

ADMINISTRATIVE PANEL DECISION

Daily Mail and General Trust Plc v. Chai Evans
Case No. D2023-3664

1. The Parties

The Complainant is Daily Mail and General Trust Plc, United Kingdom, represented by Adlex Solicitors, United Kingdom.

The Respondent is Chai Evans, Hong Kong, China.

2. The Domain Name and Registrar

The disputed domain name <dmgtsglobalsassetmanagement.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 31, 2023. On August 31, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 1, 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 (Domain Admin, Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 4, 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 September 6, 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 September 15, 2023. In accordance with the Rules, paragraph 5, the due date for Response was October 5, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 11, 2023.

The Center appointed William A. Van Caenegem as the sole panelist in this matter on October 24, 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 and its group provide services to the global asset management, capital markets, and commodities sectors. The Complainant has operated since 1922.

The Complainant operates its main website at “www.dmgt.com” and has done so since at least 2012.

The Complainant owns United Kingdom registered trademark No. 3022039 filed on September 13, 2013 and registered on August 15, 2014 for DMGT in classes 9, 16, 35, 36, 38, and 41.

The disputed domain was registered on April 3, 2023, and resolves to a website that displays a copy of the Complainant’s logo and allegedly offers similar services to those of the Complainant.

5. Parties’ Contentions

A. Complainant

The Complainant notes that it has won five previous domain name cases relating to seven domain names that are very similar to the disputed domain name here. It also points out that the amended complaint in the last of those matters was filed on the same date that the present disputed domain name was registered. The seven domain names referred to by the Complainant are: <dmgtglobalassetmanagement.com>; <dmgtglobalassetsmanagement.com>; <dmgtglobalassetsmanagements.com>; <dmgtglobalsassetsmanagements.com>; <dmgtglobalsassetsmanagement.com>; <dmgtsglobalassetmanagement.com>; and <dmgtsglobalassetsmanagement.com>.¹

The Complainant says that as of August 31, 2023, the disputed domain name resolved to a website branded “DMGT Global Asset Management” and concerning the purported supply of the same services as the Complainant. That website, the Complainant points out, was identical to that at all of the domain names in the previous cases listed above, apart from not displaying an email address and telephone number in the header of the website as appeared in previous websites. The website to which the disputed domain name resolves contains a copy of the Complainant’s DMGT logo, using the same distinctive font as that used by the Complainant.

The Complainant notes that the disputed domain name wholly incorporates its registered trademark and differs only by the apparently meaningless attempt to pluralize the trademark “dmgt” by the addition of the letter “s”, and the addition of the generic terms “global” (again with a meaningless “s” added), “asset”, and “management”. According to the Complainant, the addition of these terms fails to dispel the connection between the disputed domain name and the registered trademark of the Complainant. The Complainant says that in fact the link is reinforced, as the terms describe exactly a significant aspect of the Complainant’s business (global asset management). In any case, the Complainant’s trademark remains the dominant feature of the disputed domain name, and section 1.8 of WIPO Overview of WIPO Panel Views on Selected

¹ *Daily Mail and General Trust Plc v. Domain Admin, Whois Privacy Corp*, WIPO Case No. [D2020-2532](#); *Daily Mail and General Trust Plc v. Domain Admin, Whoisprotection.cc / Nathan Ngawai Makerita*, WIPO Case No. [D2021-0028](#); *Daily Mail and General Trust Plc. v. Domain Admin, Whois Privacy Corp., Domain Admin, Privacy Protect, LLC (PrivacyProtect.org) / Simmon Mac, Withheld for Privacy Purposes, Privacy service provided by Withheld for Privacy ehf / Taylor Matins*, WIPO Case No. [D2021-3044](#); *Daily Mail and General Trust Plc v. Whois Agent (177652183), Whois Privacy Protection Service, Inc / Harrison Bolton*, WIPO Case No. [D2022-1205](#); *Daily Mail and General Trust Plc v. Tams Lin*, WIPO Case No. [D2023-1357](#).

UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)) makes clear that, where the relevant trademark is recognizable within the disputed domain name, the addition of other terms, whether descriptive, geographical, pejorative, meaningless, or otherwise, does not prevent a finding of confusing similarity. The Complainant also draws attention to the fact that section 1.9 of [WIPO Overview 3.0](#) states that a domain name which consists of an intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark.

