure to take part in the present proceeding where an explanation is certainly called for ([WIPO Overview 3.0](#) at section 4.3), and the provision of false Whois details ([WIPO Overview 3.0](#) at section 3.2.1).

The Complainant has satisfied paragraph 4(a)(iii) 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 Domain Name, <mansolutionsusa.com>, be transferred to the Complainant.

/Jeremy Speres/

Jeremy Speres

Sole Panelist

Date: June 30, 2022