

ADMINISTRATIVE PANEL DECISION

McDonald's Corporation v. Eburg City
Case No. D2025-1502

1. The Parties

Complainant is McDonald's Corporation, United States of America ("United States"), represented by Neal, Gerber & Eisenberg LLP, United States.

Respondent is Eburg City, United States.

2. The Domain Name and Registrar

The disputed domain name <frmcd.com> (the "Domain Name") is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 12, 2025. On April 14, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On April 14, 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 ("NameCheap, Inc.") and contact information in the Complaint. The Center sent an email communication to Complainant on April 15, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on April 18, 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 the Respondent of the Complaint, and the proceedings commenced on April 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 19, 2025. Respondent sent email communications to the Center on May 12, and 19, 2025.

The Center appointed Christopher S. Gibson as the sole panelist in this matter on May 30, 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.

On June 2, 2025, the Center received an unsolicited supplemental filing from Complainant.

4. Factual Background

For more than 60 years, Complainant has been in the business of developing, operating, franchising, and servicing an extensive system of restaurants under the McDonald's brand name that prepare, package, and sell a variety of foods and beverages. With over 41,000 McDonald's restaurant locations serving approximately 69 million customers in over 100 countries each day, and approximately USD56.14 billion in worldwide assets, Complainant has developed a global reputation as one of the world's leading foodservice retailers. As part of its business, Complainant has extensively used the MCD mark in connection with its various registered goods and services, as well as in connection with its management and personnel.

Complainant and its affiliates own trademark rights established at common law and hold numerous trademark registrations, many incontestable, in the United States and around the world consisting of or including the terms "McD" or "McDonald's" to identify its restaurant-related goods and services, including:

1. United States Registration No. 1,037,773, for MCD, registered on April 13, 1976;
2. European Union Registration No. 008503931, for MCD, registered on September 28, 2010;
3. Canada Registration No. TMA979063, MCD'S, for registered on August 22, 2017; and
4. United Kingdom Registration No. UK00908503931, for MCD, registered on September 28, 2010.

In addition to its internationally registered rights in the MCD mark, Complainant has substantial common law rights in the mark:

(i) Consumers routinely refer to Complainant as – and understand "McD" and "McD's" as shorthand for – Complainant.

(ii) Keyword searches on Google for "McD" yields several pages of results for websites that refer to Complainant or its franchisees.

(iii) Complainant makes use of the MCD mark through its mobile application "atmcd" (also referred to as "@mcd"), which is available on the Google Play Store and Apple App Store in the United States.

(iv) MCD is the stock ticker symbol for Complainant on the New York Stock Exchange, which further reinforces the association between the term "McD" and Complainant.

Finally, courts and administrative panels have confirmed that Complainant owns valid rights in the distinctive MCD mark. See, e.g., *Camarata v. McDonald's Corp.*, Case No. C19-6236JLR, 2021 U.S. Dist. LEXIS 54399, *11-12 (W.D. Wash., March 23, 2021) ("The court concludes that there is no genuine issue of material fact that McDonald's owns the MCD mark and that the mark is distinctive"); *McDonald's Corporation v. Eburg City (Gene Camarata)*, WIPO Case No. [D2023-1237](#) ("Complainant has developed substantial common law trademark rights in its MCD Mark through its use as a shorthand or nickname").

In 1993, Complainant registered the domain name <mcd.com>. Shortly thereafter, Complainant established and assigned to all of its employees and executives email addresses ending in "@mcd.com." Since then, Complainant established and assigned more specific email addresses depending on organizational structure and each employee's location. For example, all of Complainant's French employees and executives are assigned email addresses ending in "@fr.mcd.com," and all of Complainant's United Kingdom employees and executives are assigned email addresses ending in "@uk.mcd.com." Complainant has been using these

email addresses exclusively and continuously for over 25 years, long before Respondent registered the Domain Name.

While Complainant's personnel use the email addresses, the "@fr.mcd.com" email addresses are also used in a consumer-facing manner, as they are often displayed as contact information on Complainant's or its franchisees' websites, marketing materials and press releases. Notably, these email addresses are also routinely used to share and exchange confidential information of Complainant and its franchisees and other business partners.

The Domain Name was registered on September 10, 2024. Complainant states on that same date, Respondent registered the related domain name <mcd.uk.com>. The websites associated with the Domain Name and <mcd.uk.com> redirect to parked pages with advertisements. The Domain Name is a mistyped version of Complainant's existing domain name and email address extension owned by Complainant, as the Domain Name omits the period between "fr" and "mcd" from Complainant's <fr.mcd.com> email address. Complainant claims this registration follows Respondent's historic pattern of registering mistyped versions of existing domain names owned by Complainant to further his allegedly fraudulent scheme.

