

ADMINISTRATIVE PANEL DECISION

Corcreevy Pty Ltd v. domain administration, Anything.com, Ltd.
Case No. D2025-1881

1. The Parties

The Complainant is Corcreevy Pty Ltd, Australia, represented by Bennett Litigation and Commercial Law, Australia.

The Respondent is domain administration, Anything.com, Ltd., Saint Kitts and Nevis, represented by ESQwire.com PC, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <tyrone.com> 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 May 12, 2025. On May 12, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 12, 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 May 13, 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 amended Complaint on May 16, 2025. The Complainant filed a second amended Complaint on May 21, 2025.

The Center verified that the Complaint together with the amended Complaints 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 May 21, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 10, 2025. On May 27, 2025, the Respondent requested a four-day extension to file a Response in accordance with the Rules, paragraph 5(b). The due date for Response was extended accordingly to June 14, 2025. The Response was filed with the Center on June 14, 2025.

The Center appointed Jane Seager, Luca Barbero, and Jeremy Speres as panelists in this matter on July 15, 2025. The Panel finds that it was properly constituted. Each member of 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

Incorporated on June 14, 2011, the Complainant is an Australian company trading under the names “Tyrone Masonry” since 2011 and “Tyrone Group” since 2014. The Complainant operates a construction business, specializing in commercial masonry including brick and block laying, formwork, concrete, structural packages, and restoration services. The Complainant currently employs some 60 people and operates its business from two primary locations in Western Australia.

The Complainant is the owner of Australian Trademark Registration No. 2438520, TYRONE (figurative), registered on March 27, 2024.

The registration data for the disputed domain name lists a registration date of May 13, 2002. In February 2025, the disputed domain name resolved to a landing page displaying sponsored links and including a banner at the top of the page stating, “tyrone.com may be for sale!”. By clicking on the link, Internet users were redirected to a GoDaddy.com web page promoting a domain broker service. At the time of this Decision, the disputed domain name does not resolve to an active web page.

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.

The Complainant asserts rights in the trademark TYRONE. The Complainant submits that the disputed domain name is identical to the textual elements of its trademark.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant asserts that the Respondent has no trademark rights in “tyrone”, is not known by that name, nor does the Respondent operate any business under that name. The Complainant submits that the Respondent is not making any use of the disputed domain name in connection with a bona fide offering of goods or services. Rather, the disputed domain name is passively held by the Respondent. The Complainant asserts that it has no connection with the Respondent and has never granted any authorization for the Respondent to use or register the disputed domain name. The Complainant argues that the Respondent’s registration and use of the disputed domain name carries a risk of implied affiliation with the Complainant.

The Complainant submits that the disputed domain name was registered and is being used in bad faith. The Complainant notes that the disputed domain name was first registered on May 13, 2002, and asserts that the Respondent acquired the disputed domain name between May 6, 2022, and February 21, 2024. The Complainant asserts that the disputed domain name has been bought and sold on four occasions between 2016 and 2024. The Complainant notes that the disputed domain name is listed at “www.godaddy.com” with an option to engage GoDaddy’s domain broker service for a fee. The Complainant submits that the Respondent acquired the disputed domain name for the purpose of reselling the disputed domain name, which it says is not good faith behavior. The Complainant further asserts that the Respondent’s passive holding of the disputed domain name establishes the Respondent’s bad faith.

The Complainant requests transfer of the disputed domain name.

B. Respondent

The Respondent accepts that the Complainant has rights in the trademark TYRONE for purposes of standing under the first element of the Policy.

The Respondent states that it operates a business of registering domain names composed of common first names, last names, and dictionary terms for investment and development. The Respondent states that it seeks to develop such domain names or to resell them to other entities looking for an easy-to-remember domain name. The Respondent notes that “tyrone” is a common first name, and asserts that it registered the disputed domain name in light of its inherent value as a common name. The Respondent submits that the registration of domain names that contain common names or dictionary terms is permissible on a first-come, first-served basis, and that such registration establishes legitimate interests in the relevant domain name, provided that the domain name was not registered with a trademark in mind. The Respondent asserts that registering domain names composed of common names or dictionary terms for resale is in itself a legitimate business activity, again provided that there is no intent to target a trademark holder. The Respondent explains that it hosts its domain names with a service that provides pay-per-click (“PPC”) advertising links, and submits that such PPC links establish legitimacy where they are selected due to the descriptive meaning of terms contained in a domain name. The Respondent states that it does not select the PPC links itself, explaining that they are automatically generated based on parking provider software. The Respondent submits that it has established rights and legitimate interests in respect of the disputed domain name.

The Respondent denies having registered or used the disputed domain name in bad faith. The Respondent submits that the Complainant has failed to demonstrate that the disputed domain name was registered in bad faith. The Respondent claims to have registered the disputed domain name in 1998, and provides documentary evidence of its ownership of the disputed domain name dating back to 2004. The Respondent submits that based on the evidence available to the Complainant, including historic WhoIs records and screen captures, it should have been apparent to the Complainant that the Respondent had been the longstanding registrant of the disputed domain name (given that the same email address appeared on the website to which the disputed domain name resolved as well as on historic WhoIs records dating back to at least 2016), and that the Complainant’s assertions regarding the Respondent’s acquisition of the disputed domain name at a date between 2022 and 2024 are misleading or otherwise misguided. The Respondent submits that any doubt in this regard ought to have been dispelled upon transmission of the registration information by the Center, as disclosed by the Registrar. The Respondent notes that its registration of the disputed domain name took place many years before the incorporation of the Complainant and the Complainant’s adoption of the TYRONE mark, and submits that the registration of the disputed domain name prior to the existence of the Complainant’s trademark rights precludes a finding of bad faith.

