

ADMINISTRATIVE PANEL DECISION

McGraw Hill LLC v. Callum Frost, Callum Frost
Case No. D2025-1427

1. The Parties

The Complainant is McGraw Hill LLC, United States of America ("U.S."), represented by Leason Ellis LLP, U.S.

The Respondent is Callum Frost, Callum Frost, U.S.

2. The Domain Name and Registrar

The disputed domain name <mcgrawhill.shop> is registered with Alibaba.com Singapore E-Commerce Private Limited (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 7, 2025. On April 8, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 9, 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 (UNKNOWN REGISTRANT) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 9, 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 April 15, 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 April 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 7, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 13, 2025.

The Center appointed Dennis A. Foster as the sole panelist in this matter on May 16, 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 Delaware company whose operations are based in Ohio. It has been in the business of creating, publishing, and selling educational materials for over one hundred years, mainly in the U.S., but also throughout the world.

In conjunction with its business, the Complainant registered MCGRAW HILL (U.S. federal trademark) with a claimed first use of 1909: registration no. 4664266, registration date December 30, 2014, International Classes 009, 016, 041, and 042 for goods that include computer software, CD Roms, and DVDs.

The Complainant's primary Internet website is at "www.mcgrawhill.com" (leading to <mheducation.com>).

The Respondent is an individual in the U.S. who registered the disputed domain name on March 27, 2025. The disputed domain name currently resolves to a landing page that offers the disputed domain name for sale.

5. Parties' Contentions

A. Complainant

--The disputed domain name incorporates the famous MCGRAW HILL trademark.

--The addition of the generic Top-Level Domain (gTLD) ".shop" does not distinguish the disputed domain name from the Complainant's trademark.

--MCGRAW HILL is a well-known trademark around the world.

--The Complainant is a global leader in educational services.

--The Respondent is not authorized to use the Complainant's MCGRAW HILL trademark.

--The Respondent registered the disputed domain name solely for re-sale and to make a profit beyond the cost of the disputed domain name.

--The renown of the Complainant's MCGRAW HILL trademark is such that it is not possible to conceive of a good faith use by the Respondent.

B. Respondent

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

6. Discussion and Findings

In accordance with paragraphs 4(a)(i) - (iii) of the Policy, the Panel may find for the Complainant and order a transfer of the disputed domain name provided the Complainant can establish that:

- the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

- the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- the disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has exhibited a copy of its MCGRAW HILL (U.S. federal) trademark which the Panel has detailed in the Factual Background section above. The Panel finds this is sufficient to show that the Complainant does have rights in the trademark. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, third edition ("[WIPO Overview 3.0](#)"), section 1.2.1.

The Panel notes, further, that the Respondent has added the gTLD ".shop" to the Complainant's trademark in the disputed domain name. The Panel finds that this gTLD addition does not keep the disputed domain name from being identical or confusingly similar to the Complainant's MCGRAW HILL trademark, for all domain names must have a gTLD. [WIPO Overview 3.0](#), sections 1.11.1 and 1.7.

The Panel therefore finds that the Complainant has carried its burden of proof under Policy paragraph 4(a)(i) to show that the disputed domain name is identical to the Complainant's trademark.

B. Rights or Legitimate Interests

Owing to the logical difficulty of proving a negative, the Policy consensus is that the Complainant need only make out a prima facie case that the Respondent does not have rights or legitimate interests in the disputed domain name, and then the burden of production shifts to the Respondent to come forward with evidence that he does have rights or legitimate interests in the disputed domain name. The overall burden of proof, however, remains on the Complainant. [WIPO Overview 3.0](#), section 2.1.

In the case at hand, the Complainant asserts that the Respondent has no license or other authorization to use the Complainant's trademark in the disputed domain name or in any other way. The Respondent, on the other hand, is in default and thus has not come forward with evidence to rebut the Complainant's prima facie case. Nonetheless, the Panel will review the record to see whether the Respondent might have rights or legitimate interests in the disputed domain name per Policy paragraph 4(c)(i)(ii) and (iii). In doing so, the Panel will accept as true all reasonable contentions of the Complainant. [WIPO Overview 3.0](#), section 2.1.

Per Policy paragraph 4(c)(i), the Respondent can show rights and legitimate interests in the disputed domain name if he shows that, before being notified of this dispute, he was using the disputed domain name to make a bona fide offering of goods and services. In our case, the Respondent has only used the disputed domain name to resolve to a landing page where it is offered for sale along with the possibility to purchase other domain names. In the Panel's view, this is a bad faith, not a good faith, offering of goods and services per Policy paragraph 4(b)(iv), about which more in the Bad Faith section of this Decision below.

Further, the Respondent cannot claim to be commonly known by the disputed domain name per Policy paragraph 4(c)(ii) because his name is otherwise. And still further, the Respondent's attempts to sell the disputed domain name on a landing page certainly are not a legitimate noncommercial or fair use of the disputed domain name since they are quintessentially commercial in intent. Moreover, the identical disputed domain name carries a high risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5.1.

Therefore, the Panel finds that the Complainant has satisfied its burden of proof under Policy paragraph 4(a)(ii) to show that the Respondent does not have rights or legitimate interests in the disputed domain name.

C. Registered and Used in Bad Faith

The Respondent registered the identical disputed domain in the gTLD ".shop". Next, the Respondent set up a landing page where it offers the disputed domain name for sale for USD 1,500 or lease-to-own for USD

100 per month. These prices are purportedly more than the Respondent would have paid to register the disputed domain name. The international reach of the Complainant's well-known trademark, particularly in the U.S. where the Respondent is located, assures the Panel that the Respondent well knew of the Complainant when he registered the disputed domain name.

The Panel finds, then, that the Respondent registered the disputed domain name in bad faith in violation of Policy paragraph 4(b)(iv): the Respondent intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's trademark.

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 <mcgrawhill.shop> be transferred to the Complainant.

/Dennis A. Foster/

Dennis A. Foster

Sole Panelist

Date: May 30, 2025