DISPUTE RESOLUTION SERVICE DECISION

Baring Asset Management Limited v. Pacific Networks
Case No. DUK2026-0101

1. The Parties

1.1. The Complainant is Baring Asset Management Limited, United Kingdom ("UK"), represented by Carpmaels & Ransford LLP, United Kingdom.

1.2. The Respondent is Pacific Networks, Australia.

2. The Domain Names and the Registry

2.1. The disputed Domain Names are <baring.uk> and <baringbrothers.uk> (the "Domain Names").

2.2. The Registry of the Domain Names is Nominet UK ("Nominet").

3. Procedural History

3.1. The Complaint was filed with the WIPO Arbitration and Mediation Center ("the Center") on 11 September 2026. On the same day the Center transmitted by email to Nominet a request for registry verification in connection with the disputed Domain Names. On 14 September 2026, Nominet transmitted by email to the Center its verification response disclosing information about the registrant for the disputed Domain Names, which differed from the named Respondent ('Registrant Redacted') in the Complaint. the Center sent an email communication to the Complainant on 14 September 2026, inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint on 17 September 2026, only to add the Respondent/Registrant information provided by Nominet.

3.2. the Center verified that the Complaint satisfied the formal requirements of the Dispute Resolution Service (the "DRS Policy")

3.3. In accordance with paragraphs 3, 6 of the DRS Policy, the Center formally notified the Respondent of the Complaint on 18 September 2026. In accordance with paragraph 7 of the DRS Policy, the due date for Response was 9 October 2026. The Respondent did not submit any response. Accordingly, the Center notified the Parties that no Response had been received on 12 October 2026, and advised the Complainant of the option to pay the fee for an expert decision.

3.4. The Complainant paid the fee for a full expert decision on 14 October 2026.

3.5. the Center appointed Jacqueline Reid as the Expert in this matter on 19 October 2026. The Expert has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with paragraph 15 of the DRS Policy.

4. Factual Background

4.1. The Domain Name <baringbrothers.uk> was registered on 22 July 2022, according to the WHOIS information provided in Annex 1 to the Complaint, but contrary to the assertion in paragraph 3 of the Complaint. The Domain Name <baring.uk> was registered on 20 July 2026.

4.2. The Complainant is the registered proprietor of a number of UK registered trade marks for the words “BARING” and “BARINGS”, and a device mark comprising the image below, the registrations for which all pre-date the registration dates of the Domain Names:



5. Parties’ Contentions

The Complainant

The Complainant asserts as follows:

5.1. The Complainant’s registered trade mark “BARING” is exactly reproduced in the Domain Names, and the Domain Names are similar to the Complainant’s “BARINGS” word trade marks.

5.2. The Domain Names are confusingly similar to the Complainant’s Trade Marks containing the word “BARING”, because they contain that word and add only “.uk” or “brothers.uk”, and “brothers” is associated with the Complainant, which gives the misleading impression that the Domain Names or websites hosted by the Domain Names are a UK brand or website associated with the Complainant.

5.3. The Complainant has carried out extensive advertising and promotion and had business success in the financial industry such that the relevant consumer of the Complainant’s goods and services has come to identify and recognise the Complainant’s business as the source of top-quality financial services offered in connection with the Complainant’s Marks.

5.4. The Respondent has no legitimate interest or rights in the Domain Names, is not licensed, sponsored by or otherwise connected to or associated with the Complainant and offers no legitimate services or goods under “BARING”, “BARINGS” or any similar name.

5.5. The Respondent registered the Domain Names with the Complainant in mind.

5.6. There is no evidence that the Respondent is using either of the Domain Names in connection with a good faith offering of goods and services or for any other legitimate use and no registered entity under the name Baring Brothers & Co. Ltd, as depicted on the website located at <baring.uk>.

5.7. The website located at <baring.uk> bears a logo identical to the Complainant's logo mark (shown in paragraph 4.2 above).

5.8. The Domain Names have been registered to attempt to attract Internet users to the Respondent's website by freeriding on the Complainant's goodwill for commercial gain. The use of the Domain Names constitute wilful trade mark infringement of the Complainant's trade marks and harm the Complainant's goodwill and business reputation in the market.

5.9. By registering the Domain Names, the Respondent intends to profit from the confusion created by the Domain Names and may intend to use them for misleading or illegal purposes, such as cybersquatting and financial phishing scams.

The Respondent

5.10. The Respondent did not respond to the Complaint.

Reply

5.11. There was no Response and, accordingly, no Reply.

6. Discussion and Findings

6.1. To succeed under the DRS Policy the Complainant is required to demonstrate, on the balance of probabilities, that:

1. it has Rights in respect of a name or mark which is identical or similar to the Domain Name (paragraph 2.1.1 of the DRS Policy), and

2. the Domain Name, in the hands of the Respondent, is an Abusive Registration (paragraph 2.1.2 of the DRS Policy).

6.2. Rights are defined (paragraph 1 of the DRS Policy) as rights enforceable by the Complainant, whether under English law or otherwise, and may include rights in descriptive terms which have acquired a secondary meaning.

