

ADMINISTRATIVE PANEL DECISION

WEC Energy Group, Inc. v. Blessed August

Case No. D2023-3762

1. The Parties

The Complainant is WEC Energy Group, Inc., United States of America, represented by Quarles & Brady LLP, United States of America.

The Respondent is Blessed August , United States of America (“US”).

2. The Domain Name and Registrar

The disputed domain name <wecenergygroup-wi.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 8, 2023. On September 11, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 11, 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 provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 12, 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 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 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 6, 2023.

The Center appointed Nicolas Ulmer as the sole panelist in this matter on October 13, 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 large energy concern and public utility providing electricity and gas in the mid-west of the US. According to the Complaint the Complainant began using the WEC ENERGY GROUP mark at least as early as June 29, 2015, and owns a valid US Trademark Registration No. 5087530 (Classes 37 and 39) for that mark, which was registered as of November 22, 2016. The Complainant also promotes its services on its website, "www.wecenergygroup.com", which it first registered in 2014.

The disputed domain name was created on August 2, 2023.

Little is known about the Respondent who registered the disputed domain name with a privacy screen, but was later found to have registered under the name "Blessed August."

5. Parties' Contentions

A. Complainant

The Complainant asserts, and submits evidence and annexes demonstrating, that it is a well-known and recognized company, with a significant presence on the Internet.

The Complainant contends that the Respondent has no rights in the disputed domain name which is deliberately confusingly similar to its trademark. The Complainant further maintains that the disputed domain name was registered and used in bad faith, notably in order to send illegal emails impersonating the Complainant to the Complainant's potential vendors in attempts to defraud.

The Complainant requests that the dispute domain name be transferred to it.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The disputed domain name begins with and contains the entirety of the Complainant's trademark, followed with the suffix "-wi". The addition of "-wi" to the Complainant's trademark does not prevent the confusing similarity of the disputed domain name with the Complainant's trademark. "WI", it should be noted, is the official abbreviation for the US State of Wisconsin, where the Complainant operates and has its principal place of business. The Complainant also cites that: "where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element." WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.8. The Panel considers that citation apposite here.

The Panel thus finds the disputed domain name confusingly similar within the meaning of paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

UDRP case law and jurisprudence establish that a complainant needs to demonstrate at least a *prima facie* case that the respondent has no rights or legitimate interests in respect of the disputed domain name, which was registered some eight years after the registration of the Complainant's trademark. See *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#). Where such a *prima facie* case is established, the burden shifts to the respondent to demonstrate that it has rights or legitimate interests in the disputed domain name. See also, *Meizu Technology Co., Ltd. v. "osama bin laden"*, WIPO Case No. [DCO2014-0002](#); *H & M Hennes & Mauritz AB v. Simon Maufe, Akinsaya Odunayo Emmanuel and Nelson Rivaldo*, WIPO Case No. [D2014-0225](#).

In the instant case the Complainant has asserted that it has never given any permission or license to the Respondent to use its trademark in the disputed domain name or otherwise, and that it has no knowledge or belief of any rights or legitimate interests of the Respondent in the disputed domain name, thus establishing such a *prima facie* case. In addition, there is no evidence or indicia in the file of this case that would suggest that the Respondent would be known by the name "wecenergygroup-wi.com", or otherwise has rights or legitimate interests in the disputed domain name.

The Respondent having failed to answer the Complaint, the Complainant has accordingly met its burden under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Respondent's registration of the disputed domain name cannot, logically, have been serendipitous; indeed it is difficult to envision to what good purpose the inherently misleading disputed domain name could be used. To all evidence the disputed domain name appears to have been registered with a deliberate motive of engendering, and seeking to capitalize on, confusion with the Complainant. This deduction and finding are confirmed by the Complainant's evidence that on at least two occasions the Respondent made use of the disputed domain name to impersonate the Complainant with the Complainant's potential vendors.

The Complainant has, accordingly, met its burden under paragraph 4(a)(iii) of the Policy.

7. Decision

For the foregoing reasons, and in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <wecenergygroup-wi.com> be transferred to the Complainant.

/Nicolas Ulmer/

Nicolas Ulmer

Sole Panelist

Date: October 27, 2023