

ADMINISTRATIVE PANEL DECISION

Radiohead Trademark Limited v. QMX, TRAN DUNG NGHI, Huy Hoang, Piyal Bosu, Kathy Greenhaw, Jeremy Tang, Area Ten Pty Ltd, 黄立东 (lidong), 竹海國際貿易有限公司 (huanglidong)
Case No. D2025-2152

1. The Parties

The Complainant is Radiohead Trademark Limited, United Kingdom (“UK”), represented by Clintons, UK.

The Respondents are QMX, TRAN DUNG NGHI, Viet Nam; Huy Hoang, Viet Nam; Piyal Bosu, Bangladesh; Kathy Greenhaw, Norway; Jeremy Tang, Area Ten Pty Ltd, Australia; 黄立东 (lidong), 竹海國際貿易有限公司 (huanglidong), China.

2. The Domain Names and Registrars

The disputed domain names <radioheadmerchandise.com>, <radiohead-merch.com>, and <radioheadmerch.net> are registered with NameCheap, Inc.; the disputed domain name <radioheadmerch.com> is registered with Xin Net Technology Corporation; the disputed domain name <radiohead.store> is registered with Nicenic International Group Co., Limited; and the disputed domain name <radioheadstore.com> is registered with GoDaddy.com, LLC (collectively the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on June 2, 2025. On June 2, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On June 2, 2025, and June 3, 2025, the Registrar transmitted by email to the Center the verification responses disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf, REDACTED FOR PRIVACY, and Registration Private, Domains By Proxy, LLC) and contact information in the Complaint.

The Center sent an email communication to the Complainant on June 3, 2025 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint in English on June 5, 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 Respondents in Chinese and English of the Complaint, and the proceedings commenced on June 16, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 6, 2025. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on July 10, 2025.

The Center appointed Deanna Wong Wai Man as the sole panelist in this matter on July 14, 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 company incorporated in the UK on July 24, 1997, that owns several trademarks associated with a band named RADIOHEAD that has enjoyed global popular success since 1993. The band members are the directors and shareholders of the Complainant.

The Complainant owns a large international portfolio of trademark registrations for the trademark RADIOHEAD and variations of it in several countries, including, for example, UK trademark no. UK00900331256 for the word mark RADIOHEAD registered on December 3, 2003, and United States of America trademark No. 2160170 for the word mark RADIOHEAD registered on May 26, 1998.

The band's official merchandise website can be found at the domain name <store.wasteheadquarters.com>.

The disputed domain names were registered between 2022 and 2024, except for the disputed domain name <radioheadstore.com> which was registered on December 4, 2015, and were, according to the evidence submitted by the Complainant, mainly being used to offer for sale purported RADIOHEAD merchandise, except for the disputed domain name <radioheadstore.com> being used to resolve to a website displaying "Radiohead Store" without offering any products for sale. On the date of this Decision, most of the disputed domain names refer to inactive websites.

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 names.

Notably, the Complainant contends that it has rights in the trademark RADIOHEAD, supported by trademark registrations in multiple jurisdictions, which it submits constitute prima facie evidence of ownership. The Complainant contends that its rights in the RADIOHEAD mark predate the registration of the disputed domain names by the Respondents. It further submits that the disputed domain names are confusingly similar to its trademarks, as they incorporate the RADIOHEAD mark in its entirety. The addition of the generic terms “store”, “merch”, or “merchandise” is, according to the Complainant, does not detract from the confusing similarity to its trademark.

With respect to the second element of the Policy, the Complainant essentially maintains that the Respondents have no rights or legitimate interests in the disputed domain names. The Complainant states that neither it nor the band RADIOHEAD has any connection to the Respondents, and no consent has been given for the sale of what it describes as “Infringing Merchandise” through the websites at the disputed domain names. The Complainant therefore essentially infers that none of the circumstances set out in paragraph 4(c) of the Policy apply. Particularly, the Complainant asserts that the Respondents’ use of the disputed domain names cannot be considered “fair use”, as they falsely suggest affiliation with the band by offering infringing merchandise bearing the name, the likeness, the trademarks and the copyright works of the band and the use is a pretext for commercial gain by the Respondents. The Complainant also argues that the disputed domain names are used explicitly and exclusively for commercial purposes, namely the sale of unauthorized merchandise, and therefore cannot reasonably be characterized as noncommercial, which means that the Respondents cannot credibly claim that the disputed domain names serve as bona fide fan sites or reflect any legitimate interest in that regard.

