

## **ADMINISTRATIVE PANEL DECISION**

Ares Management LLC v. mohsin ali  
Case No. D2024-3774

### **1. The Parties**

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

The Respondent is mohsin ali, United States.

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

The disputed domain name <aresmgmt.store> 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 16, 2024. On September 17, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 17, 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 (Redacted for Privacy / Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 20, 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 September 24, 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 27, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 17, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 25, 2024.

The Center appointed Martin Schwimmer as the sole panelist in this matter on October 29, 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 subsidiary of Ares Management, L.P., which is a global alternative asset manager with USD 395 billion of assets under management and over 2,800 employees. Ares Management, L.P. is traded on the New York Stock Exchange under the ticker symbol "ARES". Ares Management LLC and Ares Management, L.P. (collectively referred to as "Ares") operate in the field of financial services, namely investment advisory and management services for credit, private equity, and real estate. The Complainant is headquartered in Los Angeles and has over 35 global offices in the United States, Europe, Asia, and Australia, including an office in Jakarta, Indonesia.

The Complainant operates under the marks ARES and ARES MANAGEMENT since at least September 1997. The Complainant is the owner of numerous trademark registrations for ARES and ARES MANAGEMENT in various jurisdictions, among which are the following: - ARES (word), United States of America registration No. 3014171, registered on November 8, 2005, claiming a first use in commerce since 2003, for services in class 36; - ARES MANAGEMENT (word), United States registration No. 3925366, registered on March 1, 2011, claiming a first use in commerce since 1997, for services in class 36.

The Complainant is also the owner of various domain names incorporating its trademarks ARES and ARES MANAGEMENT, among which the domain name <aresmgmt.com> was registered in March 2002. The domain name <aresmanagement.com>, registered in December 2011, redirects to the Complainant's website at "www.aresmgmt.com". The Complainant's investors regularly use the Complainant's website at "www.aresmgmt.com", to access the Complainant's services and a large percentage of the Complainant's business is generated through website traffic.

The disputed domain name was registered November 29, 2023.

The Respondent utilizes the disputed domain name in connection with a website displaying pay-per-click ("PPC") ads keyed to the word "management." The disputed domain name has active MX (mail exchange) records, indicating that the Respondent has the ability to send emails originating from the disputed domain name.

The Whois record for the disputed domain name shows the street address of (but a different floor in) the Complainant's offices.

#### **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 incorporates its ARES mark and that the addition of the term "mgmt" does not prevent a finding of confusing similarity with the Complainant's mark. The fact that the disputed domain name wholly incorporates the Complainant's mark is sufficient to establish identity or confusing similarity for the purpose of the Policy despite the addition of other terms. Moreover, the term "mgmt" is short for the word "management," which term is part of the Complainant's corporate name. The term also appears in a domain name used in connection with the Complainant's website, <aresmgmt.com>.

The Complainant further contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant did not authorize or consent the Respondent to make use of the Complainant's marks in the disputed domain name. The Respondent does not own any trademark application or registration for the mark ARES anywhere in the world. The Respondent's name in the Whois information of the disputed domain name does not coincide with the disputed domain name. Therefore, the Respondent does not appear to be commonly known by the disputed domain name. The disputed domain name resolves to a parked page displaying PPC ads; accordingly, the Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services and is not making a legitimate noncommercial or fair use of the disputed domain name.

Finally, with respect to the Respondent's bad faith in the registration and use of the disputed domain name, the Complainant affirms that its marks enjoy reputation in the financial field due to their longstanding, continuous, and widespread use. Moreover, the Respondent had constructive notice of the Complainant's marks due to their registrations. It is therefore not conceivable that the Respondent did not have knowledge of the Complainant's trademarks at the time of the registration of the disputed domain name. The Respondent is using the disputed domain name to divert Internet traffic to a website with PPC or affiliate advertising revenue for Respondent's commercial gain. Moreover, the Respondent set up MX records for the disputed domain name, which entails that the Respondent could use the disputed domain name to engage in fraudulent emails or phishing communications.

Lastly, the Complainant notes that the Respondent used a proxy service provider to register the disputed domain name. As such, the Respondent avoided disclosing its identity. The use of a privacy or proxy registration service to shield the identity of the Respondent serves to elude enforcement efforts by the legitimate trademark owner to demonstrate the Respondent's bad faith in the use and registration of the disputed domain name. Thus, the Complainant maintains that the Respondent registered the disputed domain name to take advantage of the Complainant's mark.

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

Although the addition of other terms here, "mgmt", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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.

The composition of the disputed domain name carries a risk of implied affiliation. This is especially so here as the Complainant has demonstrated use of the domain name <aresmgmt.com> in connection with its primary website.

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.

In the present case, the Panel notes that the Respondent in its Whois details, provided false contact information. Specifically, the Respondent provided the same street address as that of the Complainant. In view of the renown of the Complainant’s mark, the Panel concludes that the Respondent registered the disputed domain name with prior knowledge of the Complainant’s reputation in its trademark.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

As noted above, the disputed domain name resolves to a website displaying PPC links through which the Respondent presumably derives click-through revenue. Given the composition of the disputed domain name, which includes the ARES trademark in its entirety and is identical to the Complainant’s <aresmgmt.com> domain name beyond the chosen Top-Level Domain, it is clear that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant.

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 <aresmgmt.store> be transferred to the Complainant.

*/Martin Schwimmer/*

**Martin Schwimmer**

Sole Panelist

Date: November 12, 2024