

ADMINISTRATIVE PANEL DECISION

IMC B.V. v. laoji wang
Case No. D2024-1654

1. The Parties

Complainant is IMC B.V., Netherlands (Kingdom of the) (“Netherlands”), represented by Merkenbureau Knijff & Partners B.V., Netherlands.

Respondent is laoji wang, Hong Kong, China.

2. The Domain Names and Registrar

The disputed domain names <imctradingapp1s.com> and <imctradingapp2s.com> are registered with Gransy, s.r.o. d/b/a subreg.cz (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 19, 2024. On April 19, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On April 22, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Details Withheld for Privacy Purposes) and contact information in the Complaint. The Center sent an email communication to Complainant on April 26, 2024 providing the registrant and contact information disclosed by the Registrar and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on April 29, 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 Respondent of the Complaint, and the proceedings commenced on April 29, 2024. In accordance with the Rules, paragraph 5, the due date for Response was May 19, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on May 28, 2024.

The Center appointed Jeffrey D. Steinhardt as sole panelist in this matter on June 7, 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

Complainant, founded in 1989 as “International Marketmakers Combination (IMC)”, is internationally active in the field of providing financial services, particularly in offering trading solutions on the basis of data and algorithms. Complainant is based in the Netherlands.

Complainant owns International registrations for the IMC and IMC TRADING trademarks, including for example International Trademark Registration No. 929842, registered on June 26, 2007 (IMC), and International Trademark Registration No. 1488678, registered on July 23, 2019, (IMC TRADING), both of them covering protection for mainly financial services as protected in class 36.

The disputed domain names were registered on November 29 (<imctradingapp1s.com>) and November 30, 2024 (<imctradingapp2s.com>). Both disputed domain names resolve to identical webpages that prominently display IMC registered trademarks and purport to offer trading and financial markets services.

5. Parties’ Contentions

A. Complainant

Complainant avers that it employs over 950 people in various global locations including, Amsterdam, Netherlands, Chicago, United States of America, Hong Kong, China, Seoul, Republic of Korea, and Sydney, Australia. Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain names.

Complainant notes that the content of the webpages to which the disputed domain names resolve contain the IMC marks (including one of Complainant’s registered logos). Complainant avers that the webpages purport to offer financial and trading services similar to those offered by Complainant’s business, in attempts to create the false impression that the websites represent offices of Complainant’s company, to capitalize on the reputation of Complainant’s company and marks. Complainant also notes that the information under the “contact us” portion of Respondent’s websites appear to describe Complainant’s global operations.

In the amended Complaint filed after the Center provided the new registrant and contact information disclosed by the Registrar, Complainant notes that Complainant previously “encountered” Respondent in an earlier UDRP proceeding, *IMC B.V. v. laoji wang*, WIPO Case No. [D2023-4926](#).

Complainant contends that the content of the webpages to which the prior domain name <imctradingapp.com> and the domain names <imctradingapp1s.com> and <imctradingapp2s.com> that are subject of the present proceeding is identical, and that Respondent registered the latter two domain names to avoid complying with Complainant’s enforcement efforts which culminated in the transfer ordered by the panel in *IMC B.V. v. laoji wang*, WIPO Case No. [D2023-4926](#).¹

Even before disclosure of Respondent’s identity by the Registrar, Complainant speculated that “Respondent is the same party (or at least highly affiliated with) as with [<imctradingapp.com>, the domain name at issue

¹Complainant avers that Respondent registered the presently disputed domain names immediately after Complainant sent Respondent a cease and desist letter last November 8, 2023 in connection with the similar <imctradingapp.com> domain name which was subject to the earlier UDRP proceeding cited above.

in the earlier UDRP proceeding] and herewith request[s] the consolidation of the handling of the domains [<imctradingapp1s.com> and <imctradingapp2s.com>] in one UDRP Complaint.”

B. Respondent

Respondent did not reply to Complainant’s contentions.

6. Discussion and Findings

As an initial matter, since Complainant raises the question, the Panel confirms that the current single proceeding is appropriate for consideration of both disputed domain names. Rules, paragraph 3 (c) (“The complaint may relate to more than one domain name, provided that the domain names are registered by the same domain-name holder.”).

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.

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 IMC mark is reproduced within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the IMC mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, “tradingapp1s” and “tradingapp2s”) 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 names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of paragraph 4(a) 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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain names. Respondent has not rebutted Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating

rights or legitimate interests in the disputed domain names such as those enumerated in the Policy or otherwise.

Panels have held that the use of a domain name for illegal activity (here, claimed fraud, and/or impersonation) 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 paragraph 4(a) 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, given the timeline of enforcement and registration activities alleged in the uncontroverted Complaint, the Panel finds it is quite obvious that Respondent registered the disputed domain name in bad faith under paragraph 4(a) of the Policy. The content of Respondent's webpages also supports this conclusion.

Respondent's bad faith in the registration and use of the disputed domain names falls under multiple circumstances squarely delineated in Policy paragraph 4(b) (including subparagraphs (ii) and (iv)). Most strikingly, however, the evidence establishes that by continually registering and using domain names even after losing the prior UDRP dispute over similar names between the same parties, Respondent is flagrantly violating Complainant's rights. A clearer instance of the pattern of bad faith conduct proscribed by Policy paragraph 4(b)(ii) would be difficult to imagine.

Panels have also 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 names constitutes bad faith.

The Panel finds that Complainant has established the third element of paragraph 4(a) 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 names <imctradingapp1s.com> and <imctradingapp2s.com> be transferred to Complainant.

/Jeffrey D. Steinhardt/

Jeffrey D. Steinhardt

Sole Panelist

Date: June 21, 2024