Complainant provides background concerning Respondent, stemming from prior domain name disputes between Complainant and Respondent. Complainant states Respondent is Gene Camarata, who has registered and used numerous other typosquatted "McD" formative domain names to target and exploit Complainant. Complainant submits the Domain Name is another example registered in furtherance of Respondent's repeated and ongoing scheme to target Complainant. Complainant claims that for several years, Respondent has registered and made use of similar domain names for the purpose of gaining illicit access to potentially confidential communications intended for Complainant and making subsequent threats to Complainant.

Complainant's dispute with Respondent dates back to mid-2019, when Respondent registered the domain names <partnersmcd.com>, <storesmcd.com>, and <usstoresmcd.com>, and later registered <us-mcd.com>, <partners-mcd.com>, <gas-mcd.com>, <globalmcdonalds.com>, and <mcdock.com>. Each of these domain names is a slight variation on domain names that Complainant owns. Complainant claims Respondent registered many of the domain names under the pseudonym, "Eburg City," with contact information that matches Respondent's contact information in this case. Pursuant to decisions on *McDonald's Corporation v. Eburg City* ("Gene C."), WIPO Case No. [D2019-2164](#) and *McDonald's Corporation v. Eburg City (Gene Camarata)*, WIPO Case No. [D2023-1237](#), Respondent has used these domain names to intentionally intercept misdirected confidential email communications intended for Complainant's employees, executives, and franchisees, then forwarded those emails to Complainant, sometimes with a request for payment. For example, Complainant uses email addresses ending in "@us.mcd.com" for its United States employees, and Respondent registered the nearly identical domain names <us-mcd.com> (which substitutes a dash for a period between "us" and "mcd"), to intercept emails intended for the "@us.mcd.com" address. Complainant also allows its United States franchisees to use email addresses ending in "@partners.mcd.com," and Respondent registered the nearly identical domain name, <partnersmcd.com> (which omits the period between "partners" and "mcd" in the domain name), to intercept emails intended for the "@partners.mcd.com" address.

Complainant claims that after receiving misdirected emails, Respondent sent numerous emails to Complainant's executives and others from the email address "eburgcwu@gmail.com" and attaching the emails he received. In several emails, the sender noted that the information he received was confidential, requested payment for his "services", and threatened to release the information to the press.

Complainant filed multiple complaints against Respondent regarding these domain names, and in each case the domain names were found to be registered and used in bad faith and determined that they should be transferred to Complainant. See e.g., *McDonald's Corporation v. Eburg City* ("Gene C."), WIPO Case No. [D2019-2164](#); *Camarata v. McDonald's Corp.*, Case No. C19-6236JLR, 2021 U.S. Dist. LEXIS 54399 (W.D. Wash., March 23, 2021), *Camarata v. McDonald's Corporation*, Case No. 21-35455 (App. Ct., 9th Cir., Dec. 23, 2021), and *McDonald's Corporation v. Eburg City (Gene Camarata)*, WIPO Case No. [D2023-1237](#).

Complainant alleges Respondent registered two domain names: the Domain Name and the domain name <mcd.uk.com> on the same date with the intent of continuing his fraudulent scheme of intercepting misdirected confidential email communications intended for Complainant's employees and franchisees. All of Complainant's employees and executives in France have email addresses ending in "@fr.mcd.com," and all of Complainant's employees and executives in the United Kingdom have e-mail addresses ending in "@uk.mcd.com."

Complainant has provided evidence that it has received numerous emails from the same "eburgcwu@gmail.com" email address to Complainant's executives with screenshots of misdirected emails. Several of these emails contained confidential and proprietary business information, including sales numbers, employee information, and invitations to private in-person events. In one such email to Complainant's executives, the sender threatened to release information from files attached to an intercepted email publicly, saying that "[y]ou can count on the press to NOT report anything. I may try to do their job...somehow."

In an email communication received on May 19, 2025, Respondent seemingly acknowledges it has received misdirected communications intended for Complainant by stating "Respondent has been doing McDonald's Corp. a huge favor throughout the past several years, with his own time and expense, by preventing atrocious situations involving bad actors with nefarious motives. Respondent has also been kindly forwarding emails and notify email senders and the intended McDonald's affiliate recipients of the errors".

