

ADMINISTRATIVE PANEL DECISION

ManTech International Corporation v. Mercans General Trading LLC Case No. D2022-3746

1. The Parties

The Complainant is ManTech International Corporation, United States of America (the “United States”), represented by Cantor Colburn LLP, United States of America.

The Respondent is Mercans General Trading LLC, United Arab Emirates.

2. The Domain Name and Registrar

The disputed domain name <mantechus.com> 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 October 6, 2022. On October 7, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 10, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name, which differed from the named Respondent (Registration Private, Domains By Proxy, LLC, DomainsByProxy.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 10, 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 October 14, 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 October 17, 2022. In accordance with the Rules, paragraph 5, the due date for Response was November 6, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 8, 2022.

The Center appointed Angelica Lodigiani as the sole panelist in this matter on November 13, 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 was founded in 1968 to provide advanced technological services to the United States Government. Nowadays, the Complainant is one of the most trusted partners for the United States Defense, Intelligence and Federal Civilian customers.

The Complainant is the owner of various MANTECH trademarks, including the following:

Trademark	Jurisdiction	Classes	Application date	Registration Date	Registration Number
MANTECH	United States	42	July 25, 1994	February 13, 1996	1,955,765
MANTECH INTERNATIONAL CORPORATION	United States	42	August 18, 2003	October 24, 2008	3,161,265
MANTECH	United States	37, 42	July 19, 2005	April 8, 2008	3,410,468
MANTECH	United States	41, 42, 45	July 19, 2005	May 20, 2008	3,432,771
MANTECH INTERNATIONAL CORPORATION	United States	37, 42, 45	July 19, 2005	July 8, 2008	3,464,066
ManTech International Corporation	United States	35, 37, 39, 41, 42, 45	February 17, 2006	November 11, 2008	3,532,541
ManTech Securing the Future (in b&w)	United States	37, 41, 42	August 29, 2017	June 26, 2018	5,501,060
ManTech Securing the Future (in colors)	United States	35, 37, 39, 41, 42,	August 12, 2017	September 18, 2018	5,564,181

The Complainant is also the owner of the domain name <mantech.com>, registered on January 7, 1994, used to access the Complainant's website.

The disputed domain name was registered on April 26, 2021, and leads to a parking page containing pay-per-click links.

5. Parties' Contentions

A. Complainant

The Complainant maintains that the disputed domain name is confusingly similar to its MANTECH trademark as it fully incorporates this trademark along with the non-distinctive term "us", which is the common abbreviation for the United States. The confusing similarity with the Complainant's trademark is exacerbated by the contents of the website associated to the disputed domain name, as it contains information that improperly and erroneously evokes a connection to the Complainant and its defense, intelligence, federal civilian, and cybersecurity software and technology business sectors, products and/or services.

The Complainant further maintains that the Respondent lacks rights or legitimate interests in the disputed domain name. The Complainant is unaware of any relationship with the Respondent that would give rise to any license, permission, or authorization by which the Respondent could own or use the disputed domain

name. In addition, there is no evidence available to the Complainant that the Respondent is commonly known by the disputed domain name.

The disputed domain name leads to a parking page containing pay-per-click links by which, according to the Complainant, the Respondent earns rental revenue. These pay-per-click links consist of "Threat Intelligence Best Practices", "Threat Intelligence System", "Decision Intelligence Software", "Intelligence Analysis Degree", "recruiting Overseas", "Electronic Components" and/or "Contractor Jobs", all of which relate to the Complainant and its business. Thus, in the Complainant's view, the disputed domain name has been used intentionally to undertake a fraudulent scheme whereby Internet users encounter and interact with the Respondent's website under the erroneous assumption that the disputed domain name is an official website of the Complainant, or is officially authorized, sponsored or endorsed thereby. Further, the nature of the disputed domain name carries a risk of implied affiliation with the Complainant, as it fully incorporates the Complainant's MANTECH trademark, followed by the geographical abbreviation "us", referring to the territory where the Complainant operates. Such use of the disputed domain name does not represent a *bona fide* offering of goods or services, nor a legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark at issue.

Lastly, in relation to bad faith, the Complainant contends that in view of the notoriety of the MANTECH trademark, its inclusion in the disputed domain name with the mere addition of the geographical term "us", and the use of the disputed domain name as described above is clear evidence of the Respondent's knowledge of the Complainant's MANTECH trademark at the time of the registration of the disputed domain name.

The disputed domain name is used in connection with a parking page containing pay-per-click links to websites of companies operating in the same cyber security space as the Complainant, and which compete with the Complainant. Such use of the disputed domain name suggests opportunistic bad faith.

The Complainant further maintains that the registration and use of the disputed domain name is in bad faith because it violates the domain name registration agreement. Specifically, in registering the disputed domain name, the Respondent represented and warranted "to the best of your knowledge that, neither the registration of the domain nor the manner it is directly or indirectly use, infringes the legal rights of any third party".

