

## ADMINISTRATIVE PANEL DECISION

### Microsoft Corporation v. Name Redacted

### Case No. D2025-0553

#### 1. The Parties

The Complainant is Microsoft Corporation, United States of America (“United States”), represented by D.M. Kisch Inc., South Africa.

The Respondent is Name Redacted. <sup>1</sup>

#### 2. The Domain Name and Registrar

The disputed domain name <dragons-supports.org> (“Disputed Domain Name”) is registered with GoDaddy.com, LLC (the “Registrar”).

#### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 12, 2025. On February 12, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On the same day, 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 (Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 14, 2025, 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 February 17, 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”).

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<sup>1</sup>The Respondent appears to have used the name of a third party when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted the Respondent’s name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding transfer of the Disputed Domain Name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on February 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 9, 2025. The Center received email communications from an email address associated with the Disputed Domain Name on February 17, 19, 20, 21, 24, 25, and March 10, 2025. The Center further received an email communication from an individual with a name matching the Respondent name on March 8, 2025.

The Center appointed Colin T. O'Brien as the sole panelist in this matter on March 11, 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

The Complainant is a multinational technology corporation and a developer and provider of personal-computer software systems and applications, cloud computing services, video games and other online services, with global operations through its subsidiaries, affiliates and/or licensees. The Complainant acquired ownership of a company called Nuance Communications Inc. ("Nuance"), a leader in conversational AI and ambient intelligence solutions across industries including healthcare, financial services, retail and telecommunications. With its purchase of Nuance, the Complainant also obtained the rights to the DRAGON registered marks including:

Jurisdiction	Registration Number	Registration Date
United States	6292101	March 16, 2021
United States	3181860	December 5, 2006
United States	3633223	June 2, 2009 <sup>2</sup>
European Union	000524538	March 9, 1999
European Union	018270021	November 24, 2020

The Disputed Domain Name <dragons-supports.org> was registered on November 4, 2023.

The Disputed Domain Name is linked to an online shop allegedly selling and offering the Complainant's DRAGON branded software products.

#### 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 Complainant is the registered owner of the DRAGON trademark in numerous jurisdictions, including, but not limited to the United States. The Disputed Domain Name reproduces the DRAGON trademark in its entirety, in addition to the non-distinctive letter "s" and descriptive word "supports."

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<sup>2</sup> While the listed owner for the United States marks lists the Complainant as the owner, the address is different. The Panel believes that the registrations list the address for the Complainant's outside counsel. This discrepancy does not prevent a finding that the United States registrations are owned by the Complainant.

The Complainant has not licensed or otherwise permitted the Respondent to use any of its trademarks or to register a domain name incorporating its DRAGON trademark (or a domain name which will be associated with this trademark).

The Respondent is not making a legitimate noncommercial or fair use of the Disputed Domain Name. On the contrary, the Respondent's behaviour shows a clear intent to obtain an unfair commercial gain, with a view to misleadingly diverting consumers or to tarnish the trademarks owned by the Complainant. Firstly, the Respondent is not an authorized distributor, licensee, or retailer of the Complainant. Secondly, the website provided under the Disputed Domain Name ("Website") does not meet the requirements set out by numerous panel decisions for a bona fide offering of goods.

The Website further uses the Complainant's official product images without authorization. The Website includes no information regarding the identity of the provider of the Website, which is only identified as "Dragon" on the Website, being a name which similarly includes the Complainant's registered DRAGON trademark (without authorization) and further serves to perpetuate the false impression of an official commercial relationship between the Website and the Complainant.

The Respondent used the Disputed Domain Name to offer the unauthorized the Complainant's offerings immediately after registering the Disputed Domain Name. The term "Dragon" is unique to the Complainant's Microsoft offerings. It is therefore beyond the realm of reasonable coincidence that the Respondent chose the Disputed Domain Name, without the intention of invoking a misleading association with the Complainant.

The Respondent's use of the Disputed Domain Name that the Respondent registered and used the Disputed Domain Name with the intention to attract, for commercial gain, internet users to the Website by creating a likelihood of confusion with the Complainant's registered DRAGON trademark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location, which constitutes registration and use in bad faith.

