

## **ADMINISTRATIVE PANEL DECISION**

Swanky Socks Pty Ltd v. Thomas Lawrence  
Case No. D2026-0356

### **1. The Parties**

The Complainant is Swanky Socks Pty Ltd, Australia, represented by Braddon Marx Lawyers, Australia.

The Respondent is Thomas Lawrence, Australia.

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

The disputed domain names <swankysocks.co> and <swankysocks.com> are registered with Dreamscape Networks International Pte Ltd (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 28, 2026. On January 29, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On January 29, 2026, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. The Center sent an email communication to the Complainant on February 4, 2026, providing the registrant and contact information disclosed by the Registrar.

The Center verified that the 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 February 6, 2026. In accordance with the Rules, paragraph 5, the due date for Response was initially February 26, 2026 but, after an exchange of correspondence between the Respondent and the Center, this was automatically extended to March 2, 2026. The Response was filed with the Center on March 2, 2026. The Respondent sent multiple email communications to the Center between February 4, 2026, and April 14, 2026, both prior to, and after, filing the Response, including, on March 5, 2026, an unsolicited supplemental filing (among many email communications that contained attachments seeking to bolster arguments made by the Respondent).

The Center appointed Warwick A. Rothnie, Rebecca Slater and Nicholas Weston as the panelists in this matter on April 17, 2026. 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.

On April 26, 2026, the Respondent submitted a further unsolicited supplemental filing.

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

Between July 29 and August 8, 2013, the Respondent became the registrant of the disputed domain name <swankysocks.com> through an escrow transaction.

On October 13, 2014, the Complainant was incorporated. At that time, the Respondent became the sole director and secretary of the Complainant and the company which he controlled was the sole shareholder.

There is some evidence included with the Response indicating that the Respondent engaged in pre-launch activities for a business selling colourful socks under the brand name SWANKY SOCKS in the intervening period and even before the Respondent became the registrant of the disputed domain name. It is not clear, however, that the Respondent actually offered for sale or sold products before the Complainant was incorporated as the first capture by the Wayback Machine of a website to which the disputed domain name <swankysocks.com> resolved was not until October 15, 2014.

Following its incorporation, the Complainant carried on a business selling colourful socks under the brand name SWANKY SOCKS, including from the website "www.swankysocks.com".

Following a meeting in 2016, on March 7, 2017, Mr. Dorry Kordahi became a director of the Complainant with the Respondent and one of Mr. Kordahi's companies also became a shareholder. Mr. Kordahi has apparently invested successfully in a number of clothing businesses. Initially, Mr. Kordahi's company held 50% of the shares but that holding has now risen to 75% with the Respondent's company still holding 25%.

On September 18, 2019, the Complainant applied to register SWANKY SOCKS as a trademark in Australia in respect of bed socks, footloose socks, slipper socks and sports socks in International Class 25. Following the provision of evidence, the trademark was successfully registered, Registered Trademark No 2037870. An International Registration, No. 1870931, was subsequently obtained on July 15, 2025. The International Registration designates the United Arab Emirates, Brazil, China, the European Union, United Kingdom, Mexico, New Zealand, and the United States of America.

The Respondent remained as a director of the Complainant until April 2, 2024, when he either resigned or was removed amid allegations about misuse of company funds. However, the Respondent was then employed as the Complainant's General Manager of Sales & Marketing pursuant to an Employment Contract dated May 1, 2024, until July 31, 2025, when his employment ceased amid further allegations of impropriety.

Prior to the cessation of his employment with the Complainant, on May 28, 2025, the Respondent registered the disputed domain name <swankysocks.co>.

Following that cessation of employment, there has been correspondence and verbal communications between the Respondent, Mr. Kordahi, their respective lawyers, and a third person described as "the mother of the Respondent's daughter".

On September 7, 2025, the Complainant commenced court proceedings in the Federal Court of Australia against the Respondent and at least one other. Subsequently, on November 27, 2025, the Complainant filed a statement of claim which included demands for the transfer to the Complainant of, amongst other things, the disputed domain names.

