

ADMINISTRATIVE PANEL DECISION

Moelis & Company v. Darrell Strickland

Case No. D2023-2466

1. The Parties

The Complainant is Moelis & Company, United States of America (“United States”), represented by Soteria LLC, United States.

The Respondent is Darrell Strickland, United States.

2. The Domain Name and Registrar

The disputed domain name <moelisfinancialservices.com> is registered with Eranet International Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 7, 2023. On June 7, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 9, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 13, 2023, 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 June 14, 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 the Respondent of the Complaint, and the proceedings commenced on June 21, 2023. In accordance with the Rules, paragraph 5, the due date for Response was July 11, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 13, 2023.

The Center appointed W. Scott Blackmer as the sole panelist in this matter on August 1, 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

The Complainant is a global, independent investment bank headquartered in New York, New York, United States that provides financial advisory services to corporations, governments, and financial sponsors. The Complainant is organized as a Delaware (United States) corporation and operates a website at “www.moelis.com” (the “Complainant’s website”), advertising its services through eight United States offices and offices in Europe, Asia, South America, and the Middle East, as well as through strategic partnerships in Australia and Mexico. The Complainant is publicly owned, with stock listed on the New York Stock Exchange. According to data available on its website, the Complainant reported revenues of nearly USD 1 billion in 2022.

One of the Complainant’s subsidiaries, Moelis & Company Group LP,¹ a Delaware limited partnership, holds United States trademark registration number 4904062 (registered February 23, 2016) for MOELIS & COMPANY as a standard character mark. The mark is used for financial services offered by the group, claiming first use in commerce in March 2009.

The Registrar reports that the disputed domain name was registered on April 26, 2023, by the Respondent, an individual listing no organization and furnishing inaccurate contact details ostensibly in the United States but showing no state or postal code and an incomplete telephone number. The email address provided for contacts is in the <slimemail.com> domain, which redirects to “www.mail.com”, a provider of free email accounts.

The disputed domain name does not appear to have been associated to date with an active website.

5. Parties’ Contentions

A. Complainant

The Complainant asserts that the disputed domain name is confusingly similar to its registered trademark, which the Respondent has no permission to use. The Complainant observes that the Respondent has made no use of the disputed domain name, and there is no indication that the Respondent is known by a corresponding name.

The Complainant remarks that the distinctive portion of the disputed domain name, “moelis”, is identical to the distinctive element of the Complainant’s mark, which is not a dictionary term. The Complainant argues that this strongly suggests that the choice of the disputed domain name was not coincidental and shows the Respondent’s awareness of the Complainant’s mark. The Complainant contends that this raises security risks of the Respondent exploiting the disputed domain name for illicit “phishing attacks” or “scam campaigns” against the Complainant’s employees or clients.

B. Respondent

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

¹ This relationship is shown in the most recent United States Securities and Exchange Commission (SEC) Form 10-K filing published on the Complainant’s website.

6. Discussion and Findings

Paragraph 4(a) of the Policy provides that in order to divest a respondent of a domain name, a complainant must demonstrate each of the following: (i) the domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and (ii) the respondent has no rights or legitimate interests in respect of the domain name; and (iii) the domain name has been registered and is being used in bad faith. Under paragraph 15(a) of the Rules, “[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”.

A. Identical or Confusingly Similar

The first element of a UDRP complaint “functions primarily as a standing requirement” and entails “a reasoned but relatively straightforward comparison between the complainant’s trademark and the disputed domain name”. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.7.

The distinctive element of both the disputed domain name and the trademark is “moelis” (indeed, the United States trademark registration disclaims exclusive rights to the words “& COMPANY” alone). The additional words “financial services” in the domain name string do not prevent a finding of confusing similarity. See *id.*, section 1.8. As usual, the addition of the Top-Level Domain “.com” may be disregarded as a standard registration requirement (see *id.* section 1.11.1).

The Panel finds, therefore, that the disputed domain name is confusingly similar to the Complainant’s registered trademark and concludes that the Complainant has established the first element of the Policy.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy gives non-exclusive examples of instances in which a respondent may establish rights or legitimate interests in a domain name, by demonstrating any of the following:

- (i) before any notice to it of the dispute, the respondent’s use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a *bona fide* offering of goods or services; or
- (ii) the respondent has been commonly known by the domain name, even if it has acquired no trademark or service mark rights; or
- (iii) the respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

Because a respondent in a UDRP proceeding is in the best position to assert rights or legitimate interests in a domain name, it is well established that after a complainant makes a *prima facie* case, the burden of production on this element shifts to the respondent to come forward with relevant evidence of its rights or legitimate interests in the domain name. See [WIPO Overview 3.0](#), section 2.1.

The Complainant has demonstrated trademark rights and observed that the Respondent does not appear to be known by a corresponding name and has not used the disputed domain name. This establishes a *prima facie* case, and the Respondent has not come forward with evidence of rights or legitimate interests in the disputed domain name. The Panel finds, therefore, that the Respondent has failed to meet its burden of production and concludes that the Complainant prevails on the second element of the Complaint.

C. Registered and Used in Bad Faith

The Policy, paragraph 4(b), furnishes a list of circumstances that “shall be evidence of the registration and use of a domain name in bad faith”. These examples are not apposite on the record in this proceeding, but they are also expressly non-exclusive.

The Complainant’s mark is well-established in connection with investment banking and financial advisory services. Notably, its distinctive element, MOELIS, is an uncommon name that is not a dictionary word. Thus, it is improbable that the Respondent selected this name for the disputed domain name by coincidence, especially linked to the descriptive words “financial services”, referring precisely to the Complainant’s industry. The Respondent has not come forward with an alternative explanation for the choice or use of the disputed domain name. Moreover, the Respondent’s provision of inaccurate registration details, despite a contractual obligation to furnish complete and accurate contact information in registering the disputed domain name, reinforces the inference of bad faith.

Panels have, since nearly the beginning of the UDRP, found bad faith in the “passive holding” of a domain name that appears to be clearly targeting a distinctive and well-established trademark under similar circumstances, where the respondent has concealed its identity and failed to respond, and where there is no plausible good faith use of the domain name by an unrelated party. See [WIPO Overview 3.0](#), section 3.3, citing *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#) and following decisions. More recent decisions illustrate the risk not only of using such inherently confusing domain names ultimately for misleading websites but for phishing and fraud email schemes such as the Complainant mentions as a potential security threat. See *id.*, section 3.4.

The Panel finds bad faith in the registration and use of the disputed domain name within the meaning of the Policy and concludes that the Complainant has established the third element of the Complaint.

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 <moelisfinancialservices.com> be transferred to the Complainant.

/W. Scott Blackmer/

W. Scott Blackmer

Sole Panelist

Date: August 15, 2023