

## **ADMINISTRATIVE PANEL DECISION**

McDonald's Corporation v. Dylan Woking  
Case No. D2025-1146

### **1. The Parties**

The Complainant is McDonald's Corporation, United States of America ("United States" or "USA"), represented by Jayaram PLLC, United States.

The Respondent is Dylan Woking, Sweden.

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

The disputed domain name <giveahandmcdonalds.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 20, 2025. On March 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 20, 2025, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on March 24, 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 amendment to the Complaint on March 25, 2025.

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 March 26, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 15, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 17, 2025.

The Center appointed Dawn Osborne as the sole panelist in this matter on April 25, 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 one of the world's largest restaurant chains. It is the owner of the trade mark MCDONALD'S registered, inter alia, in the USA as trade mark registration no. 1528636 for charity fund raising events since March 7, 1989, with first use recorded as 1971. It is also the owner of the trade mark GIVE A HAND registered in the USA as trade mark registration no. 3088740, since May 2, 2006, also for charity fund raising. It previously owned the disputed domain name and used it in relation to its charitable endeavours.

The disputed domain name was registered on February 2, 2025. It was initially used to offer cryptocurrency services using various other registered trade marks of the Complainant, namely its M logo and RONALD MCDONALD'S trade marks and a cartoon version of the Complainant's mascot character Ronald McDonald which is also protected by copyright. The bottom of the website shows "© 2025 McDonal's Corporation". This use was in a manner so as to appear to be a site authorised by the Complainant.

Subsequently the Respondent's site bore the simple message "McDonald's 2025". It currently bears a message "Account Suspended".

#### **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 disputed domain name is confusingly similar to the Complainant's GIVE A HAND and MCDONALD'S trade marks omitting only the latter's apostrophe and adding the generic Top-Level Domain ("gTLD") ".com" none of which prevents said confusing similarity.

The Respondent does not have rights or a legitimate interest in the disputed domain name, is not commonly known by it and has not been authorised by the Complainant.

The disputed domain name has been used for a site offering cryptocurrency service using registered trade marks of the Complainant's: its M logo, RONALD MCDONALD and a cartoon version of the Complainant's mascot character Ronald McDonald protected by copyright, in such a manner so as to falsely imply an official connection with the Complainant. Subsequently it was used for the simple message "McDonald's 2025". These uses are not a bona fide offering of services or a legitimate noncommercial or fair use. These are registration and use in bad faith diverting and deceiving Internet users for commercial gain and disrupting the Complainant's business.

##### **B. Respondent**

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

## **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 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 the GIVE A HAND, RONALD MCDONALD, and MCDONALD'S trade marks or service marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the GIVE A HAND and the MCDONALD'S mark (insofar as this can be represented in a domain name which cannot contain apostrophes) is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to both of these marks of the Complainant for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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.

The Respondent is not authorised by the Complainant or commonly known as the disputed domain name. By offering commercial cryptocurrency services using the Complainant's M logo and RONALD MCDONALD marks and a cartoon version of the Complainant's mascot character Ronald Mcdonald, the web site attached to the disputed domain name was deceptive and confusing and was impersonating the Complainant which is not a bona fide offering of goods or services or legitimate noncommercial fair use.

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.

Panels have held that the use of a domain name for illegal activity here impersonation/passing off can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

In the present case, the Panel notes that the Respondent offered commercial cryptocurrency services using the Complainant's M logo and RONALD MCDONALD marks and a cartoon version of the Complainant's mascot character Ronald McDonald showing actual knowledge of the Complainant's rights and business. Accordingly, the Panel holds that the Respondent has intentionally attempted to attract for commercial gain Internet users by creating a likelihood of confusion with the Complainant's mark, disrupting the Complainant's business.

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.

Panels have held that the use of a domain name for illegal activity here, impersonation/passing off constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. 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 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 <giveahandmcdonalds.com> be transferred to the Complainant.

*/Dawn Osborne/*

**Dawn Osborne**

Sole Panelist

Date: April 29, 2025