

## **ADMINISTRATIVE PANEL DECISION**

### **Man Group plc v. DONBOSCO OBIALOR**

### **Case No. D2023-4971**

#### **1. The Parties**

The Complainant is Man Group plc, United Kingdom (“UK”), represented by Dehns, UK.

The Respondent is DONBOSCO OBIALOR, Nigeria.

#### **2. The Domain Name and Registrar**

The disputed domain name <mantlmarket.com> is registered with FastDomain, Inc. (the “Registrar”).

#### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 29, 2023. On November 29, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 29, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 4, 2024, 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 December 8, 2024.

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 December 11, 2023. In accordance with the Rules, paragraph 5, the due date for Response was December 31, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 9, 2024.

The Center appointed Reyes Campello Estebaranz as the sole panelist in this matter on January 15, 2024. 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 an investment management company that operates under the name MAN for at least 25 years in the financial sector. It was founded in 1783, initially as a sugar cooperage and brokerage, and, over time, diversified into financial services. The Complainant provides a range of funds for private and institutional clients, and operates internationally either directly or through various subsidiaries/related companies having offices in the UK, United states of America (“US”), Ireland, Switzerland, Liechtenstein, Hong Kong, China, Japan, Australia, Spain, Netherlands (Kingdom of the), Italy and Bulgaria. Per the Complaint, the Complainant had, as at September 30, 2023, assets under management of USD 161.2 billion for its global clients.

The Complainant owns a large number of registered trademarks containing the term “Man” with a stylized uppercase “M” above the word “Man”, including International Trademark Registration No. 1046727, M MAN (figurative), registered on June 22, 2010, in class 36, hereinafter referred to as the “MAN mark”.

The MAN mark has been recognized as well-known by prior UDRP panels.<sup>1</sup>

The Complainant’s main website is located at <man.com> (registered on May 21, 1997).

The disputed domain name was registered on June 2, 2022, and, at the time of drafting this Decision, it resolves to a landing page of the web-hosting provider Bluehost. According to the evidence provided by the Complainant, the disputed domain name previously resolved to a website, in English language, that purportedly offered financial services, including digital assets and crypto currency management and NFT marketplace management services. This website included at its heading the terms “MANTL MARKET” next to a hexagonal logo, and displayed the image of a certificate of incorporation purportedly issued by the Securities and Exchange Commission of Cardiff in 2018, next to a text that indicates, “Registration, Mantl Market (MAN INVESTMENTS, INC.) is a member of FINRA and of the SIPC [...]”. At the footage, this site indicates a telephone number, email address as well as a physical address in New York, US.

#### 5. Parties’ Contentions

##### A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name is confusingly similar to the MAN mark, and the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent used the disputed domain name to operate a website in the financial sector that generates an affiliation with the Complainant or its subsidiaries and the MAN mark. The Complainant’s group of companies includes multiple subsidiaries and related entities, including the US-registered company Man Investments Inc., and the UK-incorporated company Man Investments Limited. The Respondent’s website includes an address previously used by Man Investments Inc. in New York, US, as the address of Mantl Market, and displays a false certificate of incorporation. The company Mantl Market likely does not exist.

The disputed domain name was registered and is being used in bad faith targeting the Complainant, its subsidiaries and the MAN mark in an attempt to increase the credibility of its website, and confuse or deceive consumers into believing that it is associated with the Complainant and/or its subsidiary Man Investments Inc. for a commercial gain.

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<sup>1</sup>See, e.g., *Man Group plc v. Domain Administrator*, See *PrivacyGuardian.org*, WIPO Case No. [D2020-1051](#); *Man Group plc v. Veronica Sandoval*, WIPO Case No. [D2022-1735](#); and *Man Group plc v. Carlos Vargas, Man Solutions*, WIPO Case No. [D2023-1229](#).

## B. Respondent

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

## 6. Discussion and Findings

The Complainant has made the relevant assertions as required by the Policy and the dispute is properly within the scope of the Policy. The Panel has authority to decide the dispute examining the three elements in paragraph 4(a) of the Policy, taking into consideration all of the relevant evidence, annexed material and allegations, and performing some limited independent research under the general powers of the Panel articulated, *inter alia*, in paragraph 10 of the Rules.

### A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves 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 Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy, namely the MAN mark. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds that the M MAN trademark is recognizable within the disputed domain name. Therefore, the disputed domain name is confusingly similar to the MAN mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, the letters "tl" and the term "market", may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of the Policy has been established.

### B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's *prima facie* showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The Panel notes that, according to the evidence provided by the Complainant, the Respondent's company certificate of incorporation as displayed on the disputed domain name for Mantl Market is falsified, and the Respondent's website provided false information related to a pretended relationship of this company with one of the Complainant's subsidiaries, namely Man Investments Inc. The Respondent's website included the same physical address of the Complainant's subsidiary and indicated a false relationship with this subsidiary.

Panels have held that the use of a domain name for illegal activity here, claimed impersonation/passing off, or other types of fraud, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

It is further remarkable that the Respondent's reaction to the Complaint has apparently been taking down its website, as the disputed domain name now resolves to the hosting services provider's website, and the Respondent has not come forward with any evidence related to any rights or legitimate interests in the disputed domain name. In particular, the Panel notes that if the Respondent's company were real and had obtained any certificate of incorporation dated 2018 reproduced in its website, it would have been easy for the Respondent to provide any evidence related to this company, and specifically a copy of such certificate.

Therefore, the Panel finds the Respondent has not rebutted the Complainant's *prima facie* case, and the second element of the Policy has been established.

### **C. Registered and Used in Bad Faith**

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that the MAN mark is internationally well-known and has a strong presence over the Internet; and all circumstances of this case point to the bad faith registration and use of the disputed domain name.

The disputed domain name has been used to promote a business in the same financial sector where the Complainant and the MAN mark is reputed.

The Respondent knew about the Complainant's US subsidiary (Man Investments Inc.), and reproduced its company name and as put forward by the Complainant, its US subsidiary's former address in the website that was linked to the disputed domain name. The Respondent targeted this Complainant's subsidiary as well as the MAN mark in bad faith in an effort of generating a false affiliation to increase the traffic to its website for a potential commercial gain.

Panels have held that the use of a domain name for illegal activity here, claimed impersonation/passing off, or other types of fraud constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The fact that the Respondent has apparently taking down the website that was linked to the disputed domain name does not cure its bad faith under the Policy.

The Panel finds that the Complainant has established the third element of the Policy.

## 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 <mantlmarket.com> be transferred to the Complainant.

*/Reyes Campello Estebaranz/*

**Reyes Campello Estebaranz**

Sole Panelist

Date: January 23, 2024