

ADMINISTRATIVE PANEL DECISION

Man Group plc v. Steven Harper, Brentwood Contracts Limited Case No. D2023-1034

1. The Parties

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

Respondent is Steven Harper, Brentwood Contracts Limited, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <mangroupinvestments.com> is registered with Imperial Registrations, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 8, 2023. On March 9, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 10, 2023, 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 and contact information in the Complaint. The Center sent an email communication to Complainant on March 16, 2023 providing the registrant and contact information disclosed by the Registrar and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on March 20, 2023.

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 Respondent of the Complaint, and the proceedings commenced on March 21, 2023. In accordance with the Rules, paragraph 5, the due date for Response was April 10, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on May 1, 2023.

The Center appointed Jeffrey D. Steinhardt as sole panelist in this matter on May 15, 2023. 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

Complainant is a major global financial investment management company.

Complainant owns many trademark registrations that include the term “man” in several countries, including, for example, United Kingdom Trademark Registration No. 2547917 for M MAN with device, registered in Class 36 on September 17, 2010 and European Union Trade Mark Registration No. 1046727 for M MAN with device, registered in Class 36 on June 22, 2010.

The disputed domain name was registered August 2, 2022 and does not resolve to an active webpage. The disputed domain name has been used for phishing, fraud and impersonation.

5. Parties' Contentions

A. Complainant

Complainant avers that it is a globally renowned investment management company, founded in 1873. Complainant also avers that it provides a range of funds for private and institutional clients, managing some USD 143.3 billion for its global clients and making it one of the world's largest publicly traded hedge fund.

Complainant identifies several wholly-owned subsidiaries operating under its trademarks, including Man Investments Limited, Man Group Investments Limited, Man Investments Finance Inc., Man Investments Holdings Inc., Man Investments AG, Man Investments (CH) AG, Man Investments (Hong Kong) Limited, Man Investments (Shanghai) Limited, Man Investments (USA) Corp., Man Investments Australia Limited, Man Investments Finance Limited and Man Investments Holdings Limited.

Complainant alleges that the disputed domain name was used for a “phishing scheme” to attempt to obtain personal information and fraudulently convince email recipients to send funds. The emails refer to Complainant's principal website, details of Complainant's subsidiaries, and a prospectus for an offering of Complainant although, Complainant alleges, Respondent has no affiliation or connection with Complainant. Supporting Annexes to the Complaint evidence email correspondence using the disputed domain name with third parties including, in one case, seeking payment by an 80-year old potential investor.

Summarizing its legal contentions, Complainant alleges that (1) the disputed domain name is confusingly similar to Complainant's trademarks, (2) Respondent has no rights or legitimate interests in the disputed domain name, and (3) the disputed domain name was registered and is being used in bad faith, all in violation of the Policy. On this basis, Complainant seeks transfer of the disputed domain name.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

The Rules require the Panel to decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, the Rules, and any rules and principles of law that it deems applicable. Rules, paragraph 15(a). Complainant must establish each element of paragraph 4(a) of the Policy, namely:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) 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.

Complainant must establish these elements even if Respondent does not submit a response. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 4.3. In the absence of a Response, the Panel may also accept as true the reasonable factual allegations in the Complaint. See, e.g., *ThyssenKrupp USA, Inc. v. Richard Giardini*, WIPO Case No. [D2001-1425](#) (citing *Talk City, Inc. v. Michael Robertson*, WIPO Case No. [D2000-0009](#)).

A. Identical or Confusingly Similar

The Panel agrees with Complainant’s allegation that the disputed domain name is confusingly similar to Complainant’s marks.

UDRP panels commonly disregard Top-Level Domains (“TLDs”) in determining whether a disputed domain name is identical or similar to a complainant’s marks. [WIPO Overview 3.0](#), section 1.11.1.

