

ADMINISTRATIVE PANEL DECISION

Lincoln Global, Inc, The Lincoln Electric Company v. Dan frank, Timax Inc
Case No. D2025-2861

1. The Parties

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.

Respondent is Dan frank, Timax Inc, United States.

2. The Domain Name and Registrar

The disputed domain name <lincoln-electricalcompany.com> is registered with eNom, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 18, 2025. On July 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 21, 2025, 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 (Whois Agent (237928383), Whois Privacy Protection Service, Inc.) and contact information in the Complaint. The Center sent an email communication to Complainants on July 24, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainants to submit an amendment to the Complaint. Complainants filed an amended Complaint on July 25, 2025.

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 Respondent of the Complaint, and the proceedings commenced on July 28, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 17, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on August 19, 2025.

The Center appointed Frederick M. Abbott as the sole panelist in this matter on August 22, 2025. 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

Complainant is two affiliated companies under the umbrella ownership of Lincoln Electric Holdings, Inc., a corporation organized in the State of Ohio, United States, and headquartered in Cleveland, Ohio.

Complainant traces its history back to its founding in 1895. The two affiliated companies owning the trademarks asserted in this case are The Lincoln Electric Company and Lincoln Global, Inc., and they are hereafter referred to collectively as Complainant. Complainant designs, develops and manufactures arc welding products, robotic arc welding systems, plasma and oxy-fuel cutting equipment, brazing and soldering alloys. Complainant operates 71 manufacturing and automation system integration locations across 21 countries and maintains a worldwide network of distributors and sales offices serving customers in over 160 countries. Complainant is a publicly traded company, listed on the NASDAQ stock exchange in the United States, with reported sales of USD 4.2 billion in 2023.

Complainant is the owner of registration of the trademarks LINCOLN and LINCOLN ELECTRIC on the Principal Register of the United States Patent and Trademark Office (USPTO), including for the word trademark LINCOLN, registration number 240429, registration dated March 27, 1928, in international class (IC) 21, covering “electric motors, including polyphase induction motors, slip-ring motors, vertical motors and back-gearred motors, and for] (sic) arc welders and motor-generator sets”; for the word trademark LINCOLN, registration number 509777, registration dated May 10, 1949, in IC 34, covering “welding wire and metallic welding electrodes”, and; for the word trademark LINCOLN ELECTRIC, registration number 2350082, registration dated May 16, 2000, in IC 9, covering “electrical apparatus, namely, welders, welding heads, transformers, power supplies and controllers for electrical arc welders, and structural parts therefor; welding electrodes.” Complainant has provided evidence of additional trademark registrations for LINCOLN and LINCOLN ELECTRIC in the United States and in other jurisdictions, including in the European Union and Canada.

Complainant is the owner of registrations for numerous LINCOLN, LINCOLN ELECTRIC, and related trademark-formative domain names. Complainant operates its primary commercial website at “www.lincolnelectric.com”, which receives a substantial number of Internet visitors.

According to the Registrar’s verification, Respondent is registrant of the disputed domain name. According to the Whois report, the disputed domain name was registered on April 3, 2025.

Respondent has used the disputed domain name to direct Internet users to a website that has an appearance substantially similar to Complainant’s hosted website, including with the incorporation of Complainant’s LINCOLN ELECTRIC trademark, Complainant’s distinctive logo and color schemes, photographs of Complainant’s branded equipment, and listing the actual physical address of Complainant’s Ohio headquarters. Respondent’s “clone” website includes various buttons and data entry boxes that encourage prospective customers to request information, such as a “free quote”, by providing their contact details to Respondent. In addition to hosting this clone website, Respondent has used the disputed domain name as the sender domain in emails to prospective vendors, posing as actual employees of Complainant, requesting credit from vendors, and attaching customer application forms made out in the name of Complainant to such prospective vendors.

There is no evidence on the record of this proceeding of any association, commercial or otherwise, between Complainant and Respondent.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, Complainant contends that it owns rights in the trademarks LINCOLN and LINCOLN ELECTRIC and that the disputed domain name is confusingly similar to those trademarks.

Complainant argues that Respondent lacks rights or legitimate interests in the disputed domain name because: (1) Respondent is not sponsored by or affiliated with Complainant in any way, and Complainant has not authorized Respondent to use Complainant's trademarks in the disputed domain name or otherwise; (2) Respondent is not commonly known by the disputed domain name and does not have rights in a corresponding trademark; (3) Respondent employed a privacy shield; (4) Respondent is not making a bona fide offering of goods or services, or making legitimate noncommercial or fair use of the disputed domain name; (5) Respondent is attempting to deceptively obtain personal information from Internet users at its website by imitating Complainant; (6) Respondent is attempting to pass itself off as Complainant, presumably for commercial gain; (7) there are active MX records associated with the disputed domain name, and; (8) Respondent registered the disputed domain name long after Complainant secured trademark rights.

