

## **ADMINISTRATIVE PANEL DECISION**

DIF Management Holding B.V. v. Bennett Benson  
Case No. D2024-4761

### **1. The Parties**

The Complainant is DIF Management Holding B.V., Netherlands (Kingdom of the), represented by NLO Shieldmark B. V., Netherlands (Kingdom of the).

The Respondent is Bennett Benson, United States of America.

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

The disputed domain name <difeu.com> (the “Domain Name”) 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 November 19, 2024. On November 19, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On November 20, 2024, the Registrar transmitted by email to the Center its verification disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Private Person / Domain Admin) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 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 November 20, 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 November 21, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 11, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 12, 2024.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on December 17, 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 to ensure compliance with the Rules, paragraph 7.

#### **4. Factual Background**

The Complainant is a fund manager with over EUR 19 billion of assets under management across nine closed-end infrastructure funds and several co-investment vehicles. Its official homepage is at “www.dif.eu”. The <dif.eu> domain name is used for all the Complainant’s corporate e-mail addresses.

The Complainant has held trademark registrations for the trademark DIF since 2015, such as European Union Trade Mark number 014040836 (registered on September 14, 2015). DIF is also the Complainant’s tradename.

The Domain Name was registered on November 14, 2024. The Domain Name has resolved to the Registrar’s webpage. The Complainant has documented that the Domain Name has been used for an e-mail account that has sent e-mails pretending to be the Complainant.

#### **5. Parties’ Contentions**

##### **A. Complainant**

The Complainant provides evidence of trademark registrations and argues that its tradename and trademark are well-known in relation to global fund management. Moreover, the Domain Name is confusingly similar to the Complainant’s trademark as the Domain Name incorporates the Complainant’s entire trademark.

The Complainant argues that the Respondent has no rights or legitimate interests in respect of the Domain Name. The Complainant asserts that the Respondent is not commonly known by the Domain Name. The Complainant has not authorized the Respondent to use and register its trademark, and the Complainant’s rights in the trademark predate the Respondent’s registration of the Domain Name. The Respondent’s use of the Domain Name is not in good faith.

The Complainant believes the Respondent registered and used the Domain Name to send e-mails to defraud others, pretending to be sent in the name of the Complainant.

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

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

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

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

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 Domain Name. [WIPO Overview 3.0](#), section 1.7.

The Complainant has established that it has rights in the trademark DIF. In this case, the Domain Name incorporates the Complainant’s trademark with the addition of “eu”. The addition does not prevent a finding of confusing similarity between the Domain Name and the trademark. For the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domain (“gTLD”); see [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

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

Paragraph 4(c) of the Policy provides a list of circumstances in which a respondent may demonstrate rights or legitimate interests in a disputed domain name.

While 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 often impossible 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. 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.

The Respondent is not affiliated or related to the Complainant in any way. There is no evidence that the Respondent has registered the Domain Name as a trademark or acquired trademark rights. There is no evidence of the Respondent’s use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services. On the contrary, the Respondent’s use is evidence of bad faith, see below. Moreover, the Panel notes that the composition of the Domain Name carries a risk of implied affiliation with the Complainant.

The Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name in accordance with paragraph 4(a)(ii) of the Policy.

## **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.

The Respondent most likely knew of the Complainant when the Respondent registered the Domain Name. It follows from the composition and use of the Domain Name. The documented use of the Domain Name is clearly in bad faith. The Respondent has registered a Domain Name confusingly similar to the Complainant’s trademark to defraud others.

Based on the available record, 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 the Domain Name <difeu.com> transferred to the Complainant.

*/Mathias Lilleengen/*

**Mathias Lilleengen**

Sole Panelist

Date: December 20, 2024