5. Parties' Contentions

A. Complainant

(i) Identical or confusingly similar

Complainant contends the Domain Name is confusingly similar to Complainant's MCD mark because it incorporates the mark in its entirety. The Domain Name only differs from the MCD trademark and Complainant's use thereof in email addresses through the omission of the period between "fr" and "mcd" in the Domain Name.

Moreover, Complainant submits it is well established that the use of a registered mark along with a descriptive or generic word does not avoid a likelihood of confusion. Respondent's removal of a period does not serve to differentiate the Domain Name from Complainant's MCD mark. Likewise, the irrelevant addition of the ".com" generic Top-Level Domain does not distinguish the Domain Name from Complainant's MCD mark. A user encountering the Domain Name – which is nearly identical to the MCD mark and the email addresses that Complainant and its franchisees use – are thus highly likely to be confused into believing that there is some relation, affiliation, connection approval or association between Respondent and Complainant when, in fact, no such affiliation exists.

(ii) Rights or legitimate interests

Complainant claims Respondent has no rights or legitimate interests in the Domain Name. Rather, Complainant states Respondent is using the Domain Name to intercept misdirected communications intended for Complainant. Respondent has never been known by the Domain Name. Rather, Respondent is an individual named Gene Camarata and has no affiliation with Complainant. Based on a trademark search, Respondent does not own any trademark registration for the term "McD". Complainant has also never licensed or otherwise authorized Respondent to use the MCD mark. To the contrary, Complainant has repeatedly objected to Respondent's registration and use of domain names comprised of its MCD and other marks owned by Complainant, as demonstrated by its prior UDRP and federal court actions, as well as its letter to the Registrar. Respondent has also not shown any demonstrable preparations to use the Domain Name in connection with any bona fide offering of goods or services. It is well-established that the mere registration of a domain name does not create rights in the domain name, and that such rights can arise only

through the bona fide offering of goods or services. Respondent's use of the Domain Name to potentially intercept misdirected email communications intended for Complainant is not a legitimate noncommercial or fair use under the Policy. Accordingly, Complainant concludes that Respondent cannot assert rights to, or legitimate interests in the Domain Name.

(iii) Registered and used in bad faith

Complainant asserts that given the renown and registrations for Complainant's MCD mark, any use by Respondent of the Domain Name would constitute an infringement of Complainant's trademark rights. Indeed, bad faith can be presumed because Respondent was aware of Complainant's well-known mark and claim of rights therein. Respondent's knowledge of Complainant's rights is further demonstrated based on the multiple prior proceedings in which the parties have previously engaged, each resulting in an administrative panel or federal court clearly setting forth Complainant's rights in its marks and the bad faith of Respondent's conduct, which he continues in a similar fashion in the instant case.

Complainant states Respondent's bad faith is further evidenced by the fact that the Domain Name does not resolve to an active website. As explained above, Complainant believes that Respondent registered the Domain Name intending to receive misdirected emails intended for Complainant and its franchisees, conduct that prior panels have routinely ruled constitutes bad faith. In addition, given that the Domain Name includes the entirety of the MCD mark and typographical variation on Complainant's <fr.mcd.com> domain name and "@fr.mcd.com" email address extension, the Domain Name constitutes typosquatting, which is further evidence of Respondent's bad faith registration and use of the Domain Name.

Based on the foregoing, Complainant requests that this Panel finds that: (a) the Domain Name is confusingly similar to Complainant's MCD mark; (b) Respondent has no legitimate interests or rights in the Domain Name; and (c) Respondent registered and used the Domain Name in bad faith, and to order the transfer of the Domain name to Complainant.

B. Respondent

On its email communication of May 19, 2025, Respondent requests that the Panel deny the remedy requested by Complainant. Respondent claims the Domain Name is not confusingly similar to a trademark or service mark in which Complainant has rights, has not been registered or used in bad faith, and is not infringing Complainant's federally registered or common law rights.

Respondent states Complainant is a publicly traded company and alleges the upper echelons of Complainant's management are incompetent and breaching their duties, causing injury to shareholders. Respondent asserts that Complainant has fabricated lies of alleged wrongdoings concerning the Domain Name, and that it would take time, discovery, and court proceedings to understand the issues in this case and establish the lawfully permitted uses of the Domain Name by Respondent.

Respondent argues the Domain Name cannot possibly be confused with websites maintained by Complainant. Since there is no website using a domain name similar to the Domain Name registered by Respondent, there is zero possibility of anyone trying to access any of Complainant's websites, and instead mistakenly accessing Respondent's site by confusion.

