

ADMINISTRATIVE PANEL DECISION

Pest Control Office Ltd v. “Lawrence Banksy”
Case No. D2024-4850

1. The Parties

The Complainant is Pest Control Office Ltd, United Kingdom, represented by Howard Kennedy LLP, United Kingdom.

The Respondent is Lawrence Banksy, Norway.

2. The Domain Name and Registrar

The disputed domain name <pestcontroloffice.org> is registered with Key-Systems GmbH (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 25, 2024. On November 25, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 27, 2024, 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 (The domain name holder of the Disputed Domain Name / Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 28, 2024, 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 amendment to the Complaint on December 3, 2024.

The Center verified that the Complaint together with the amendment to 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 December 4, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 24, 2024. On December 23, 2024, the Center received a submission from the email address provided on the website linked to the disputed domain name. On December 30, 2024, the Center notified the Parties that it would proceed to panel appointment.

The Center appointed John Swinson as the sole panelist in this matter on January 4, 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 United Kingdom company that was established in 2008.

The Complainant is the official handling service acting on behalf of the anonymous artist known as Banksy and is solely responsible for issuing certificates of authenticity in relation to Banksy's work.

The Complainant owns several trademark registrations for PEST CONTROL OFFICE including United Kingdom Trademark Registration No. UK00918221015 registered on August 25, 2020 and European Union Trademark Registration No. 018221015 also registered on August 25, 2020. The Complainant also owns trademark registrations for BANKSY, for example, Australian Trademark Registration No. 1797945.

The Complainant operates a website located at "www.pestcontroloffice.com" ("the Complainant's website"). The Complainant's website includes a drawing (in a red circle) of a rat wearing an apron and holding a broom, and states "Pest Control", "Parent / Legal guardian for the artist Banksy" and "PLEASE BE VIGILANT TO CYBER FRAUD Ensure all interactions and correspondence ONLY come from the domain pestcontroloffice.com". The Complainant's website also states "There are a lot of people trying to sell fake Banksy's who go to great lengths to make them seem real. If it seems too good to be true - it probably is" and "Banksy only makes merchandise sporadically for certain specific projects. The result being that if something looks like a 'Banksy product' it almost certainly isn't. So, whilst it's admittedly quite funny that one nutter in Norway legally changed their name to 'Banksy' in order to get paid to endorse wine, you should treat any such products with scepticism. Heard of the phrase 'in vino veritas'? Doesn't apply here."

The disputed domain name was registered on November 2, 2021.

The Respondent did not file a formal response, and so little information is known about the Respondent. According to a Norwegian newspaper article from 2020, "Lawrence Banksy" is the son of a famous poet who changed his name to "Lawrence Banksy".

The case file includes an email purportedly sent by the Respondent from an email address at the disputed domain name to an auction house, where the sender offers Banksy authentication services to the auction house as well as two works for sale for auction. The email states "Steve is auctioning some of 'my' old stuff. I would like you to add, as a late admission, some original paintings on the auction [...] Love from Banksy".

At one time, the website at the disputed domain name included content that mirrored the content on the Complainant's website. At the present time, the website at the disputed domain name is a single webpage with the title "Banksy's Office" that states "CLEANING PROCESS IN PROGRESS" and includes a drawing of a rat wearing an apron and a crown and holding a broom and a flag. The website also states "PLEASE BE VIGILANT TO CYBERFRAUD Ensure all interactions and correspondence ONLY come from the domain bestcontroloffice.org, if you want to communicate with the artist BANKSY". The website also includes a drawing of a burning police car that links to a YouTube video of "Thank you for the music" by ABBA.

The Panel is aware of a website at <bestcontroloffice.org> (referred to on the website at the disputed domain name) that has a similar style to the website at the disputed domain name and that states "BEST CONTROL OFFICE ORIGINAL ARTSWORKS FROM THE ARTIST BANKSY". The domain name <bestcontroloffice.org> is not the subject of the present dispute.

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 disputed domain name is identical to the Complainant's PEST CONTROL OFFICE registered trademark and that the Complainant has built up significant goodwill and reputation in that name as the sole authenticator of Banksy's work.

The Complainant asserts that the Complainant's entire website has been reproduced by the Respondent at the website at the disputed domain name. The Complainant is concerned that the Respondent is falsely holding out the disputed domain name as the Complainant's website with fraudulent intent. The present use of the disputed domain name by the Respondent is very likely to mislead the public and to suggest a connection between the disputed domain name and the Complainant when there is no connection whatsoever.