The Respondent submits that in light of the nature of the disputed domain name, consisting of a common first name, coupled with the lack of evidence of targeting of the Complainant on the part of the Respondent, it should have been clear to the Complainant that the disputed domain name had not been registered nor used to target the Complainant. The Respondent submits that the Complainant ought to have known that the Complaint had no reasonable chance of success, warranting a finding of Reverse Domain Name Hijacking.

6. Discussion and Findings

In order to prevail, the Complainant must demonstrate on the balance of probabilities that it has satisfied the requirements of paragraph 4(a) of the Policy as follows:

- (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 was registered and is being used 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 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 is the owner of a figurative trademark for TYRONE. Panel assessment of identity or confusing similarity involves comparing the (alpha-numeric) domain name and the textual components of the relevant mark. To the extent that design (or figurative/stylized) elements would be incapable of representation in domain names, these elements are largely disregarded for purposes of assessing identity or confusing similarity under the first element. [WIPO Overview 3.0](#), section 1.10.

The textual elements of the Complainant's trademark are reproduced within the disputed domain name. The Panel finds the disputed domain name to be identical to the textual elements of the Complainant's trademark 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

In light of the Panel's findings under the third element below, the Panel does not consider it necessary to enter findings in respect of the second element of the Policy.

C. Registered and Used in Bad Faith

It is well established that where a respondent registers a domain name before the complainant's trademark rights accrue, panels will not normally find bad faith on the part of the respondent. [WIPO Overview 3.0](#), section 3.8.1.

A key aspect of the Complainant's case is the assertion that the Respondent acquired the disputed domain name at a date between May 6, 2022, and February 21, 2024. This appears to be based on changes made to the registration data for the disputed domain name, notably a change to the Registrant Country from "Cayman Islands" to "Saint Kitts and Nevis" that occurred in May 2022. However, annexed to the Complaint were screen captures of the web page to which the disputed domain name resolved dating from February 10, 2025, as well as historic Whois records for the disputed domain name dating back to March 20, 2016. The Panel notes that the same contact email address is included in the historic Whois information dating from March 20, 2016, as was displayed on the web page to which the disputed domain name resolved on February 10, 2025. In addition, the Respondent is clearly listed on the historic Whois record for the disputed domain name as at May 6, 2022, as submitted by the Complainant. Moreover, the Respondent has provided copies of historic Whois records for the disputed domain name indicating that at October 15, 2004, the Respondent "Anything.com Ltd." was the registrant of the disputed domain name. The Panel finds it more likely than not that the Respondent's ownership of the disputed domain name extended back to at least May 13, 2002, if not before as claimed by the Respondent.

What is clear from the evidence on record is that the Respondent's registration of the disputed domain name predated the incorporation of the Complainant and the Complainant's adoption of the trademark TYRONE by many years. Indeed, the Complainant did not acquire a trademark registration for TYRONE until 2024, two decades after the registration of the disputed domain name. There is nothing in the record to suggest that the Respondent could have had the Complainant's trademark in mind when the Respondent registered the disputed domain name, as at that time the Complainant did not yet exist. The Panel finds that the

Complainant has failed to establish that the disputed domain name was registered in bad faith, therefore the Complaint must fail.

For completeness, the Panel notes that prior UDRP panels have accepted that aggregating and holding domain names (usually for resale) consisting of acronyms, dictionary words, or common phrases can be bona fide and is not per se illegitimate under the Policy. There is no evidence in the record to suggest that the Respondent has sought to target the Complainant through its use of the disputed domain name. The Panel further finds that the Complainant has failed to establish that the Respondent has used the disputed domain name in bad faith.

The Panel finds the third element of the Policy has not been established.

D. Reverse Domain Name Hijacking

Paragraph 15(e) of the Rules provides that, if after considering the submissions, the Panel finds that the Complaint was brought in bad faith, for example in an attempt at Reverse Domain Name Hijacking or to harass the domain-name holder, the Panel shall declare in its decision that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding. The mere lack of success of the complaint is not, on its own, sufficient to constitute reverse domain name hijacking. [WIPO Overview 3.0](#), section 4.16.

As noted above, the Complaint was advanced on the notion that the disputed domain name was acquired between 2022 and 2024. However, the Complainant's assertions in this regard are not supported in evidence. Indeed, the evidence presented by the Complainant indicates that the Respondent's ownership of the disputed domain name dated back to at least 2016. The Panel notes that there may have been doubt as to the identity of the registrant due to redaction of registration information in the publicly-accessible Whois record; however, any such doubt should have been removed upon disclosure of the registration information further to the Complainant's submission of the Complaint to the Center. Despite this, the Panel notes that the Complainant chose to proceed with the Complaint containing factual statements that the Complainant should have recognized as being incorrect. Based on a plain reading of the Policy together with the prevailing facts at the time of submission of the amended Complaint and second amended Complaint, the Panel finds that the Complainant knew or should have known that it could not succeed. In light of the above, the Panel finds that the Complaint was brought in bad faith and constitutes an attempt at Reverse Domain Name Hijacking.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Jane Seager/

Jane Seager

Presiding Panelist

/Luca Barbero/

Luca Barbero

Panelist

/Jeremy Speres/

Jeremy Speres

Panelist

Date: July 22, 2025