

ADMINISTRATIVE PANEL DECISION

Ares Management LLC v. CFO CFO

Case No. D2023-5140

1. The Parties

Complainant is Ares Management LLC, United States of America (“United States”), represented by Greenberg Traurig, LLP, United States.

Respondent is CFO CFO, United States.

2. The Domain Name and Registrar

The disputed domain <aresmgmt.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 December 8, 2023. On December 11, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 11, 2023, the Registrar transmitted by email to the Center its verification response confirming that Respondent is listed as the registrant and providing contact details.

The Center verified that the 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 Respondent of the Complaint, and the proceedings commenced on December 14, 2023. In accordance with the Rules, paragraph 5, the due date for Response was January 4, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on January 10, 2024.

The Center appointed Lorelei Ritchie 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

A. Complainants

Complainant, together with its affiliates (collectively “Complainant”) is a multinational company based in the United States. For decades prior to the registration of the disputed domain name, Complainant has provided investment and asset management services under the ARES mark. Complainant owns trademark registrations for the ARES mark in the United States and globally. These include, among others, United States Registration No. 3,014,171 (Registered November 8, 2005).

The disputed domain name was registered on November 21, 2023. The disputed domain name is not linked to an active website. Respondent nevertheless has no affiliation with Complainant, nor any license to use its marks.

5. Parties’ Contentions

A. Complainant

Complainant contends that (i) the disputed domain name is identical or confusingly similar to Complainant’s trademarks; (ii) Respondent has no rights or legitimate interests in the disputed domain name; and (iii) Respondent registered and is using the disputed domain name in bad faith.

Specifically, Complainant contends that it owns the ARES mark, which it uses globally in connection with its investment and asset management services. Complainant contends that its ARES mark is “famous” in connection with these services, and that Complainant has over 2,800 employees in over 35 global offices, managing a total of approximately USD 395 billion in assets.

Complainant further contends that in addition to its trademark registrations, Complainant is the owner of the domain name <aresmgmt.com>, which resolves to a website through which Complainant connects with prospective clients online.

Complainant contends that Respondent has incorporated Complainant’s well-known ARES mark into the disputed domain name and merely added the term “mgmnt”, which is an abbreviation for the word “management”. Complainant contends that Respondent lacks rights or legitimate interest in the disputed domain name, and rather has registered and is using it in bad faith, having simply acquired the disputed domain name for Respondent’s own commercial gain, likely with intent to defraud current or prospective clients.

B. Respondent

Respondent did not reply to Complainant’s contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

The Panel must first determine whether the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights in accordance with paragraph 4(a)(i) of the Policy. The Panel finds that it is. The disputed domain name incorporates in full Complainant’s registered ARES mark and merely adds the term “mgmnt”, an abbreviation of the dictionary term, “management”.

Numerous UDRP panels have agreed that supplementing or modifying a trademark with other terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for purposes of satisfying this first prong of paragraph (4)(a)(i) of the Policy. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.8.

The Panel therefore finds that the disputed domain name is identical or confusingly similar to a trademark in which Complainant has rights in accordance with paragraph (4)(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Panel next considers whether Complainant has shown that Respondent has no "rights or legitimate interest", as must be proven to succeed in a UDRP dispute. Paragraph 4(c) of the Policy gives examples that might show rights or legitimate interests in a domain name. These examples include: (i) use of the domain name "in connection with a *bona fide* offering of goods or services"; (ii) demonstration that respondent has been "commonly known by the domain name"; or (iii) "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".

No evidence has been presented to the Panel that might support a claim of Respondent's rights or legitimate interests in the disputed domain name, and Respondent has no license from, or other affiliation with, Complainant.

Therefore, the Panel finds that Complainant has provided sufficient evidence for a *prima facie* case that Respondent lacks "rights or legitimate interests" in accordance with paragraph 4(a)(ii) of the Policy, which Respondent has not rebutted.

C. Registered and Used in Bad Faith

There are several ways that a complainant can demonstrate that a domain name was registered and used in bad faith. As noted in Section 4 of this Panel's decision, the disputed domain name is not currently linked to an active website. It is nevertheless well established that having a passive website does not necessarily shield a respondent from a finding of bad faith. See [WIPO Overview 3.0](#), Section 3.3, which notes that the "non-use of a domain name" does not necessarily negate a finding of bad faith.

Rather, a panel must examine "the totality of the circumstances", including, for example, whether a complainant has a well-known trademark, and whether a respondent conceals his/her identity and/or replies to the complaint. Respondent did not respond to the Complaint, nor to prior correspondence from Complainant and its agent. Furthermore, Complainant has demonstrated a high level of consumer exposure to its ARES mark in jurisdictions around the world.

Furthermore, the disputed domain name is identical to Complainant's domain name <aresmgmt.com>, only adding the letter "n". This typo could confuse Internet users into the expectation that they would reach a website operated by Complainant, which is further evidence of Respondent's bad faith.

Therefore, the Panel finds that Respondent registered and used the disputed domain name in bad faith for purposes of paragraph (4)(a)(iii) 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 <aresmgmnt.com> be transferred to Complainant.

/Lorelei Ritchie/

Lorelei Ritchie

Sole Panelist

Date: January 30, 2024