The Complainant says that it has no association with the Respondent and has never authorized or licensed the Respondent to use its trademarks. It says that the Respondent’s only use of the name comprised in the disputed domain name has been as part of a scheme to impersonate the Complainant with a view to defrauding the Complainant or its customers. Accordingly, the Complainant says, it is clear that the Respondent was simply out for commercial gain.

Further, the Complainant asserts that the Respondent had the Complainant’s trademark in mind when registering and using the disputed domain name, on the grounds that: a. it comprises a meaningless pluralized version of the Complainant’s distinctive trademark “DMGT”, with the addition of the terms “globals asset management”; b. the Respondent has purported to use the disputed domain name for similar services to those supplied by the Complainant; c. the Respondent has used a similar logo to that of the Complainant; and d. the disputed domain name was registered the day the amended complaint was filed in the last of the Complainant’s previous UDRP matters, referred to above, something of which the Respondent was plainly aware. That matter related to a near-identical domain name, which had resolved to an identical website.

Finally, the Complainant says at least two of the seven domains referred to above and connected with the Respondent, had been used for attempted phishing-type fraud on a third party. The Complainant also notes that the Respondent did not in any of the matters referred to, dispute its fraudulent motive.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant is the registered owner of the trademark DMGT. Although the disputed domain name is not identical to the mark, the latter is directly visible and recognizable in the disputed domain name. The addition of a number of terms has no impact on the question whether the Complainant’s trademark is visible and recognizable in the disputed domain name. There is thus no doubt that the first element is satisfied in this case.

Therefore, the Panel holds that the disputed domain name is confusingly similar to the DMGT registered trademark of the Complainant.

B. Rights or Legitimate Interests

The Complainant has not authorized the use of its registered trademark DMGT in any way, and certainly not its inclusion in a disputed domain name registered by the Respondent, that additionally refers to the nature of the Complainant’s business by means of the added terms “globals”, “asset”, and “management”, thereby creating a risk of implied affiliation that cannot constitute fair use. The Respondent has chosen not to reply to any contentions of the Complainant and has therefore not even attempted to make out a case for the recognition of any right or interest. There is nothing before the Panel that indicates that the Respondent has ever made a legitimate use of the disputed domain name or the terms DMGT or “dmgts globals asset management”. In any case the website to which the disputed domain name resolves is one that impersonates the Complainant by reprising the Complainant’s logo and DMGT trademark.

This has all occurred without the knowledge or approval of the Complainant and is thus a device for the accomplishment of some dishonest purpose that relies on deceiving unsuspecting Internet users. This is not the kind of activity that could ever be recognized as rightful and entitling a party engaging in it to the protection of its supposed rights or interests.

Therefore, the Panel holds that the Respondent has no rights or legitimate interests in the disputed domain name.

C. Registered and Used in Bad Faith

The Complainant has operated since 1922 and has had a web presence that relies on its DMGT trademark since 2012 at the website “www.dmgmt.com”. It has a substantial reputation in the asset management field. It seems highly unlikely that the Respondent was unaware of the Complainant’s rights in the mark DMGT when he registered the disputed domain name. The composition of the disputed domain name, which includes references to the business of the Complainant, further suggests that he knew full well what he was doing. The addition of the “s” to the term “global” further suggests a deliberate and knowledgeable scheme to acquire a “.com” domain name that clearly incorporates a trademark owned by an unrelated party and is suggestive of its business activities. The disputed domain name was then used to establish a website that contains further unauthorized references to the DMGT trademark of the Complainant reinforcing the Panel’s above finding on the Respondent’s knowledge of, and intention to target, the Complainant. All this amounts to an attempt to deceive unsuspecting Internet users into thinking there is a connection between that website and the Complainant, which does not in fact exist. This is an abusive practice and not in good faith, as it relies on deception of hapless Internet users expecting to find the Complainant due to the misleading nature of the disputed domain name.

Therefore, the Panel holds that the disputed domain name was registered and 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 <dmgmtglobalsassetmanagement.com> be transferred to the Complainant.

/William A. Van Caenegem/

William A. Van Caenegem

Sole Panelist

Date: November 7, 2023