

ADMINISTRATIVE PANEL DECISION

Microsoft Corporation v. SHYNESTA Reed, SHYNESTA Reed
Case No. D2025-1341

1. The Parties

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

Respondent is SHYNESTA Reed, SHYNESTA Reed, United States.

2. The Domain Name and Registrar

The disputed domain name <dragon-store.org> (the "Domain Name") is registered with Tucows Domains Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 2, 2025. On April 3, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On April 3, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Contact Privacy Inc.) and contact information in the Complaint. The Center sent an email communication to Complainant on April 3, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on April 4, 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").

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified Respondent of the Complaint, and the proceedings commenced on April 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 27, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on April 29, 2025.

The Center appointed John C. McElwaine as the sole panelist in this matter on May 5, 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

Complainant is a technology company that develops, among other software products, AI-driven productivity and dictation solutions, including Dragon Professional, Dragon Legal, Dragon Law, and Dragon Anywhere software products.

Relevant to this matter, Complainant owns the following trademark registrations:

- DRAGON, United States Registration No. 6292101, registered January 10, 2020, in International Class 42;
- DRAGON, United States Registration No. 3181860, registered April 8, 2005, in International Class 9; and
- DRAGON, United States Registration No. 3633223, registered December 21, 2005, International Classes 9 and 42.

(Collectively, these registered trademark rights are referred to as the “DRAGON Mark”).

The Domain Name was registered on April 22, 2024. The Domain Name resolves to a website that prominently displays Complainant’s DRAGON Mark to purportedly sell Complainant’s DRAGON-brand software products.

5. Parties’ Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

As background, Complainant asserts that it is a leading developer of AI-driven productivity and dictation solutions sold under the DRAGON Mark, including Dragon Professional, Dragon Legal, Dragon Law, and Dragon Anywhere software products. Complainant asserts its products have been almost exclusively distributed through its official stores and websites and selected authorized distributors and retailers, with approximately 1.4 billion consumers using its products across 190 countries.

With respect to the first element of the Policy, Complainant asserts that the Domain Name is confusingly similar to its DRAGON Mark as it incorporates the mark in its entirety with only the addition of the descriptive term “-store”. Complainant contends this addition increases confusion by suggesting the website is Complainant’s official store.

With respect to the second element of the Policy, Complainant alleges that Respondent has no rights or legitimate interests in the Domain Name as Respondent is not an authorized distributor, licensee or retailer of Complainant’s products. Complainant contends that Respondent’s website does not meet the requirements for a bona fide offering of goods, as it prominently displays Complainant’s DRAGON Mark at the top of the website where users expect to find the name of an official online shop. The website further uses Complainant’s official product images without authorization while falsely claiming copyright in this material, strengthening the false impression of an affiliation with Complainant. Additionally, the website includes no information regarding the identity of its provider and does not acknowledge Complainant as the real brand owner.

With respect to the third element of the Policy, Complainant asserts bad faith registration and use based on Respondent's registration of a domain name incorporating Complainant's mark and immediate use of it to offer unauthorized software products. Complainant contends that Respondent is using the Domain Name to intentionally attract, for commercial gain, Internet users to the website by creating a likelihood of confusion with Complainant's DRAGON Mark as to source, sponsorship, affiliation, or endorsement. This is evidenced by Respondent's reproduction of Complainant's trademark in both the Domain Name and website title, unauthorized use of Complainant's official product images, and false copyright claims over Complainant's materials.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Although Respondent defaulted, to succeed in this proceeding, paragraph 4(a) of the Policy requires Complainant to prove its assertions with evidence demonstrating:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

Because of Respondent's default, the Panel may accept as true the reasonable factual allegations stated within the Complaint and may draw appropriate inferences therefrom. See *St. Tropez Acquisition Co. Limited v. AnonymousSpeech LLC and Global House Inc.*, WIPO Case No. [D2009-1779](#); *Bjorn Kassoe Andersen v. Direction International*, WIPO Case No. [D2007-0605](#); and see also paragraph 5(f) of the Rules ("If a Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint"). Having considered the Complaint, the Policy, the Rules, the Supplemental Rules, and applicable principles of law, the Panel's findings on each of the above-cited elements are as follows:

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 Complainant's trademark and the Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7. Ownership of a trademark registration prima facie satisfies that a complainant has the requisite rights in a mark for purposes of paragraph 4(a)(i) of the Policy. [WIPO Overview 3.0](#), section 1.2. Here, Complainant has provided evidence of multiple trademark registrations, including those referenced herein, for the DRAGON Mark.

The Domain Name incorporates Complainant's DRAGON Mark in its entirety, with the addition of the term "-store". As noted in section 1.8 of the [WIPO Overview 3.0](#), where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element.

Therefore, the Panel concludes that the Domain Name is confusingly similar to Complainant's DRAGON Mark in which Complainant has rights, satisfying the first element of the Policy.

B. Rights or Legitimate Interests

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.