The Respondent has refused to transfer the disputed domain names to the Complainant; however, the disputed domain names continue to resolve to the Complainant's website.

## **5. Discussion and Findings**

Paragraph 4(a) of the Policy provides that in order to divest the Respondent of a disputed domain name, the Complainant must demonstrate each of the following:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the 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.

Paragraph 15(a) of the Rules directs the Panel to decide the Complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable.

### **A. Parallel court proceedings**

In light of the existing Federal Court proceedings and claims of inappropriate harassment by or on behalf of the Complainant, the Respondent seeks early termination of the Complaint as an abuse of process.

There is no bar on either Party to commence proceedings in a court of appropriate jurisdiction, either before, during or after a complaint under the Policy is made. It is also clear that the decision of the Panel is not binding on either Party or the court. A party dissatisfied with a decision on a Complaint under the Policy may still seek its remedy in a court of appropriate jurisdiction. (Policy paragraph 4(k)) Accordingly, under paragraph 18(A) of the Rules, the Panel has discretion whether to suspend, terminate or continue the proceeding.

Panels generally issue a UDRP decision on the merits even in an overlapping court-UDRP proceeding scenario where, notwithstanding the fact that a UDRP decision would not be binding on the court, the relative expediency of the UDRP versus courts is seen as a benefit to the parties. WIPO Overview of WIPO Panel Views on Selected UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.14.2. The Panel sees no reason to depart from that consensus here.

In the present case the parties are overlapping, although it appears the court proceeding involves other persons not party to this proceeding. The court proceeding also involves many issues which are not directly relevant to the issues under the Policy. The court proceedings, however, do put directly in issue the Respondent's entitlement to the disputed domain names. On the face of the pleadings, the Federal Court appears to have jurisdiction over the parties and the dispute. So far as the Panel is concerned neither Party to this proceeding has suggested otherwise.

The number and scope of issues raised in the court proceedings, however, suggest that its preparation for trial and determination is likely to involve an extended period. On the other hand, for the reasons set out below, this proceeding can be determined simply and expeditiously.

### **B. Supplemental Filing**

The Respondent submitted an unsolicited supplemental filing on March 5, 2026, among multiple email communications with attachments sent between March 2, 2026, and April 26, 2026. The supplemental filings outline alleged acts of media manipulation and bad faith by the Complainant. The supplemental filing on April 26, 2026, also includes material about steps being taken in the Federal Court proceeding.

Paragraphs 10 and 12 of the Rules grant the Panel sole discretion to determine the admissibility of supplemental filings (including further statements or documents) received from a party.

Section 4.6 of the [WIPO Overview 3.1](#), states: "...panels have repeatedly affirmed that the party submitting or requesting to submit an unsolicited supplemental filing should clearly show its relevance to the case and why it was unable to provide the information contained therein in its complaint or response (e.g., owing to some unforeseen or exceptional circumstance)."

The Panel finds that the supplemental filings do not contain any new evidence or information necessary for the consideration of this matter. The contents of the supplemental filings merely seek to bolster arguments made by the Respondent in the Response.

Accordingly, save in one respect addressed in Section 5E below, the Panel does not find it necessary to consider the supplemental filings.

### **C. Identical or Confusingly Similar**

The first element that the Complainant must establish is that the disputed domain name is identical with, or confusingly similar to, the Complainant's trademark rights.

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 the Complainant's trademark and the disputed domain name. [WIPO Overview 3.1](#), section 1.7.

As set out in section 4 above, the Complainant has proved that it owns at least an Australian registered trademark for SWANKY SOCKS.

Disregarding the ".com" generic Top Level Domain (gTLD) and the ".co" country code Top Level Domain (ccTLD) as is appropriate in this case ([WIPO Overview 3.1](#), section 1.11), both disputed domain names consist solely of the Complainant's registered trademark.

Accordingly, the Panel finds that the Complainant has established that the disputed domain names are identical with the Complainant's trademark and the requirement under the first limb of the Policy is satisfied.

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

In the circumstances of this case, it is appropriate next to consider the third requirement under the Policy.