As to bad faith, the Complainant alleges that the disputed domain names were registered and are being used in bad faith. The Complainant argues that the Respondents had full knowledge of the Complainant’s trademark rights at the time of registration, and that the mere registration of the disputed domain names which fully incorporate the Complainant’s trademark—particularly one as well-known and closely associated with the band—gives rise to a presumption of bad faith. The Complainant further submits that the inclusion of the descriptive terms “store”, “merch” or “merchandise” which describes the commercial nature of the Respondents’ websites, reinforces this presumption. On the issue of use, the Complainant essentially contends that the Respondents have deliberately targeted the band, and seek to exploit the Complainant’s rights for commercial gain by offering unauthorized merchandise for sale.

B. Respondents

The Respondents did not reply to the Complainant’s contentions.

6. Discussion and Findings

6.1 First Preliminary Issue: Consolidation of Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant’s request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2.

As regards common control, the Panel notes that the Complainant essentially contends that the disputed domain names are all under common control based on the following elements: the disputed domain names all make use of the Complainant's trademarks, use "store", "merch" or "merchandise" in the respective disputed domain names to suggest commercial affiliation with the Complainant, and the content of the disputed domain names also suggests an affiliation, by offering for sale a nearly identical range of infringing merchandise accompanied by images that are also nearly identical. The Complainant further also supports its request by referring to commonalities in terms of Registrar and similar registration dates for the disputed domain names which were all registered between August 2022 and 2024, except for <radioheadstore.com> which was registered on December 4, 2015.

Having reviewed the facts, arguments and the evidence submitted, the Panel finds that the abovementioned factors and arguments are sufficient to, on a balance of probabilities, establish that the disputed domain names <radioheadmerchandise.com>, <radiohead-merch.com>, <radioheadmerch.net>, <radioheadmerch.com>, <radiohead.store> are subject to common control. In this regard, the Panel attaches particular importance to the similar naming patterns, to the fact that they were all used for the same purpose of commercializing similar purported RADIOHEAD merchandising products and accompanied by identical or similar images, and also to the fact that they were all registered in a relatively short period of time, i.e. between 2022 and 2024. As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

However, the Panel finds that the abovementioned arguments and facts do not equally apply to disputed domain name <radioheadstore.com>. As to this disputed domain name specifically, the Panel notes that the only argument for consolidation raised by the Complainant is that it "is attempting to take advantage of the Trade Mark in conjunction with the word 'store' to redirect traffic to its site". The Panel finds that this by itself or in combination with the other arguments raised is not sufficient to support the Complainant's claim that there is actual common control being exercised over this disputed domain name in particular. In this regard, the Panel specifically considered the following facts: the disputed domain name <radioheadstore.com> was, based on the evidence submitted by the Complainant, not used for the same purpose of commercializing purported RADIOHEAD-branded merchandising products as the other disputed domain names, did not use the same or similar images and was already registered in 2015, i.e. many years before the other disputed domain names were registered.

Accordingly, having regard to the above circumstances, the Panel accepts the consolidation for disputed domain names <radioheadmerchandise.com>, <radiohead-merch.com>, <radioheadmerch.net>, <radioheadmerch.com>, and <radiohead.store> but rejects the consolidation for disputed domain name <radioheadstore.com>. The Panel notes that the Complainant remains at liberty to file a new complaint in respect of the disputed domain name <radioheadstore.com>.

All further references in this Decision to the Respondent and the disputed domain names refer collectively to the consolidated parties and disputed domain names, as explained above.

6.2 Second Preliminary Issue: Language of the Proceeding

The language of the Registration Agreement for the disputed domain name <radioheadmerch.com> is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative

proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the registration information and the fact that the disputed domain names' content is all in English.

The Respondent did not make any specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see [WIPO Overview 3.0](#), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

6.3 Findings on the Merits

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 3.0](#), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark 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.

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 names. 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 names such as those enumerated in the Policy or otherwise.