The Complainant further alleges that the Respondent's intentional copying of the entirety of the Complainant's website content demonstrates that the Respondent's purpose in setting up the disputed domain name was to impersonate the Complainant and, in so doing, unlawfully obtain information or payments or highly valuable artworks by Banksy from would be consumers of the Complainant's service.

B. Respondent

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

An email was received by the Center from an email address at the disputed domain name, said to be from "Banksy" that made several submissions, including that the Complaint was not signed, that there is no evidence that the solicitor who filed the Complaint had the authority to do so, and that the trademarks relied upon by the Complainant were "geographically irrelevant".

The email states: "The core assertion of the complaint - that Pest Control Office Ltd possesses exclusive international rights to represent Banksy - is demonstrably false. No contract with the artist or legally binding document has been provided that supports this claim. [...] The complainant's assertion appears to be an attempt to leverage the artist's fame for commercial gain without any legitimate foundation."

The email also states that the disputed domain name is owned by "Banksy" and that the Complaint is an attempt "to stifle the artist's online presence."

The email also asserts that there is no evidence of fraud by the Respondent.

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

- (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.

The onus of proving these elements is on the Complainant.

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 trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Respondent asserts that the Complainant's trademark is "geographically limited, rendering the trademark claim irrelevant to this international domain name dispute." For the purposes of the first element of the Policy, the Complainant does not have to prove that it would succeed in a trademark infringement case against the Respondent. It is also irrelevant under this test that the Respondent may be in another jurisdiction where the Complainant may not have trademark rights. See, for example, *Sydney Markets Limited v. Nick Rakis trading as Shell Information Systems*, WIPO Case No. [D2001-0932](#).

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 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 3.0](#), 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.

At one time the Respondent's website at the disputed domain name copied the content of the Complainant's website. This is not bona fide use of the disputed domain name.

The Complainant asserts that the Respondent is involved in fraud and has reported the Respondent to the United Kingdom's National Fraud and Cyber Crime Reporting Centre run by the City of London Police and the National Fraud Intelligence Bureau. Although the documents reporting the fraud to the police have not been provided in the Complaint, the Complainant provided an email (referred to in Section 4 above) sent from an address at the disputed domain name. That email, along with the copied content of the website at the disputed domain name, supports the Complainant's allegations. Compare *No Limit, LLC, Newman's Own, Inc. v. Game Boy*, WIPO Case No. [D2020-3298](#).

The Respondent does not make any attempt to rebut the allegations of fraud or to demonstrate his rights or legitimate interests in the disputed domain name.

Use of a domain name to intentionally trade on the fame of another does not demonstrate his rights or legitimate interests in the domain name. *Van Morrison and Exile Productions Limited v. Unofficial Club de Van Morrison*, WIPO Case No. [D2002-0417](#).

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Paragraph 4(a)(iii) of the Policy provides that the Complainant must establish that the Respondent registered and subsequently used the disputed 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 3.0](#), section 3.2.1.

The Respondent's conduct demonstrates the Respondent's knowledge of the Complainant and its trademark. By registering the disputed domain name and then by using the disputed domain name to impersonate the Complainant, demonstrates that the Respondent specifically knew of and targeted the Complainant. *Block.one v. See PrivacyGuardian.org / Burstein-Applebee, Jerry K. Chasteen*, WIPO Case No. [D2021-1516](#).

In the present circumstances, the fact that (until a complaint was made by the Complainant to the Registrar) the disputed domain name resolved to a website which impersonated the Complainant and copied content from the Complainant's website leads the Panel to conclude the registration and use of the disputed domain name are in bad faith. *Oasis Labs, Inc. and AStar Technologies, Ltd. v. john jack, ko*, WIPO Case No. [D2022-3904](#); and *The Arts Council of England v. Alena Marley, Artstation*, WIPO Case No. [D2024-2011](#). Impersonation may be flattery, but it can also be fraudulent.

The Respondent is not associated with the Complainant. The Respondent provided no explanation as to why he selected the Complainant's PEST CONTROL OFFICE trademark for the disputed domain name. The Panel concludes that the Respondent selected and used the disputed domain name because of the reputation of the Complainant in the art world; in short, that the Respondent selected and used the disputed domain name in bad faith. *Pest Control Office Ltd v. Domain Privacy Service fbo Registrant, The Endurance International Group, Inc. / Di Gregorio Sergio*, WIPO Case No. [D2022-0272](#).

This decision makes findings concerning the trademark PEST CONTROL OFFICE but makes no findings regarding the artist known as Banksy. The Panel makes no finding as to who the real Banksy is, or whether the Respondent is impersonating Banksy.

The Panel 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 <pestcontroloffice.org> be transferred to the Complainant.

/John Swinson/

John Swinson

Sole Panelist

Date: January 17, 2025