Under the third requirement of the Policy, the Complainant must establish that the disputed domain names have been both registered and used in bad faith by the Respondent. These are conjunctive requirements; both must be satisfied for a successful complaint: see e.g., *Group One Holdings Pte Ltd v. Steven Hafto* WIPO Case No. [D2017-0183](#).

The disputed domain name <swankysocks.com>

In the present case the evidence clearly establishes that the Respondent became the registrant of the disputed domain name <swankysocks.com> some 14 months before the Complainant was incorporated.

It is possible that the Respondent registered the disputed domain name in contemplation of the formation of the Complainant; however, the 14 months between registration of the disputed domain name and subsequent incorporation of the Complainant mean that the Panel cannot draw that conclusion with any degree of confidence on the evidence.

The Complainant does claim that it reimbursed the Respondent for renewal and hosting charges between 2021 and 2023. In support of that claim, Annex 14 to the Complaint sets out a number of cash transactions during that period but there are no narrations indicating to whom the moneys were paid or for what goods or services. The transactions do not cover the full period of the registration of the disputed domain names. On the other hand, Annex R15 to the Response includes invoices addressed to the Respondent from the Registrar for domain registration fees including a 10 year renewal on January 10, 2020 for AUD 142.89, which is not a sum included in the Complainant's Annex 14.

As the Respondent registered the disputed domain name <swankysocks.com> some 14 months before the Complainant even came into existence, the Panel cannot find that the Respondent registered the disputed domain name somehow in anticipation of the Complainant's trademark rights at least in circumstances where the Panel cannot conclude that the disputed domain name must have been registered in contemplation of the Complainant. [WIPO Overview 3.1](#), section 3.8.1.

It may seem surprising that the disputed domain name <swankysocks.com> did not become an asset of the Complainant when the Complainant was incorporated and commenced to carry on business selling colourful socks under the trademark SWANKY SOCKS. Apart from the evidence that the Respondent continually paid the renewal fees for the domain name registration even after the Complainant was incorporated, the evidence in this proceeding does not allow the Panel to draw any conclusions about that issue which is likely to involve more extensive procedures than are available in proceedings under the Policy. In any event, while that matter may bear on the good faith or otherwise of the subsequent use of the disputed domain name, it does not bear on the good faith of the registration of the disputed domain name initially.

For completeness, the Panel notes that the Complaint refers to certain provisions of the employment contract signed by the Respondent, including provisions relating to ownership of intellectual property rights created in the course of the Respondent's employment, and to fiduciary duties the Respondent owed as a former director of the Complainant. The Respondent's authority or obligations under his employment contract or on any fiduciary duties he may have owed as a former director are matters for the broader commercial dispute before the Federal Court, where they are already in issue. Whether or not the employment contract or fiduciary duties gave rise to an assignment of the disputed domain name <swankysocks.com>, they are not the questions this Panel is able or required to determine under the Policy which requires the initial registration of the disputed domain name by the Respondent to be shown to have been in bad faith.

Accordingly, the Panel finds that the Complainant has failed to establish that the Respondent registered the disputed domain name <swankysocks.com> in bad faith. As the Complainant has failed to establish that and the third element under the Policy is conjunctive, therefore, the Complaint must fail in respect of the disputed domain name <swankysocks.com>.

The disputed domain name <swankysocks.co>

As it was registered on May 28, 2025, during the term of his employment by the Complainant, the disputed domain name <swankysocks.co> is potentially on a different footing. The Complainant bears the burden of proving that the disputed domain name <swankysocks.co> was registered in bad faith as at the date of its registration.

Mere awareness by the Respondent of the Complainant's SWANKY SOCKS trademark at the time of registration is a necessary but not sufficient condition for a finding of bad faith registration. [WIPO Overview 3.1](#), section 3.2.1. The Respondent's awareness is not disputed, given his employment by the Complainant at the relevant time.

The critical question is whether the Respondent registered the disputed domain name with the intention of targeting the Complainant's trademark rights. On the evidence before the Panel, that intention has not been established. As the Complainant has not established that the Respondent registered the disputed domain name <swankysocks.com> in bad faith, the Panel's comments above in relation to the scope of the questions this Panel is able or required to determine under the Policy are equally applicable.