6.3. An Abusive Registration is defined (paragraph 1 of the DRS Policy) as a Domain Name which either:

6.3.1. was registered or otherwise acquired in a manner which, at the time when the registration or acquisition took place, took unfair advantage of or was unfairly detrimental to the Complainant's Rights; or

6.3.2. is being or has been used in a manner which has taken unfair advantage of or has been unfairly detrimental to the Complainant's Rights.

Rights

6.4. The Complainant is the registered proprietor of a number of trade marks including the word "BARING".

6.5. The word "BARING" is identical to the material part of the Domain Name <baring.uk> and similar to the material part of the Domain Name <baringbrothers.uk>. It is well established that the suffix ".uk" is to be ignored for the purposes of this assessment.

6.6. In my view, that is sufficient to meet the requirement that the Complainant owns relevant Rights.

6.7. As a result, I need not consider in any detail the Complainant's assertions in the Complaint about its ownership of goodwill in the names "Barings" and "Baring Brothers", which assertions are somewhat undermined by the material in the Annex 2 to the Complaint and the fact that the Complaint elides the operation of other earlier entities with the activities of the Complainant when the Complainant did not come into existence until 1994.

6.8. Annex 2 explains that various businesses have used the name "Barings" as part of their names over many years, that these businesses have been subject to at least 2 insolvency events, and that in 2002, the owner of these businesses dropped the name "Barings" entirely. I do not think there is sufficient evidence to demonstrate clearly that any earlier goodwill in businesses operating as "Baring Brothers" or "Barings" was transferred to the Complainant after its incorporation. However, it is clear that the Complainant has been operating under the name "Baring Asset Management Ltd" since 1994 and this is not challenged by the Respondent.

Abusive Registration

6.9. I consider first what use has been made of the Domain Names.

6.10. The Domain Names were not hosting websites when screenshots were attempted to be captured by the Center as part of these proceedings. The only evidence of use of the Domain Names put forward by the Complainant was that referred to in Annex 6 to the Complaint, which image, unfortunately, did not bear the domain name it appeared on or the date of capture.

6.11. This does not necessarily undermine the Complainant's evidence that there was a website bearing the logo and name of a business, "Baring Brothers & Co. Ltd", at some point prior to notification of the Complaint. The removal of the website may have been a reaction to the Complaint.

6.12. However, I was subsequently able to verify the capture, on 12 January 2024, of the public use of a device identical to that shown under paragraph 4.2 above on a website at the Domain Name <baringbrothers.uk>, using the Wayback Machine. There were no other captures for <baringbrothers.uk> and none for <baring.uk>. The lack of captures for the latter Domain Name is unsurprising given that that Domain Name was only recently registered. Accordingly, I was not able to confirm that the image in Annex 6 to the Complaint appeared on the Domain Name <baring.uk> as mentioned in paragraph 5.7 above and as asserted by the Complainant, but I assume, as seems reasonable, that the identification of the wrong Domain Name in the text of the Complaint was a typo.

6.13. I find that the use of a logo on the website on the <baringbrothers.uk> Domain Name which is identical to one of the Complainant's trade marks (see paragraph 4.2 above), together with the adoption, without explanation, of a Domain Name which is similar to the Complainant's word trade mark "BARING" constitutes use which is likely to confuse people or businesses into believing that the Domain Name is associated with or connected to the Complainant. I also take into account that there is no evidence of any UK-registered entity under the name shown on the Respondent's website.

6.14. In my view, that use of the <baringbrothers.uk> Domain Name is sufficient to indicate that that Domain Name is an Abusive Registration.

6.15. The use of a device identical to the Complainant's logo trade mark and the use of a similar word trade mark in the Domain Name also indicates that the Respondent must have been aware of the Complainant's trade marks at least at the time of such use. This use predates the registration of the later Domain Name <baring.uk>, by 2 years.

6.16. There is no evidence of any use of the <baring.uk> Domain Name.

6.17. The question is whether the later-registered Domain Name is affected by the use made of the earlier-registered Domain Name.

6.18. It is clear that at the time of the registration of the <baring.uk> Domain Name the Respondent was aware of the Complainant's trade mark rights from the use made of the earlier Domain Name <baringbrothers.uk>, and that the Respondent chose to register a Domain Name which was closer to the Complainant's word trade marks.

6.19. There has been no use of the Domain Name. However, it is objectively obvious, and must have been obvious to the Respondent that the use of a closer Domain Name would be even more likely to cause relevant confusion. The Respondent has also demonstrated that it is prepared to exploit the Complainant's trade marks, even if it is presently unclear to what end. The Respondent has not sought to defend these proceedings, and while there is no obligation on the Respondent to do so, this means that there is no evidence or submissions from the Respondent to explain or justify its actions.

6.20. In these circumstances, I conclude that the Domain Name <baring.uk> was registered for the purpose of unfairly disrupting the Complainant's business and is an Abusive Registration.

7. Decision

7.1. I find that the Complainant has Rights in respect of the name BARING which is similar to the Domain Names.

7.2. I consider that the Domain Names in the hands of the Respondent are Abusive Registrations.

7.3. I direct that the Domain Names are transferred to the Complainant.

Jacqueline Reid
Expert
Date: 26 October 2026