

ADMINISTRATIVE PANEL DECISION

Corval Group, Inc. v. Privacy service provided by Withheld for Privacy ehf /
Chris Meneley
Case No. D2022-0202

1. The Parties

The Complainant is Corval Group, Inc., United States of America (“United States”), represented by Taft Stettinius & Hollister LLP, United States.

The Respondent is Privacy service provided by Withheld for Privacy ehf, Iceland / Chris Meneley, United States.

2. The Domain Name and Registrar

The disputed domain name <corval-group.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 January 20, 2022. On January 21, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 21, 2022, 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. The Center sent an email communication to the Complainant on January 24, 2022 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 January 26, 2022.

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 January 27, 2022. In accordance with the Rules, paragraph 5, the due date for Response was February 16, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 17, 2022.

The Center appointed Nicolas Ulmer as the sole panelist in this matter on February 23, 2022. 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 paragraph 7 of the Rules.

4. Factual Background

The Complainant is a privately held construction and engineering firm active in the power and energy and other industrial sectors throughout the United States. The Complainant has been in operation since 1921 and states that it has continually and prominently used the CORVAL GROUP name and trademark in connection with its goods and services since at least 2006. The Complainant holds United States Registration No. 4,196,586, registered on August 28, 2012, for CORVAL GROUP in International Class 37. The Complainant has provided evidence that it has an Internet presence via the domain name <corvalgroup.com> (registered on April 7, 2006).

The disputed domain name was registered on November 15, 2021. The disputed domain name does not presently resolve to an active website.

Little is known of the Respondent, whom the Amended Complaint identifies as Chris Menely, an individual residing in the United States.

5. Parties' Contentions

A. Complainant

The Complainant maintains that the disputed domain name is confusingly similar to its trademark and was registered with the motive of making use of the Complainant's mark, name, reputation, and goodwill for improper or illicit purposes. The Complainant asserts that the Respondent has no rights or legitimate interest in the disputed domain name and has no license, permission or right to use the Complainant's trademark.

The Complainant further asserts that the disputed domain name can only have been registered in bad faith and with improper intent. The disputed domain name has moreover been used as part of a phishing and phoney billing scheme, further demonstrating bad faith purpose and use on the part of the Respondent.

The Complainant requests that the disputed domain name be transferred to it.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The disputed domain name contains the entirety of the Complainant's trademark, with the addition of a hyphen between the elements "corval" and "group", which does not prevent a finding of confusing similarity with the Complainant's trademark. The Panel finds that the operative part of the disputed domain name is thus almost identical and obviously confusingly similar to the Complainant's trademark.

The Complainant has accordingly met its burden under paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interest

The Complainant needs to establish at least a *prima facie* case showing that the Respondent has no rights or legitimate interests in respect of the disputed domain name. See *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#). Once such a *prima facie* case is made, the burden of production shifts to the Respondent to prove that it has rights or legitimate interests in the disputed domain name. See also, *Meizu Technology Co., Ltd v. “Osama bin Laden”*, WIPO Case No. [DCO2014-0002](#); *H & M Hennes & Mauritz v. Simon Maufe, Akinsaya Odunayo Emmanuel and Nelson Rivaldo*, WIPO Case No. [D2014-0225](#).

In the present case, the Complainant has confirmed that it has not licensed, authorised, or otherwise permitted the Respondent to use its mark in a domain name or in any other manner. Furthermore, the Complainant has provided evidence that the disputed domain name is being used in connection to a fraudulent scheme; such use can never confer rights or legitimate interests on the Respondent. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 2.13.

There is also no evidence before the Panel to suggest that the Respondent is commonly known as “corval-group” or any other evidence or indicia suggesting that the Respondent has any rights in the disputed domain name.

The Respondent having failed to answer the Complaint, the Panel finds that the Complainant has accordingly met its burden under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The disputed domain name so clearly tracks the Complainant’s trademark and company name that it cannot have been chosen by serendipity and cannot reasonably be considered to have been registered in good faith. It is also difficult to envisage what good faith use the Respondent could make of the disputed domain name in which he has no rights.

The instant case also contains evidence of active and direct bad faith use of the disputed domain name. The Complainant has alleged and documented that the disputed domain name was used in a fraudulent scheme whereby the disputed domain name was employed to impersonate one of the Complainant’s employees (using the Complainant’s actual email signature block and physical address) to trick a customer of the Complainant to pay a phoney invoice. Such illegal activity can never confer rights or legitimate interests, and obviously supports a finding of bad faith under the Policy. See [WIPO Overview 3.0](#), sections 3.1.4 and 3.4.

The Panel accordingly finds that the Complainant has met its burden under paragraph 4(a)(iii) 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 <corval-group.com> be transferred to the Complainant.

/Nicolas Ulmer/

Nicolas Ulmer

Sole Panelist

Date: March 1, 2022