Complainant alleges that Respondent registered and used the disputed domain name in bad faith because: (1) Respondent registered the disputed domain name long after Complainant acquired rights in its trademarks; (2) Respondent's activities in using the disputed domain name indicate that it was aware of Complainant's trademarks when it registered the disputed domain name; (3) Respondent has used the disputed domain name to launch a phishing attack, masquerading as Complainant to solicit sensitive financial information from Internet users; (4) Respondent has used the disputed domain name in connection with deceptive emails appearing to originate from Complainant that seek to take advantage of third parties and Complainant, which constitutes fraud, and; (5) Respondent has employed a privacy service.

Complainant requests the Panel to direct the Registrar to transfer the disputed name to Complainant.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

The Center formally notified the Complaint to Respondent at the email, fax and physical addresses provided in its record of registration. There does not appear to have been difficulty in completing at least some e-mail transmission of notice to Respondent. Fax delivery could not be successfully completed. Courier delivery to the physical address listed by Respondent could not be successfully completed because of false or incomplete information in Respondent's record of registration. The Center took those steps prescribed by the Policy and the Rules to provide notice to Respondent, and those steps are presumed to satisfy notice requirements.

Paragraph 4(a) of the Policy sets forth three elements that must be established by a complainant to merit a finding that a respondent has engaged in abusive domain name registration and use and to obtain relief.

These elements are that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which complainant has rights;
- (ii) respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

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 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.

Complainant has shown rights in respect of the LINCOLN and LINCOLN ELECTRIC trademarks for purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

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

Although the addition of other terms, here adding a hyphen (or dash) between "Lincoln" and "electric", adding "al" to electric,¹ and adding "company" may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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 Complainant, panels have recognized that proving 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 Respondent. As such, where Complainant, as here, makes out a prima facie case that Respondent lacks rights or legitimate interests, the burden of production on this element shifts to Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on Complainant). If Respondent, as here, 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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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. Respondent has not established trademark rights in the disputed domain name. There is no plausible basis on which the Panel could find that Respondent engaged in a good faith offering of goods or services, or that Respondent engaged in legitimate noncommercial or fair use of the disputed domain name.

¹ With respect to Complainant's single word LINCOLN trademark, the disputed domain name adds the full word "electrical". The confusing similarity analysis here primarily relies on Complainant's LINCOLN ELECTRIC trademark, which appears to be used consistently by Complainant to identify its goods and services.

Panels have held that the use of a domain name for illegitimate and presumptively illegal activity, here claimed as phishing (including soliciting personal and other data from Internet users under false pretenses), and impersonation and passing off (including for purposes of fraudulently soliciting lines of credit and the purchase of goods from vendors), can never confer rights or legitimate interests on Respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

In the present case, the Panel notes that Respondent used the disputed domain name to direct Internet users to a “clone” of Complainant’s website, including by use of Complainant’s trademarks and distinctive logo and color schemes. It is manifest that Respondent was aware of Complainant and its trademarks when it registered the disputed domain name, and that it sought to take advantage of those trademarks.

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.

Panels have held that the use of a domain name for illegitimate and presumptively illegal activity, here claimed as phishing (including soliciting personal and other data from Internet users under false pretenses), and impersonation and passing off (including for purposes of fraudulently soliciting lines of credit and the purchase of goods from vendors), constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Respondent used the disputed domain name to solicit data from Internet users by conveying the false impression that it was associated with Complainant. Respondent also used the disputed domain name in connection with the transmission of emails designed to falsely appear as originating from Complainant, which emails proposed financial transactions to the detriment of third-party vendors and Complainant. Respondent has not attempted to provide an explanation that might legitimize this conduct. Respondent has used the disputed domain name for commercial gain to confuse Internet users regarding Complainant acting as the source, sponsor, affiliate or endorser of Respondent’s website, and has deceptively used the disputed domain name as a sender email address in proposing financial transactions. Such behavior constitutes bad faith within the meaning of paragraph 4(b)(iv) of the Policy, and more generally evidences bad faith within the meaning of the Policy.

Having reviewed the record, the Panel finds Respondent’s registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds that 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 <lincoln-electricalcompany.com> be transferred to Complainant.

/Frederick M. Abbott/

Frederick M. Abbott

Sole Panelist

Date: September 3, 2025