Complainant has stated that it has not licensed or otherwise authorized Respondent to use its DRAGON Mark or to register domain names incorporating the mark. There is no evidence that Respondent has been commonly known by the Domain Name or that Respondent has acquired any trademark rights in the term “dragon-store”.

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Domain Name. Respondent has not rebutted Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Domain Name such as those enumerated in the Policy¹ or otherwise.

Respondent cannot claim that its operation of the website at the Domain Name provides legitimate interests. The Panel finds that Respondent’s website fails to meet the requirements established in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#), for several reasons. First, the website does not accurately and prominently disclose Respondent’s relationship with Complainant as the trademark owner. Instead, the website prominently displays Complainant’s DRAGON Mark at the top where users expect to find the name of an official online shop, creating a false impression of official affiliation. Second, the website uses Complainant’s official product images without authorization while falsely claiming copyright in this material, further misleading consumers about the relationship between the parties. Third, the website includes no information identifying the actual provider of the website, which is only identified as “Dragon Store” - a name that incorporates Complainant’s trademark and perpetuates the false impression of an official relationship.

To the extent that the software is not legitimate, Panels have categorically held that the use of a domain name for illegal activity, including the sale of counterfeit goods or impersonation/passing off, can never confer rights or legitimate interests on a respondent. Here, the website’s unauthorized use of Complainant’s trademark and materials, combined with its failure to disclose the true nature of its relationship with Complainant, demonstrates that Respondent is attempting to pass itself off as Complainant or an authorized reseller. Even if the products were genuine, which appears unlikely given these circumstances, such use, as discussed above, would not qualify as a bona fide offering of goods since the website inherently suggests an official affiliation with Complainant that does not exist.

Lastly, Respondent’s use of the Domain Name is not noncommercial or fair use under paragraph 4(c)(iii) of the Policy, given that Respondent is, at best, selling competing products from an online retail website. Such activity does not amount to a fan site, criticism, or other activity that may be considered noncommercial or fair use.

¹ The Policy, paragraph 4(c), provides a non-exhaustive list of circumstances in which a respondent could demonstrate rights or legitimate interests in a contested domain name: “(i) before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or (ii) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or (iii) you are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.”

The Panel finds that Respondent does not have rights or legitimate interests in the Domain Name and that Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

According to paragraph 4(a)(iii) of the Policy, Complainant must show that Respondent registered and is using the Domain Name in bad faith. A non-exhaustive list of factors constituting bad faith registration and use is set out in paragraph 4(b) of the Policy.

Bad faith registration can be found where a respondent “knew or should have known” of a complainant’s trademark rights and nevertheless registered a domain name in which it had no right or legitimate interest. See *Accor S.A. v. Kristen Hoerl*, WIPO Case No. [D2007-1722](#). Here, Respondent registered the Domain Name, which is confusingly similar to Complainant’s DRAGON Mark, and began using it in connection with a website containing prominent use of Complainant’s DRAGON Mark without authorization. The Panel finds that Respondent’s intention in registering the Domain Name was to attract, for commercial gain, Internet users to Respondent’s website by creating a likelihood of confusion with Complainant’s mark 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 pursuant to paragraph 4(b)(iv) of the Policy.

With respect to use of the Domain Name, Respondent registered the Domain Name and linked it to a website using Complainant’s DRAGON Mark without authorization. Specifically, Complainant has shown that Respondent has engaged in bad faith registration through:

1. Reproducing Complainant’s registered DRAGON Mark in both the Domain Name and prominently at the top of the website where consumers expect to find the name of an official online shop;
2. Unauthorized use of Complainant’s official product images and marketing materials while simultaneously claiming copyright ownership over these materials through a false copyright notice at the bottom of the website;
3. Creating a copycat version of Complainant’s legitimate website that mimics its look and feel to deceive consumers into believing they are accessing an official Microsoft store; and
4. Initially using a privacy protection service to conceal its true identity, which panels have found may constitute an additional factor indicating bad faith.

These actions amount to bad faith use of the Domain Name by Respondent. See *Identigene, Inc. v. Genetest Laboratories*, WIPO Case No. [D2000-1100](#) (finding bad faith where the respondent’s use of the domain name at issue to resolve to a website where similar services are offered to Internet users is likely to confuse the user into believing that the complainant is the source of or is sponsoring the services offered at the site); *MathForum.com, LLC v. Weiguang Huang*, WIPO Case No. [D2000-0743](#) (finding bad faith under paragraph 4(b)(iv) of the Policy where the respondent registered a domain name confusingly similar to the complainant’s mark and the domain name was used to host a commercial website that offered similar services offered by the complainant under its mark).

For these reasons, the Panel holds that Complainant has met its burden of showing that Respondent registered and is using the Domain Name in bad faith under paragraph 4(a)(iii) 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 Domain Name, <dragon-store.org>, be transferred to Complainant.

/John C McElwaine/

John C McElwaine

Sole Panelist

Date: March 20, 2025