Respondent asserts there are many different commonly known meanings for "MCD", other than for Complainant's restaurants. For example, Respondent states "MCD" stands for Mad Cow Disease, which is a dangerous disease. Respondent asserts that other unrelated entities also have legal rights for "MCD" but fails to provide any supporting evidence of such allegation.

Respondent claims not only has there been no bad faith by him, but he "has been doing Complainant a favor over the past several years, applying his own time and expense to prevent atrocious situations involving bad actors with nefarious motives. Respondent has been forwarding emails and notifying email senders and the intended Complainant affiliates of the errors. Further, sending email messages to email senders and

intended McDonald's affiliate recipients of the errors", and "Sending with messages to email senders and intended McDonald's email recipients with messages is similar to a gripe website to publicly complain about a company, product, or service and is protected under free speech". Finally, Respondent contends that "because the allegedly misdirected emails are intangible, they cannot support a conversion claim".

C. Complainant's Supplemental Filing

On June 2, 2025, Complainant filed an unsolicited supplemental filing in response to Respondent's email communication. The Panel observes that the Rules provide for the submission of the Complaint by Complainant and the Response by Respondent. No express provision is made for supplemental filings by either Party, except in response to a deficiency notification or if requested by the Center or the Panel. Paragraphs 10 and 12 of the Rules in effect grant the Panel sole discretion to determine the admissibility of supplemental filings.

Complainant states that Respondent's May 19, 2025, Response compels the submission of Complainant's supplemental filing and contends consideration of Complainant's supplemental filing is necessary for the proper administration of justice in response to the Response's "nonsensical arguments". Respondent has not objected to Complainant's supplemental filing. The Panel considers that to the extent there are any new factual contentions made by Respondent, which could not have been anticipated by Complainant, Complainant's supplemental filing will be allowed to address these contentions (and not repeat arguments already made). However, as this seems not to be the case herein, the Panel finds it is unnecessary to consider Complainant's unsolicited supplemental filing.

6. Discussion and Findings

In order to succeed in its claim, Complainant must demonstrate that the three elements enumerated in paragraph 4(a) of the Policy have been satisfied. These elements are that:

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

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.

Complainant has shown both common law and registered rights in respect of its distinctive and well-known MCD trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. The entirety of the mark is reproduced within the Domain Name, with the addition of the term "fr" preceding the MCD mark. The addition of this term does not prevent a finding of confusing similarity between the Domain Name and Complainant's mark. See [WIPO Overview 3.0](#), section 1.7 ("where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing."). Moreover, Respondent registered the Domain Name (as discussed below) precisely because the Domain Name typosquats on Complainant's MCD mark and adds the two-letter term, "fr," which is used by Complainant in the email address ("@fr.mcd.com") for its French employees, executives, and operations. As stated in *McDonald's Corporation v. Eburg City (Gene Camarata)*, WIPO Case No. [D2023-1237](#), "[g]iven Respondent's historical pattern of abuse of Complainant's MCD Mark in an email interception scheme in the Prior Cases, the Panel considers it reasonable to infer that

the variations represent intentional reconfigurations of Complainant's email extensions selected by Respondent as typical misspellings, essentially typosquatting applied to Complainant's MCD Mark centered email domain names, to be considered further below. "

Accordingly, the Panel finds the Domain Name is confusingly similar to Complainants' mark for the purposes of the Policy, and the first element of the Policy has been established.

B. Rights or Legitimate Interests

Although the overall burden of proof in UDRP proceedings is on a 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 Respondent to establish rights or legitimate interests in the Domain Names by demonstrating any of the following, without limitation, under paragraph 4(c) of the Policy:

(i) before any notice of the dispute, Respondent's 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) Respondent has been commonly known by the Domain Name, even if Respondent has acquired no trademark or service mark rights; or

(iii) Respondent is 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.

Here, the Panel finds that Complainant has made a prima facie showing that Respondent lacks rights or legitimate interests in the Domain Name, thus shifting the burden to Respondent. The Panel further determines that Respondent has not successfully rebutted Complainant's prima facie case.

Complainant has submitted evidence that Respondent has never been known by the Domain Name; that Respondent does not own any trademark registration for the term "McD"; that Complainant has not authorized Respondent to use or register the MCD mark; and that Respondent has not shown any demonstrable preparations to use the Domain Name in connection with any bona fide offering of goods or services. Instead, Complainant has alleged that Respondent is using the Domain Name (as it has other domain names concerning Complainant) to intercept misdirected communications intended for Complainant, which is not a legitimate noncommercial or fair use under the Policy. See e.g., *Valero Energy Corp., Valero Marketing and Supply Co. v. Joe Matthews, Valero PLC*, WIPO Case No. [D2017-1856](#) (finding no legitimate interest where the respondent used the disputed domain name, which was similar to the domain name the complainant used for company email addresses, in a fraudulent manner to send job offers via email to individuals, pretending to be an employee of the complainant).