## **B. Respondent**

The Center received multiple emails from an email address associated with the Disputed Domain Name writing: "How to do the settlement?"; "This is a reminder kindly let me know what needs to be done to settle it and give the domain again i dont have login credentials of godaddy so you can take this email as i am giving authorization of giving up the domain name sorry for all the trouble."; "Couple of months ago I already spoke with someone on email and told her she can take the domain and talk with the godaddy or whosoever. I don't remember the password my login ID. I want you to take it as i made it to resell it but i didn't know i was not allowed to do that so talk with godaddy and take it"; and "what is this".

On March 8, 2025, the Center received an email from an individual with a name matching the Respondent name alleging that they had not registered the Disputed Domain Name, that they have no knowledge of the phone number associated with the Disputed Domain Name registration, and that they consider there to be some form of scam in the present circumstances.

The Panel notes that none of the above communications were received from the Registrar-confirmed Respondent contact email address. In any event, none of the above communications have put forward any evidence or claims of rights or legitimate interests in the Disputed Domain Name, nor do they establish any circumstances to avoid a finding of bad faith registration and use.

## **6. Discussion and Findings**

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

The Complainant has demonstrated it owns r trademark rights in the DRAGON mark. The addition "s" and "supports" does not prevent the Complainant's trademark from being recognizable in the Disputed Domain

Name. The Top-Level Domain (“TLD”) “.org” is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. Accordingly, the Disputed Domain Name is confusingly similar to a mark in which the Complainant has rights.

See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.8, and *F. Hoffmann-La Roche AG v. Domain Admin, Privacy Protection Service INC d/b/a PrivacyProtect.org / Conan Corrigan*, WIPO Case No. [D2015-2316](#).

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

The Complainant has presented a prima facie case that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name and has not been commonly known by the Disputed Domain Name.

The fact that the Respondent obtained the Disputed Domain Name years after the Complainant had begun using its DRAGON mark indicates that the Respondent likely knew the Complainant and its DRAGON mark.

After a complainant has made a prima facie case, the burden of production shifts to a respondent to present evidence demonstrating rights or legitimate interests in the domain name. See, e.g., *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#).

The evidence provided by the Complainant shows that the Disputed Domain Name resolves to an active Website seemingly implying an endorsement of the Complainant by featuring the Complainant’s trademark and claiming to offer the Complainant’s products along with competing third-party products. While resellers and distributors may have limited rights to use a complainant’s trademark for nominative purposes, the lack of any authorization by the Complainant, the lack of any information on the Website connected to the Disputed Domain Name as to the Website’s lack of authorization or relation to the Complainant, and the fact that competing third-party products are also offered for sale on the website, renders any fair use safe haven inapplicable in this instance. See section 2.8 of the [WIPO Overview 3.0](#).

In the absence of any evidence rebutting the Complainant’s prima facie case indicating the Respondent’s lack of rights or legitimate interests in respect of the Disputed Domain Name, the Panel finds that the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

## **C. Registered and Used in Bad Faith**

The Panel finds that the Complainant has satisfied its burden of proof in establishing the Respondent’s bad faith in registration and use of the Disputed Domain Name. Paragraph 4(b)(iv) of the Policy states that evidence of bad faith may include a respondent’s use of a domain name to intentionally attempt to attract Internet users, for commercial gain to its own website.

Due to the renown of the Complainant and its DRAGON mark, and subsequent use of the disputed domain name, it is inconceivable that the Respondent registered the Disputed Domain Name incorporating the Complainant’s mark with the term “supports” without knowledge of Complainant. The Disputed Domain Name is used for a Website that is allegedly selling the Complainant’s products, but the Complainant has established that the Respondent’s use is not authorized, nor is affiliated with the Complainant in any way. The facts establish a deliberate effort by the Respondent to cause confusion with the Complainant for commercial gain. Such impersonation of the Complainant is sufficient to establish the Respondent’s bad faith. See section 3.1.4 of the [WIPO Overview 3.0](#). Under these circumstances, the Panel finds no plausible good faith reason for the Respondent’s conduct and concludes that the Disputed Domain Name was registered and used in bad faith.

## 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 <dragons-supports.org> be transferred to the Complainant.

*/Colin T. O'Brien/*

**Colin T. O'Brien**

Sole Panelist

Date: March 25, 2025