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Panel is satisfied that the Complainant has provided sufficient evidence of ownership of the MANTECH trademark registered in the United States designating services in 35, 37, 39, 41 and 42. The Panel finds that the disputed domain name is confusingly similar to the Complainant's MANTECH trademark since it is fully reproduced in the disputed domain name and is followed by the geographical abbreviation, "us".

Therefore, the Panel finds that the first condition under the Policy is met.

B. Rights or Legitimate Interests

The second condition to be proved in order to succeed in a UDRP proceeding, is that the Respondent lacks rights or legitimate interests in the disputed domain name.

While the overall burden of proof rests with the complainant, panels have recognized that this could result in the often impossible task of proving a negative, requiring information that is often primarily within the knowledge of the respondent. Therefore, a complainant is required to make out a *prima facie* case that the respondent lacks rights or legitimate interests. Once such *prima facie* case is made, the burden of production shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name.

The Complainant contends that the Respondent is not a licensee of the Complainant. Furthermore, the Respondent is not linked to the Complainant in any other manner and the Complainant never authorized the Respondent to register and use a domain name including its MANTECH trademark. The Panel also notes that there is no evidence in the record, including the Whois information, suggesting that the Respondent is commonly known by the disputed domain name.

In the present case, the disputed domain name entirely includes the Complainant's trademark followed by the geographical abbreviation "us" which indicates both the place of origin of the Complainant and the place where the Complainant operates. Furthermore, the disputed domain name leads to a parking page on which various pay-per-click links appear, many of which relate to the Complainant's business. Some of these links lead to websites of companies in competition with the Complainant. It is likely that for each click on these links the Respondent receives a fee. Therefore, the Respondent has some kind of economic advantage from the registration and use of the disputed domain name.

The use described above cannot amount to a use in connection with a *bona fide* offering of goods or services, or a legitimate noncommercial or fair use of the disputed domain name without intent, for commercial gain, to misleadingly divert consumers or to tarnish the MANTECH trademark. On the one hand, the registration of a domain name incorporating the Complainant's trademark, followed by a geographical indication closely related to the Complainant itself, misleads Internet users who, confronted with the contested domain, will believe that it originates from the Complainant. On the other hand, also the use of the domain name, containing pay-per-click links referring to the Complainant's business, is such as to mislead Internet users as to the actual origin of the disputed domain name.

Previous Panels have found that the use of a domain name to host a parked page comprising pay-per-click links does not represent a *bona fide* offering where such links compete with or capitalize on the reputation and goodwill of the complainant's trademark or otherwise mislead Internet users (see also section 2.9 of the [WIPO Overview 3.0.](#)) As already mentioned above, in the case at issue the links displayed on the parking page associated with the disputed domain lead to websites in competition with the Complainant's activity. Furthermore, the Respondent takes undue advantage from the Complainant's trademark, which is certainly well-known given its longstanding use and its specific field of application, not to mention the fact that the Complainant is a partner of the United States Defense Department and, as such, can only be trusted and renowned.

In light of the above, the Panel concludes that the Complainant has successfully established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. As the Respondent failed to file a Response, the Panel is satisfied that also the second condition under the Policy is met.

C. Registered and Used in Bad Faith

Paragraph 4(a)(iii) of the Policy requires the Complainant to prove both registration and use of the disputed domain name in bad faith. Accordingly, for the Complainant to succeed, the Panel must be satisfied that the disputed domain name has been registered and is being used in bad faith.

As far as registration in bad faith is concerned, in the Panel's view, it is unlikely that the Respondent registered by accident a domain name, identical to the Complainant's trademark followed by the geographical abbreviation of the United States ("us"), which designates the place of origin of the Complainant and its country of business. It is instead much more credible that the Respondent was perfectly

aware of the Complainant and of its MANTECH trademark when it registered the disputed domain name. This is also confirmed by the use of the disputed domain name to display pay-per-click links referring to the Complainant's activity and leading to some of the Complainant's main competitors' websites. The mere registration of a domain name that is confusingly similar to a third party's trademark, being aware of such trademark and without rights or legitimate interests in the domain name, is evidence of bad faith.

With respect to use in bad faith, the disputed domain name leads to a parking page including pay-per-click links referring to the Complainant's business. Some of these links lead to websites of companies in competition with the Complainant. The Respondent is probably deriving some income from each click on those links. The Respondent is therefore capitalizing on the Complainant's trademark and goodwill for its own profit. The Panel therefore finds that such use is use in bad faith as by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its webpage, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's webpage.

In light of the above, the Complainant is satisfied that also the third and last condition under the Policy is met.

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, <mantechus.com> be transferred to the Complainant.

/Angelica Lodigiani/

Angelica Lodigiani

Sole Panelist

Date: November 27, 2022