

## **ADMINISTRATIVE PANEL DECISION**

Lincoln Global, Inc., The Lincoln Electric Company v. Mohammad Hamzeh  
Case No. D2024-3546

### **1. The Parties**

The Complainants are Lincoln Global, Inc. and The Lincoln Electric Company, United States of America (“United States”), represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Mohammad Hamzeh, Uganda.

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

The disputed domain name <lincoln-electric.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 September 2, 2024. On September 2, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 2, 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 and contact information in the Complaint that referred to a privacy service. The Center sent an email communication to the Complainants on September 4, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on September 6, 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 September 20, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 10, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 11, 2024.

The Center appointed Jonathan Turner as the sole panelist in this matter on October 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 Complainants are subsidiaries of Lincoln Electric Holdings Inc. which, together with its subsidiaries, operates a world-leading business in the design, development and manufacture of arc welding products and systems, as well as plasma and oxy-fuel cutting equipment, amongst other products.

The business was founded in 1895 and now operates in over 160 countries around the world.

The Complainants are the proprietors of registrations of the word mark LINCOLN ELECTRIC in various jurisdictions. These include:

- European Union mark no. 004725941 registered in classes 6, 9 and 35 on November 27, 2006;
- European Union mark no. 015346935 registered in classes 1, 7 and 8 on August 31, 2016;
- United States mark no. 3114157 registered in class 6 on July 11, 2006;
- Canadian mark no. TMA573494 registered in class 1 on January 13, 2003; and
- Canadian mark no. TMA574202 registered in classes 7 and 9 on January 22, 2003.

The Complainants' group also owns some 700 domain names, many of which reflect the mark LINCOLN ELECTRIC, including its primary domain name <lincolnelectric.com>. Its website at this address received over 1.2 million visitors between November 2023 and January 2024.

The disputed domain name was registered by the Respondent on July 15, 2024. It does not locate any website, but MX records have been set up for it.

#### **5. Parties' Contentions**

##### **A. Complainants**

The Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

They submit that the disputed domain name is an obvious example of typosquatting and is confusingly similar to their registered marks; that the Respondent has no rights or legitimate interests in the disputed domain name or any corresponding name; and that it was registered and is being used in bad faith.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

##### **A. Identical or Confusingly Similar**

The Panel finds that the Complainants have registered rights in the mark LINCOLN ELECTRIC. The Panel further finds that the disputed domain name is confusingly similar to this mark, from which it differs only in the insertion of a hyphen between "lincoln" and "electric", the insertion of the letter "i" before the final "n" of "Lincoln" and the generic top level domain suffix. As the Complainants rightly observe, this is an obvious case of typosquatting.

The Panel finds the first element of the Policy has been established.

### **B. Rights or Legitimate Interests**

The Panel finds on the undisputed evidence in the case file that the Respondent has not used the disputed domain name for any bona fide offering of goods or services or any legitimate noncommercial or fair use, and that he is not commonly known by the disputed domain name, is not connected with the Complainants or their group and has not been authorized to use the disputed domain name.

The Panel finds the second element of the Policy has been established.

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

In all the circumstances, the Panel is satisfied on the balance of probabilities that the Respondent is likely to have known of the Complainants' group's world-leading business under the mark LINCOLN ELECTRIC when he registered the disputed domain name, which is clearly confusingly similar to the Complainants' mark.

The Panel also finds on the balance of probabilities that there is no good faith use of the disputed domain name available to the Respondent.

In these circumstances, the Panel infers that the disputed domain name was registered and is being used, at least passively, in bad faith.

The Panel finds that the Complainants have 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 <lincoln-electric.com> be transferred to the Complainants.

*/Jonathan Turner/*

**Jonathan Turner**

Sole Panelist

Date: October 28, 2024