

ADMINISTRATIVE PANEL DECISION

Microsoft Corporation v. Prodip Mondal
Case No. D2026-1184

1. The Parties

The Complainant is Microsoft Corporation, United States of America (“U.S.”), represented by Edward Nathan Sonnenbergs Inc., South Africa.

The Respondent is Prodip Mondal, India.

2. The Domain Name and Registrar

The disputed domain name <forzamerch.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 March 19, 2026. On March 19, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 20, 2026, 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 (Redacted for Privacy / The RDAP server redacted the value, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 20, 2026, 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 March 24, 2026.

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 March 25, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 14, 2026. On March 26, 2026, and March 27, 2026, the Center received email communications from an email address listed on a website that was accessible via the website at the disputed domain name.

The email communication of March 26, 2026, stated that “the reported content has already been removed from our website”. The email communication of March 27, 2026, stated that “we have taken immediate action and the website has been taken down”.

The Center sent an email on March 26, 2026, inquiring whether the possibility of settlement was of interest to be explored and if so, the Complainant should submit a request for suspension by April 2, 2026. The Complainant responded on April 14, 2026, stating that the Complainant wished to proceed with the administrative proceeding. On April 15, 2026, the Center notified the Parties that it will proceed to panel appointment.

The Center appointed Francine Tan as the sole panelist in this matter on April 20, 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.

4. Factual Background

The Complainant is a leading 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’s offerings include well-known products and applications such as the Windows line of operating systems, the Microsoft Office and Microsoft 365 suite of productivity applications; hardware products such as “Xbox” video game console; consumer Internet services such as “Bing” web search, the MSN web portal, and the “Outlook” email service; and AI companion,

The Complainant has become one of the largest information technology companies in the world. As of June 30, 2025, it has subsidiaries in over 120 jurisdictions worldwide with an employee headcount of 103,000.

The Complainant owns a number of gaming development and publishing labels and studios as part of its larger Microsoft Gaming division. One of the Complainant’s studios, Turn 10 Studios, is known for its racing video game series, Forza, that debuted in May 2005. Forza is known for its realistic driving simulation, stunning visuals, and accessible gameplay. It has remained a popular and critically acclaimed game for over 20 years. The games sold over 10 million copies by August 2014 and 16 million copies by April 2021. It is one of the highest-grossing video game franchises, grossing over US\$1 billion at retail by December 2016.

The Complainant owns a large portfolio of trade mark registrations for FORZA including:

- (i) International Registration No. 1483765, with designations which include India, registered on April 15, 2019;
- (ii) United Kingdom Registration No. 00801483765, registered on January 24, 2020; and
- (iii) U.S. Registration No.6821441, registered on April 16, 2022.

The disputed domain name was registered on May 23, 2024. At the time of the filing of the Complaint, the disputed domain name was linked to a website which purported to sell and offer third-party products and accessories of other commercial origin which, the Complainant asserts, not only infringed the Complainant’s FORZA trade mark but also the Complainant’s copyright-protected content appearing in or emanating to and/or from the FORZA video game franchise.

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.

The Complainant contends the following:

Firstly, the disputed domain name is identical or confusingly similar to the Complainant's trade mark in which it has rights. The disputed domain name identically adopts the Complainant's FORZA trade mark and includes a non-distinctive and descriptive word, "merch".

Secondly, the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant has not licensed or otherwise permitted the Respondent to use any of its trade marks or to register the disputed domain name incorporating the FORZA trade mark. The Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. Instead, the Respondent's conduct shows a clear intent to obtain unfair commercial gain, with a view to misleadingly divert consumers or to tarnish the Complainant's trade mark. The Respondent's website is used to sell unauthorized, inauthentic competing products and/or accessories of other commercial origin, namely counterfeit items branded with the Complainant's FORZA trade mark. The disputed domain name itself suggests at least an affiliation with the Complainant and its FORZA trade mark. Amongst other things, the Respondent's website prominently displays the Complainant's FORZA trade mark at the top of the webpage and within the tab interface and website banner. The landing page of the website describes that it is an official store of "Forza Merch". The Respondent also uses copyright-protected content that belongs to the Complainant on its website without the Complainant's authorization.

Thirdly, the disputed domain name was registered and is being used in bad faith. It is evident that the Respondent knew of the Complainant's FORZA trade mark when registering the disputed domain name. The Respondent started offering unauthorized competing products branded with the Complainant's FORZA trade mark immediately after registering the disputed domain name. The Respondent's intention to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's FORZA trade mark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product on its website, is clear.

B. Respondent

The Respondent did not reply to the Complainant's contentions. The only communications received by the Center were the two aforementioned email communications from an email address listed on a website accessible via the disputed domain name.

6. Discussion and Findings

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 the Complainant's trade mark and the disputed domain name. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

The Complainant has shown rights in respect of a trade mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the mark FORZA is reproduced and recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of the other term “merch” (which is a commonly used abbreviated term for “merchandise”) may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), 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 the complainant, panels have recognized that proving that a 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 the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.1](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the 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. The only communications received by the Center were two email communications from an email address listed on a website accessible via the disputed domain name after the notification of the Complaint to notify the Center that “the reported content has already been removed from our website” and that “we have taken immediate action and the website has been taken down”.

Accordingly, 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.

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 3.1](#), section 3.2.1.

The disputed domain name incorporates the entirety of the Complainant’s distinctive FORZA trade mark with the addition of the suffix “merch”, a common contraction denoting the term “merchandise”. Given the Complainant’s earlier trade mark registrations, the distinctiveness and reputation of the Complainant’s FORZA mark, and the content and appearance of the Respondent’s website, the Panel agrees that the Respondent clearly knew of the Complainant and its FORZA mark at the time it registered the disputed domain name. Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel's decision is in line with the principles set forth in [WIPO Overview 3.1](#), section 3.2.1, which states:

“Particular circumstances panels may take into account in assessing whether the respondent's registration of a domain name is in bad faith include: (i) the nature of the domain name (e.g., a typo of a widely-known mark, or a domain name incorporating the complainant's mark plus an additional term such as a descriptive or geographic term, or one that corresponds to the complainant's area of activity or natural zone of expansion), ... (iii) the content of any website to which the domain name directs, including any changes in such content and the timing thereof, ... (vi) a clear absence of rights or legitimate interests coupled with no credible explanation for the respondent's choice of the domain name, or (vii) other indicia generally suggesting that the respondent had somehow targeted the complainant.”

Panels have also held that the use of a domain name for illegitimate activity, here, claimed as applicable to this case: sale of counterfeit or unlicensed goods, passing off, and copyright infringement constitutes bad faith. [WIPO Overview 3.1](#), section 3.4.

The Panel therefore finds that the 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 <forzamerch.com> be transferred to the Complainant.

/Francine Tan/

Francine Tan

Sole Panelist

Date: April 21, 2026