

## **ADMINISTRATIVE PANEL DECISION**

Moelis & Company v. chendu, kkddx  
Case No. D2024-1169

### **1. The Parties**

The Complainant is Moelis & Company, United States of America (“United States”), represented by Soteria LLC, United States.

The Respondent is chendu, kkddx, China.

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

The disputed domain name <moelis.vip> is registered with Alibaba.com Singapore E-Commerce Private Limited (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 18, 2024. On March 19, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 21, 2024, the Registrar transmitted by email to the Center its verification response, confirming that the Respondent is listed as the registrant and providing the 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 the Respondent of the Complaint and the proceedings commenced on March 27, 2024. In accordance with the Rules, paragraph 5, the due date for Response was April 16, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 17, 2024.

The Center appointed Antony Gold as the sole panelist in this matter on May 6, 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 bank, located in New York, United States, which provides financial advisory and other services to corporations, governments and financial institutions. It engages with a wide variety of parties in the sector, including with mutual funds, hedge funds and sovereign wealth funds.

The Complainant has registered its corporate name, which is also its trading name, as a United States service mark, namely MOELIS & COMPANY, registration number 4,904,062, registered on February 23, 2016 in classes 35 and 36. The Complainant also owns and operates the domain name <moelis.com>, which resolves to its corporate website and which provides information about the Complainant's business activities. The Complainant's mark is contracted in several places on its website to MOELIS.

The disputed domain name was registered on March 10, 2024. It resolves to a login page inviting the user to enter login details. The page is headed "Moelis", which term is presented in a font which is either identical or at least substantially the same as that used by the Complainant for the term "MOELIS" which appears on the heading of its website. The Complainant has provided evidence that the Respondent is promoting the login page on its website on both YouTube and Telegram. It is evident from the screenshot of the Telegram app provided by the Complainant and the content of the Respondent's YouTube video<sup>1</sup>, that the Respondent is claiming that registration and login to its website provides access to some form of investment and/or trading platform.

#### 5. Parties' Contentions

##### A. Complainant

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

- the disputed domain name is identical or confusingly similar to a trade mark or service mark in which it has rights. The Complainant's MOELIS & COMPANY service mark is frequently truncated in usage to MOELIS and the Complainant's domain name is <moelis.com>, to which the disputed domain name is identical;
- the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is neither affiliated with the Complainant, nor authorized by it to register the Complainant's mark as a domain name, nor is the Respondent using the disputed domain name in connection with a bona fide offering of goods and services. Moreover, there is no evidence that the Respondent is commonly known by the disputed domain name or that it has any trade mark rights in MOELIS & COMPANY. The disputed domain name is harmful to the Complainant's brand as it gives the impression that it is being used for one of the Complainant's websites;
- the disputed domain name was registered and is being used in bad faith. The disputed domain name is being used in a manner which gives the false impression that it is being used in connection with a website operated by the Complainant.

##### B. Respondent

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

---

<sup>1</sup> As explained at section 4.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ([WIPO Overview 3.0](#)), UDRP panels may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision. The Panel has accordingly watched the video promoting the Respondent's platform which has been posted on YouTube and considered the comments section beneath it.

## 6. Discussion and Findings

Dealing, first, with the Respondent's failure to file a reply to the Complainant's contentions, paragraph 14(b) of the Rules provides that if a party, in the absence of exceptional circumstances, does not comply with a provision of, or requirement under, these Rules the Panel shall be entitled to draw such inferences from this omission as it considers appropriate.

Paragraph 4(a) of the Policy provides that a complainant proves each of the following three elements in relation to a domain name in order to succeed in its complaint:

- (i) the domain name is identical or confusingly similar to a trade mark or service mark in which the complainant has rights; and
- (ii) the respondent has no rights or legitimate interests with respect to the domain name; and
- (iii) the domain name has been registered and is being used in bad faith.

### 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 trade mark and the disputed domain name; see the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") section 1.7. As a technical requirement of registration, the generic Top-Level Domain ("gTLD"), that is ".vip" in the case of the disputed domain name, is usually disregarded when assessing confusing similarity.

The Panel finds that the disputed domain name is confusingly similar to the Complainant's MOELIS & COMPANY mark. The disputed domain name comprises solely the distinctive element of the Complainant's mark namely the term "MOELIS". See section 1.7 of the [WIPO Overview 3.0](#): "While each case is judged on its own merits, in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing".

For the above reasons, based on the available record, 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 by which a respondent may demonstrate rights or legitimate interests in a domain name. Whilst 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 impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element; see the [WIPO Overview 3.0](#), section 2.1.

Having reviewed the 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. In particular, the Panel considers that the record of this case reflects that:

- before any notice to the Respondent of the dispute, the Respondent did not use, nor has it made demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services. By its use of an identical term, “moelis”, presented in an identical font to that used by the Complainant, the Respondent is plainly intending that Internet users that visit its website are misled into thinking that it is operated or authorized by the Complainant. The use of the “.vip” gTLD, which is apt to suggest that the Respondent’s purported services are aimed at an elite grouping of the Complainant’s customers, is, in the circumstances of this case, an exacerbating factor; see section 2.14 of the [WIPO Overview 3.0](#). Moreover, having watched the YouTube video promoting the Respondent’s purported investment/trading service and considered the suspiciously extravagant comments which have been posted, the Panel suspects that the services purportedly offered by the Respondent are a sham and are most likely part of a phishing or other fraudulent scheme. See *Credible Behavioral Health, Inc. v. Amin Mokki, Abdul Quader*, WIPO Case No. [D2022-4367](#);
- there is no evidence in the record that the Respondent has been commonly known by the disputed domain name. In this respect, see paragraph 4(c)(ii) of the Policy and the [WIPO Overview 3.0](#), section 2.3;
- the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trade mark or service mark at issue; see paragraph 4(c)(iii) of the Policy and the [WIPO Overview 3.0](#), section 2.4;
- the record contains no other factors demonstrating rights or legitimate interests of the Respondent in the disputed domain name.

For the above reasons, based on the available record, the Panel finds the second element of the Policy has been established.

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

It is evident from the record that shortly after the Respondent’s registration of the disputed domain name in March 2024, it resolved to the form of login page described above. This suggests both an awareness by the Respondent of the Complainant’s MOELIS mark as at the date of registration of the disputed domain name and an intention on its part to take unfair advantage of it. It is well-established under the Policy that registration of a domain name by an unconnected party with knowledge of a complainant’s trade mark registration and where the domain name is put to a misleading use establishes bad faith; see, for example, *The Frankie Shop LLC v. xi bing*, WIPO Case No. [D2023-3311](#). The Respondent’s registration of the disputed domain name is accordingly in bad faith.

Paragraph 4(b) of the Policy sets out, without limitation, circumstances which, if found by a panel to be present, shall be evidence of the registration and use of a domain name in bad faith. The circumstance set out in paragraph 4(b)(iv) of the Policy is if a respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of its website. The use to which the Respondent has put the disputed domain name falls within this circumstance in that form of its login page will have misled Internet users into believing that it was operated, or authorized, by the Complainant. Such a belief will have been reinforced because of the confusing similarity between the disputed domain name and the Complainant’s MOELIS & COMPANY mark; see, by way of example, *Instagram, LLC v. InstagramBadge, LLC*, WIPO Case No. [D2018-1956](#).

Having reviewed the record, and for the reasons set out above, the Panel finds the Respondent’s registration and use of the disputed domain name has been 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 <moelis.vip> be transferred to the Complainant.

*/Antony Gold/*

**Antony Gold**

Sole Panelist

Date: May 17, 2024