Omitting the “.com” TLD from the disputed domain name, the Panel finds that the dominant feature of Complainant’s M MAN mark, the term “man,” is clearly recognizable in the disputed domain name, adding only the words “group” and “investments.” The Panel finds that these additions to the dominant feature of Complainant’s mark does not prevent a finding of confusing similarity. See *id.*, section 1.8 (where the relevant trademark is recognizable within the disputed domain name, the addition of other terms does not prevent a finding of confusing similarity).

This is particularly the case where the other terms appearing in the disputed domain name and the emails provided with the Complaint appear to the Panel to clearly signal attempts to mislead Internet users to believe that the disputed domain name is associated with Complainant and its trademarks. See *id.*, section 1.7 (overall facts and circumstances of a case . . . may support a finding of confusing similarity, particularly where it appears that the respondent registered the domain name precisely because it believed that the domain name was confusingly similar to a mark held by the complainant).

The Panel therefore concludes that the first element of paragraph 4(a) of the Policy is satisfied.

B. Rights or Legitimate Interests

The Panel also concludes that Respondent has no rights or legitimate interests in the disputed domain name.

The Policy contains a non-exhaustive list of circumstances that may demonstrate when a respondent has rights or legitimate interests in a domain name. The list includes: (1) using the domain name in connection with a *bona fide* offering of goods and services; (2) being commonly known by the domain name; or (3) making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers. Policy, paragraphs 4(c)(i) – (iii).

A complainant must show a *prima facie* case that a respondent lacks rights or legitimate interests in a disputed domain name, after which the burden of production passes to the respondent. See, e.g., [WIPO Overview 3.0](#), section 2.1. The absence of rights or legitimate interests is established if a complainant makes out a *prima facie* case and the respondent enters no Response. See *id.*

The Panel accepts the Complaint’s undisputed allegations that Respondent has no relevant trademark rights and has no authorization or license to use Complainant’s trademarks in the disputed domain name. The Panel also accepts the Complaint’s averment that Respondent is not commonly known by the disputed domain name.

UDRP Panels have categorically held that the use of a domain name for illegal activity can never confer rights or legitimate interests in a respondent. [WIPO Overview 3.0](#), section 2.13. The Complaint presents

credible evidence that the disputed domain name has been used for phishing, fraud and impersonation. Respondent has refrained from opposing this evidence and the Panel finds that the disputed domain name has been used for such illegal activities.

In light of the evidence and allegations of the Complaint, the Panel holds that Respondent is not making a legitimate or fair use of the disputed domain name and that the Complaint establishes a *prima facie* case. Respondent has not opposed or rebutted that *prima facie* case.

The Panel holds, therefore, that Respondent has no rights or legitimate interests in the disputed domain name and that the second element of Policy paragraph 4(a) is established.

C. Registered and Used in Bad Faith

The Panel finds that the third element of paragraph 4(a) of the Policy, bad faith registration and bad faith use, is also established, as elaborated below.

Respondent's choice of a domain name, including the combination of the dominant "man" feature of Complainant's M MAN mark with the terms "group" and "investments," makes clear that Respondent knew of Complainant and targeted Complainant's trademarks and business.

This renders beyond dispute that Respondent sought to exploit Complainant's mark through registration of the confusingly similar disputed domain name and the Panel so finds. The Panel holds therefore that Respondent registered the disputed domain name in bad faith. *E.g.*, [WIPO Overview 3.0](#), section 3.2.1.

The Panel further finds that Respondent's use of an email address incorporating the disputed domain name to send misleading and deceptive emails, and Respondent's provision of false or incomplete contact details in violation of Respondent's agreement with the Registrar prove Respondent's use in bad faith. *Id.*, sections 3.4 & 3.2.1.

Accordingly, the Panel concludes that paragraph 4(a)(iii) of the Policy is satisfied.

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 <mangroupinvestments.com> be transferred to Complainant.

/Jeffrey D. Steinhardt/

Jeffrey D. Steinhardt

Sole Panelist

Date: May 29, 2023