

## **ADMINISTRATIVE PANEL DECISION**

Moore Capital Management, LP v. Tukamushabe Gorret  
Case No. D2024-3320

### **1. The Parties**

The Complainant is Moore Capital Management, LP, United States of America (“United States”), represented by Akin Gump Strauss Hauer & Feld LLP, United States.

The Respondent is Tukamushabe Gorret, United States.

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

The disputed domain name <moorecapitalmgt.com> is registered with Hostinger Operations, UAB (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 13, 2024. On August 14, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 15, 2024, 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 (PRIVACY PROTECT, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 15, 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 August 15, 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 August 19, 2024. In accordance with the Rules, paragraph 5, the due date for Response was September 8, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 9, 2024.

The Center appointed Kathryn Lee as the sole panelist in this matter on September 18, 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 a private investment management firm founded in 1989 which provides investment and portfolio management services. The Complainant has its headquarters in New York City, United States, and additional offices in London, United Kingdom; Hong Kong, China; and Miami, United States. The Complainant's clients include institutions, businesses, other funds, and high-net-worth individuals. In September 2018, the Complainant had 10.2 billion USD in total assets under management. The Complainant has used the trademark MOORE CAPITAL MANAGEMENT since 1989, and owns a number of trademark registrations for the mark, including United States Registration Number 2,775,368 (registered on October 21, 2003).

The Respondent appears to be an individual with an address in the United States.

The disputed domain name was registered on July 19, 2024 and as of the filing of the Complainant, does not resolve to any website with content.

#### **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 MOORE CAPITAL MANAGEMENT trademark in which the Complainant has rights since the distinctive portion of the Complainant's trademark and the disputed domain name is "MOORE CAPITAL" and "mgt" is a universally recognized abbreviation of "management."

The Complainant also contends that the Respondent has no rights or legitimate interests in the disputed domain name and confirms that it has not authorized or licensed rights to the Respondent in any respect. The Complainant contends that the Respondent at one point used the disputed domain name to forward visitors to a website advertising crypto investment services under the name "Moore Capital Management" using the actual address of the Complainant. The Complainant contends that this was clearly a fraudulent website and a case of investment fraud by misleading visitors to believe that the Respondent is somehow related to or sponsored by the Complainant.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant contends that the disputed domain name was registered via proxy and that the contents of the website that the disputed domain name once resolved to was intended to defraud unsuspecting visitors. The Complainant also contends that the registration of the disputed domain name by the Respondent who has no legitimate interests in it represents use and registration in bad faith.

##### **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 Panel finds the mark is recognizable within the disputed domain name since the disputed domain name is identical to the Complainant's mark MOORE CAPITAL MANAGEMENT except that the term "MANAGEMENT" is replaced with "mgt", a common abbreviation. [WIPO Overview 3.0](#), section 1.7.

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.

Moreover, the disputed domain name corresponds exactly to the distinctive portion of the Complainant's trademark, i.e., MOORE CAPITAL, thus carrying a risk of implied affiliation to the Complainant, so the use of the disputed domain name by the Respondent who does not have any affiliation at all with the Complainant cannot be considered "fair." [WIPO Overview 3.0](#), section 2.5.1.

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.

Here, the disputed domain name corresponds almost exactly to the Complainant's mark, and based on the distinctiveness of the Complainant's mark and the Complainant's online presence, it is unlikely that this was purely by chance. Rather, it is more likely that the Respondent was aware of the Complainant and its mark

when registering the disputed domain name and registered it with the intent to benefit financially in some way, for example, to sell it to the Complainant for valuable consideration in excess of the Respondent's costs related to the domain name, or to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark.

The disputed domain name is not currently in use, but the Complainant claims that at one point the disputed domain name was used for a fraudulent crypto business using the Complainant's name and address. The Complainant has not submitted direct evidence of such illegitimate use, but submitted a copy of a fraud report submitted to the Federal Bureau of Investigation regarding the claimed use which the Panel finds to be circumstantial evidence of the Respondent's use of the disputed domain name for illegitimate activity, which constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Further, the Respondent failed to submit a response or provide any evidence of actual or contemplated good-faith use and it is implausible that the disputed domain name will be put to any good faith use given its confusing similarity with the Complainant's mark. In these circumstances, the Panel finds that the current lack of an active website at the disputed domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3.

Besides, Panels have consistently found that the mere registration of a domain name that is confusingly similar to a widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

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 <moorecapitalmgt.com> be transferred to the Complainant.

*/Kathryn Lee/*

**Kathryn Lee**

Sole Panelist

Date: October 14, 2024