

ADMINISTRATIVE PANEL DECISION

Globant España S.A. v. Globant Globant, Globant
Case No. D2024-4131

1. The Parties

The Complainant is Globant España S.A., Spain, represented by Marval, Argentina.

The Respondent is Globant Globant, Globant, United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain name <globant-app.com> is registered with Web Commerce Communications Limited dba WebNic.cc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 8, 2024. On October 8, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 9, 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 sent an email communication to the Complainant on October 10, 2024, confirming the registrant and contact information disclosed by the Registrar.

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 October 21, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 10, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 18, 2024.

The Center appointed Angelica Lodigiani as the sole panelist in this matter on November 26, 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 was founded in Argentina in 2003 and since then, has expanded its operations throughout the world. In 2014, the Complainant was listed in the NYSE. The Complainant offers a wide range of services in the IT and software fields, including software development, IT consulting, and digital marketing. With over 29,000 employees globally and a reported revenue for the Q2 of 2024 of USD 2.3 billion, the Complainant operates with many prestigious companies worldwide. The Complainant has received numerous prestigious recognitions and awards and was recognized as one of the 100 Fastest Growing Companies by Fortune in November 2023. During the years, the Complainant has expanded its business activity by acquiring several important companies. Lastly, the Complainant has entered in partnership agreements with some globally renown sporting organizations..

Among others, the Complainant is the owner of the following trademarks:

- GLOBANT (word), European Union trademark registration No. 018356639, registered on May 21, 2021, for goods and services in classes 9, 35, 38, 41 and 42;
- GLOBANT (device), Mexican trademark registration No. 2299689, registered on September 20, 2021, for services in class 35;
- GLOBANT (device), Indian trademark registration No. 4785553, filed on December 17, 2020, for services in class 41.

The disputed domain name has been registered on August 6, 2024. It initially resolved to a webpage displaying the Complainant's device mark and inviting web surfers to sign in for more information by inserting their username and password. At the time of the filing of the Complaint, the disputed domain name was inactive.

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 Complainant's mark. The disputed domain name incorporates the Complainant's GLOBANT trademark entirely, followed by a hyphen and the term "app". The addition of this term cannot prevent a finding of confusing similarity as the GLOBANT mark remains well recognizable in the disputed domain name.

The Complainant further contends that the Respondent lacks rights or legitimate interests in the disputed domain name. In particular, the Complainant has not licensed or otherwise permitted the Respondent to register a domain name incorporating its mark. Moreover, the Complainant has no legal or business relationship with the Respondent and has never authorized the Respondent to use the disputed domain name. To the best of the Complainant's knowledge, there is no evidence that the Respondent has been commonly known by the disputed domain name and the Respondent does not appear to have used the disputed domain name in connection with a bona fide offering of goods or services. Lastly, the Respondent has not made demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services.

The addition of the word "app" in the disputed domain name increases the likelihood of confusion with the Complainant's mark as, reasonably, Internet users would wrongly identify the disputed domain name as referring to the Complainant's activities in relation to mobile application services.

With respect to registration and use of the disputed domain name in bad faith, the Complainant maintains that its trademark enjoys international reputation and that the Respondent was clearly aware of such mark when it registered the disputed domain name. The addition of the term “app” to the disputed domain name reinforces the idea that the Respondent knew the Complainant and its mark. In light of the use of the disputed domain name, the Complainant contends that, by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or online location, by creating a likelihood of confusion with the Complainant’s mark. Even if the disputed domain name now no longer resolves to an active website, such passive holding cannot prevent a finding of bad faith under the doctrine of passive holding.

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 the GLOBANT 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 despite the addition of a hyphen and of the term “app” after the Complainant’s mark. Although the addition of other terms, here “app”, 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.

Accordingly, the disputed domain name is confusingly similar to the Complainant’s mark for the purposes of the Policy. [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.

In particular, the Panel notes that the Complainant has no relationship with the Respondent and that the Complainant never authorized the Respondent to use its GLOBANT mark in any manner, including as part of the disputed domain name. Furthermore, nothing in the case file shows that the Respondent is commonly known by the disputed domain name.

The disputed domain name is highly misleading as it fully incorporates the Complainant's GLOBANT mark, with the sole addition of a hyphen and the term "app". The addition of the term "app" enhances the association of the disputed domain name with the Complainant, as the Complainant operates in the IT field and consumers would expect that, within this field, the Complainant develops and uses "apps". The initial use of the disputed domain name, to resolve to a webpage displaying the Complainant's GLOBANT mark, along with the device usually accompanying this mark, and to inform visitors that to receive more information they should login by inserting their username and password, confirms the apparent association of the disputed domain name with the Complainant and its GLOBANT mark. Thus, the disputed domain name carries a risk of implied affiliation with the Complainant. Moreover, as discussed further below, the Panel finds that the Respondent has provided false registration details in order to further suggest an affiliation with the Complainant, and that there is no evidence the Respondent is commonly known by the disputed domain name for the purposes of the Policy.

Panels have held that the use of a domain name for illegitimate activity, such as phishing, unauthorized account access/hacking, impersonation/passing off, or other types of fraud, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Even if at the time of the filing of the Complaint the use of the disputed domain name had changed to a passive holding, such circumstance cannot provide the Respondent with rights or legitimate interests, given the overall circumstances of this case.

In light of the foregoing, 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 Complainant's trademark had gained wide recognition in its field. The disputed domain name incorporates the Complainant's mark followed by a hyphen and the term "app", which is connected with the Complainant's business activity. In light of the reputation of the Complainant's mark, of the nature of the disputed domain name, and of the Respondent's use, as described above, it is clear that the Respondent was well aware of the Complainant's mark when it registered the disputed domain name. The registration of a domain name identical or confusingly similar to a complainant's earlier mark, being aware of such mark and without rights or legitimate interests, amounts to registration in bad faith.

As far as use in bad faith is concerned, the initial use of the disputed domain name is, in the Panel's view, a clear attempt of impersonation/passing off, unauthorized account access/hacking, and phishing. By inviting Internet visitors to insert their username and password to receive more information on what they believe are the Complainant's services, the Respondent is targeting the Complainant's mark to fraudulently mislead the Complainant's actual and potential customers into providing sensitive login credentials. Although the Panel cannot know the Respondent's ultimate intention behind such initial use of the disputed domain name, it is clear that such intention was illegitimate, and the use of the disputed domain name was in bad faith.

[WIPO Overview 3.0](#), section 3.4.

At some point, the Respondent changed its use to passive holding. Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding.

[WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the reputation of the Complainant's trademark, the composition of the disputed domain name, and the former use of the disputed domain name, and finds that in light of the overall circumstances of this case, passive holding of the disputed domain name does not prevent a finding of bad faith.

Lastly, the Panel notes that the Respondent has likely provided false contact details when it registered the disputed domain name, which is further evidence of bad faith. The Respondent's purported name is "Globant Globant", while the Respondent's organization is "Globant". These names have likely been invented to provide more credibility to the reliability of the disputed domain name in the visitors' eyes, and to render more difficult for the Complainant the enforcing of its rights. Likewise, the street address of the Respondent is missing, and the email address does not exist. Also, the phone number provided, seems false, as it consists of a series of consecutive numbers, unlikely for a phone number.

For all the aforementioned reasons, 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 <globant-app.com> be transferred to the Complainant.

/Angelica Lodigiani/

Angelica Lodigiani

Sole Panelist

Date: December 10, 2024.