

ADMINISTRATIVE PANEL DECISION

ManTech International Corporation v. Kayley Crosby
Case No. D2023-5101

1. The Parties

The Complainant is ManTech International Corporation, United States of America (“United States” or “U.S.”), represented by Cantor Colburn LLP, United States.

The Respondent is Kayley Crosby, United States.

2. The Domain Name and Registrar

The disputed domain name <mantech-careers.com> (the “Disputed Domain Name”) is registered with Squarespace Domains II LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 6, 2023. On December 7, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On December 7, 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 (Contact Privacy Inc. Customer 7151571251) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 8, 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 December 11, 2023.

The Center verified that the Complaint [together with the amendment to the Complaint/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 21, 2023. In accordance with the Rules, paragraph 5, the due date for Response was January 10, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 16, 2024.

The Center appointed Douglas M. Isenberg as the sole panelist in this matter on January 17, 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 states that it “was founded in 1968 to provide advanced technological services to the United States Government” and that it has become “one of the most trusted partners for U.S. Defense, Intelligence, and Federal Civilian customers.”

The Complainant states that it “owns eight trademark registrations in the United States for marks consisting of and/or comprising MANTECH including MANTECH and MANTECH-formatives as well as a number of marks in other jurisdictions” (the “MANTECH Trademark”). In support thereof, the Complainant has provided evidence of the following registrations:

- U.S. Reg. No. 1,955,765 for MANTECH (registered February 13, 1996) for use in connection with, *inter alia*, “technical consultation, advice and design in the fields of defense, environment, aerospace, aeronautical, intelligence, simulation, and systems integration”
- U.S. Reg. No. 3,410,468 for MANTECH (registered April 8, 2008) for use in connection with, *inter alia*, “computer system design and engineering services for others”
- U.S. Reg. No. 3,432,771 for MANTECH (registered May 20, 2008) for use in connection with, *inter alia*, “consulting services in the fields of computer application software development and computer network development”

The Disputed Domain Name was created on August 18, 2023. The Complainant states that “the Disputed Domain Name is a ‘parked’ website” and “is being used intentionally to mislead jobseekers into believing that the website and email address comprising the Disputed Domain Name is an official website of ManTech and the individual or individuals associated with it are legitimate affiliates of the Complainant.” The Complainant has provided a printout of a website associated with the Disputed Domain Name showing a message that says, “This site can’t be reached” and a printout of what is described as “a LinkedIn message from a person who was contacted by an imposter using the disputed domain comprised in the email address and impersonating a recruiter for ManTech obtained August 24, 2023.”

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 Complainant has rights in the MANTECH Trademark as a result of the registrations cited above, and the Disputed Domain Name is confusingly similar to the MANTECH Trademark because the Disputed Domain Name “wholly incorporates” the MANTECH Trademark “in their entirety as the distinctive and dominant portion.”
- The Respondent has no rights or legitimate interests in the Disputed Domain Name because, *inter alia*, “Complainant is not aware of any relationship between it and Respondent that would give rise to any license, permission, or authorization by which Respondent could own or use the Disputed Domain Name”; “use of the Domain Name for an illegal activity such as constructing an email composition containing the Domain Name for deceiving purposes cannot confer rights or legitimate interests on Respondent”; the Disputed

Domain Name “is not being used by the Respondent to host a website that genuinely relates to the dictionary meaning of ‘careers’”; “the Disputed Domain Name is being used intentionally to mislead consumers to believe that the web site and email address comprising the Disputed Domain Name are an official web site and emails of MANTECH”; “the nature of the Disputed Domain Name carries a risk of implied affiliation with Complainant”; and “the Disputed Domain Name is being used intentionally to mislead jobseekers into believing that the website and email address comprising the Disputed Domain Name is an official website of ManTech and the individual or individuals associated with it are legitimate affiliates of the Complainant.”

- The Disputed Domain Name was registered and is being used in bad faith because, *inter alia*, “it is apparent that Respondent has selected the Disputed Domain Name at least to disrupt the business of Complainant and/or to use of the Disputed Domain to create an email address for the sole purpose of scam by creating a likelihood of confusion with” the MANTECH Trademark; and Respondent has used the Disputed Domain Name to “send[] deceptive emails” or engage in “phishing or identity theft.”

B. Respondent

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

6. Discussion and Findings

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. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the Disputed Domain Name. Accordingly, the Disputed Domain Name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, “careers”, may bear on assessment of the second and third elements, the Panel finds the addition of such term 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.

Panels have held that the use of a domain name for illegal activity, here, claimed impersonation as part of an employment scam, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel finds 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 Respondent has used the Disputed Domain Name to impersonate the Complainant as part of an employment scam. Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1. Panels have held that the use of a domain name for illegal activity, such as has occurred here, 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.

Based on the available record, 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 <mantech-careers.com> be transferred to the Complainant.

/Douglas M. Isenberg/

Douglas M. Isenberg

Sole Panelist

Date: January 19, 2024