The Panel also notes that the Complainant has not licensed or otherwise authorized the Respondent to use its trademarks, that no relationship exists between the Parties and that the websites at the disputed domain names fail to clearly or prominently disclose this lack of affiliation. Furthermore, based on the record, the Respondent is not commonly known by the disputed domain names. The Panel finds that the Respondent's use does not constitute a bona fide offering of goods or services, nor a legitimate noncommercial or fair use, particularly given the Complainant's significant reputation and the potential to mislead Internet users.

Furthermore, the Panel also agrees with the Complainant that the Respondent is not operating a permissible fan site (see section 2.7 of the [WIPO Overview 3.0](#)) since the websites at the disputed domain names are in the first place commercial websites, and because those websites imply impersonation of, sponsorship by or endorsement by the Complainant.

Finally, the Panel notes that several of the websites at the disputed domain names falsely state that such site is an "official" retailer of RADIOHEAD merchandise, and websites at the other disputed domain names also make extensive use of the band's history, images, and name to suggest impersonation or at least an affiliation with the band. In this regard, Panels have held that the use of a domain name for illegitimate activity here, claimed impersonation/passing off can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Moreover, the composition of the disputed domain names, being identical to the Complainant's trademark, or incorporating the Complainant's trademark with additional terms "merch" and "merchandise", carries a risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

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 has registered the disputed domain names which each incorporate the Complainant's well-known trademarks for RADIOHEAD, see in this regard also previous decisions under the Policy which have recognized that the Complainant's marks possess substantial reputation, such as *Radiohead Trademark Limited v. Nano Techan*, WIPO Case No. [D2025-0185](#). Therefore, the Panel finds that by registering the disputed domain names, the Respondent deliberately and consciously targeted the Complainant's prior well-known trademarks for RADIOHEAD. This finding is incidentally further confirmed by the fact that the Respondent hosted websites at the disputed domain names alleging to be the official retailer or RADIOHEAD merchandise, thereby directly impersonating the Complainant or at least suggesting some sort of license or business affiliation. The Panel finds that this creates a presumption of bad faith. The Panel also notes that the Complainant's trademarks in this case predate the registration date of the disputed domain names by many years, and that the Respondent could not have been reasonably unaware of them. Furthermore, the Panel notes that even a cursory Internet search at the time of registration of the disputed domain names would have made it clear to the Respondent that the Complainant owned prior rights in its trademarks for RADIOHEAD. In the Panel's view, the above elements clearly indicate bad faith on the part of the Respondent, and the Panel therefore finds that it has been demonstrated that the Respondent registered the disputed domain names in bad faith.

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.

As to use of the disputed domain names in bad faith, the Complainant provides evidence that the disputed domain names previously directed to active websites which showed a clear intent on the part of the Respondent to misleadingly pass them off as the Complainant's (or one of its affiliates') websites selling official merchandising products. The Panel concludes from these facts that the Respondent was intentionally attracting Internet users for commercial gain to such website, by creating consumer confusion between the website associated with the disputed domain names and the Complainant's trademarks. This constitutes direct evidence of the Respondent's bad faith under paragraph 4(b)(iv) of the Policy. Further, the Panel notes that several of the websites at the disputed domain names falsely state that such site is an "official" retailer of RADIOHEAD merchandise, and websites at the other disputed domain names also make extensive use of the band's history, images, and name to suggest impersonation or at least an affiliation with the band. In this regard, Panels have held that the use of a domain name for illegitimate activity here, claimed 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 names constitutes bad faith under the Policy.

Finally, the Panel also notes that, on the date of this Decision, several of the disputed domain names direct to inactive websites. In this regard, panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant's trademark, and the composition of the disputed domain names, and finds that in the circumstances of this case the passive holding of the disputed domain names does not prevent a finding of 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 names <radioheadmerchandise.com>, <radiohead-merch.com>, <radioheadmerch.com>, <radioheadmerch.net>, and <radiohead.store> be transferred to the Complainant.

The Complaint is denied without prejudice as regards the domain name <radioheadstore.com>.

/Deanna Wong Wai Man/

Deanna Wong Wai Man

Sole Panelist

Date: July 24, 2025