The evidence in this case establishes that Respondent has clearly targeted Complainant and its MCD trademarks. Respondent states he has been doing Complainant a "favor" over the past several years, applying his own time and expense to prevent bad situations involving "bad actors with nefarious motives". Yet Respondent has provided no evidence to support this implausible claim, while Complainant has provided evidence to show that Respondent has been intercepting emails intended for Complainant and its franchisees, causing confusion, threatening release of confidential information, and seeking (in some instances) payment. This interference with Complainant's business operations does not support a claim to rights or legitimate interests in the Domain Name. The Panel also finds that Respondent's argument alluding to the use of the Domain Name for "free speech" is preposterous, and thus, is rejected by the Panel. The Domain Name, prior to the filing of the Complaint, resolved to a webpage with pay-per-click advertising links, with no actual criticism content, and the evidence in the case indicates Respondent's actual intent with the Domain Name is to threaten Complainant with confidential information received through misdirected emails.

As stated in *McDonald's Corporation v. Eburg City (Gene Camarata)*, WIPO Case No. [D2023-1237](#), a case also involving Respondent:

"Under the strikingly similar circumstances involving the same Respondent in the Prior Cases, the UDRP panels in each decision found no rights or legitimate interests in the disputed domain names where Respondent engaged in the illegitimate email interception scheme shown here.... The Panel here finds the prior UDRP panels' reasoning persuasive, especially given such similar operative facts evidencing a reprise of previous domain name abuse by the same Respondent."

See *McDonald's Corporation v. Eburg City ("Gene C.")*, WIPO Case No. [D2019-2164](#), and *McDonald's Corporation v. Hello There*, NAF Claim No. FA1866967; see also, *Clare Locke LLP v. Gene Camarata / Eburg City*, WIPO Case No. [D2021-2788](#); *Cerner Corporation v. Eburg City*, NAF Claim No. FA1914975.

Accordingly, for all of the above reasons, the Panel finds that Complainant has made a prima facie showing of Respondent's lack of rights or legitimate interests in respect of the Domain Name, which has not been sufficiently rebutted by Respondent. The Panel therefore finds that Complainant has established the second element of the Policy.

C. Registered and Used in Bad Faith

The third element of paragraph 4(a) of the Policy requires that Complainants demonstrate Respondent registered and is using the Domain Name in bad faith. [WIPO Overview 3.0](#), section 3.1, states, "bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant's mark."

For the reasons discussed under this and the preceding heading, the Panel considers that Respondent's conduct in this case constitutes bad faith registration and use of the Domain Name within the meaning of paragraph 4(a)(iii) of the Policy. It is clear that Respondent was aware of Complainant and its MCD trademark, and targeted that mark, when registering the Domain Name. The placement of Complainant's distinctive and well-established MCD mark in the Domain Name, preceded by the term, "fr," is likely to generate confusion, especially for those who might be intending to send an email to Complainant's French employees and franchisees. As explained above, it appears that Respondent registered the Domain Name intending to receive misdirected emails intended for Complainant and its franchisees, which is conduct that prior UDRP panels have found to constitute bad faith. See *Valero Energy Corp., Valero Marketing and Supply Co. v. Joe Matthews, Valero PLC*, WIPO Case No. [D2017-1856](#) (ordering the transfer of the domain name at issue where the respondent used the domain name to send emails to individuals, misled them into believing they received a job offer from the complainant, and making them send personal information and money).

The Panel finds that Respondent registered the Domain Name intending to receive misdirected emails intended for Complainant and its franchisees. In addition, given that the Domain Name includes the entirety of the MCD mark and typographical variation on Complainant's <fr.mcd.com> domain name and "@fr.mcd.com" email address extension, the Domain Name constitutes typosquatting, which is further evidence of Respondent's bad faith registration and use of the Domain Name.

Accordingly, for all of the above reasons, the Panel concludes the Domain Name was registered and used in bad faith. Accordingly, Complainants have satisfied 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 Domain Name <frmcd.com> be transferred to Complainant.

/Christopher S. Gibson/

Christopher S. Gibson

Sole Panelist

Date: June 19, 2025