The Panel therefore finds that the Complainant has failed to discharge its burden of proving bad faith registration of the disputed domain name <swankysocks.co>. Since the three elements under the Policy are conjunctive, and the Complainant has not satisfied the third, it is unnecessary for the Panel to consider either bad faith use or the Respondent's rights or legitimate interests.

#### **E. Reverse Domain Name Hijacking**

The Respondent has requested a finding of reverse domain name hijacking against the Complainant alleging that the bringing of the Complaint is an attempt to harass the Respondent and, in addition, that the Complainant and its representatives have engaged in what the Respondent describes as coercive tactics, witness intimidation and attempts to suppress evidence.

Paragraph 15(e) of the Rules provides that, if after considering the submissions, the Panel finds that the Complaint was brought in bad faith, for example in an attempt at Reverse Domain Name Hijacking or to harass the domain-name holder, the Panel shall declare in its decision that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding. The mere lack of success of the complaint is not, on its own, sufficient to constitute reverse domain name hijacking. [WIPO Overview 3.1](#), section 4.16.

The Respondent's charges involve serious allegations, at least some of which are more appropriately addressed in the court proceedings.

It is also plain that there is a genuine dispute between the Parties over, amongst other things, control of the domain names used by the Complainant at the heart of its business. That said, it has been clearly established under the Policy that it is necessary for a complainant to establish that the disputed domain name was registered in bad faith.

In the Complaint, the Complainant does state at paragraph 35:

"The date the .com domain name was first registered is not known to the Complainant. The first time a webpage associated with the .com domain name was crawled by the Wayback Machine at archive.org was October 15, 2014, being after the Complainant was incorporated, .... In the circumstances, the .com domain name should never have been registered in the Respondent's personal name. It should have been registered in the name of the Complainant. If registration of the domain name predates the date of incorporation of the Complainant, the domain name should have been transferred to the Complainant upon its incorporation being the entity that was in fact using and going to use the .com domain name for genuine and legitimate commercial purposes."

The Whois Record included in Annex 2 to the Complaint, however, clearly states that the disputed domain name <swankysocks.com> was created on January 9, 2012. As it turns out, that was not the date on which the Respondent became the registrant, but the Complainant persisted with its Complaint even after the Respondent provided evidence establishing the date he became the registrant. The Complaint does not advance any satisfactory basis for the Complainant holding a belief that January 9, 2012 was not the date when the Respondent registered the disputed domain name. The fact that the first capture by the Wayback Machine of a website to which the disputed domain name resolved was not until October 2014 is not itself sufficient, especially when services exist to trace the history of domain name registrants. Nor does the Complaint contain any basis supporting a claim that the Respondent did not register the disputed domain name in good faith in July / August 2013 some 14 months before the Complainant was incorporated. Further, the Complainant made no attempt to address that issue after becoming aware of the evidence. Further still, at no point has the Complainant sought to withdraw the Complaint although it appears that the Complainant advised the Federal Court on April 16, 2026, before the Panel was appointed that it anticipated withdrawing the Complaint.

In the absence of a proper explanation about how the Complainant annexed a WHOIS record but professed ignorance of the registration date it contains where services such as Domain Tools' Whois History have long existed, the Panel finds the basic due diligence the Policy requires of a complainant, particularly one represented by counsel, has not been done in this case. The proposition that a domain name registered well before a complainant existed cannot have been registered in bad faith is a well-established principle. [WIPO Overview 3.1](#), section 3.8.1.

The Panel also notes that the Complainant failed to pay its part of the administrative fees following the Respondent's election of a three-member Panel. The Panel finds this is not indicative of a party acting in good faith.

## 6. Decision

For the foregoing reasons, the Complaint is denied and the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding.

*/Warwick A. Rothnie/*

**Warwick A. Rothnie**

Presiding Panelist

*/Rebecca Slater/*

**Rebecca Slater**

Panelist

*/Nicholas Weston/*

**Nicholas Weston**

Panelist

Date: April 29, 2026