

ADMINISTRATIVE PANEL DECISION

Microsoft Corporation v. zss panda
Case No. D2025-2308

1. The Parties

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

1.2 The Respondent is zss panda, China.

2. The Domain Name and Registrar

2.1 The disputed domain name <bingimagecreator.net> (the “Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

3.1 The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 12, 2025. At that time, publicly available Whois details did not identify the underlying registrant of the Domain Name.

3.2 On June 13, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On June 13, 2025, the Registrar transmitted by email to the Center its verification response disclosing underlying registrant and contact information for the Domain Name. The Center sent an email to the Complainant on June 16, 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 June 18, 2025.

3.3 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”).

3.4 In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on June 18, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 8, 2025. The Response was filed with the Center on July 8, 2025.

3.5 The Center appointed Matthew S. Harris 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

4.1 The Complainant is very well known as a developer and provider of personal-computer software systems and applications, cloud computing services, and video games and other online services. It is based in the United States but operates globally through subsidiaries, affiliates and licensees.

4.2 One of the service and product offerings in the Complainant's portfolio is the "Bing" search engine. This search engine was first introduced in 2009, and offers a broad spectrum of search services, encompassing web, video, image and map search products.

4.3 In February 2023, the Complainant launched Bing Chat (later renamed Microsoft Copilot), an artificial intelligence chatbot experience based on GPT-4, integrated directly into the search engine. By March 2023 it had 100 million active users. In April 2024, Bing became the second largest desktop search engine in the world with a market share of 3.64%.

4.4 In March 2023, the Complainant launched "Bing Image Creator", an online creator tool that allows users to generate AI-created images from text descriptions.

4.5 The Complainant is the owner of numerous registered trade marks around the world that comprise or incorporate the term "Bing". These include:

(i) United States registered trade mark no 3883548 for BING as a word mark in class 39, with an application date of March 2, 2009 and with a registration date of November 30, 2010;

(ii) United States registered trade mark no 3975040 for BING as a word mark in classes 9, 35, 38, 41 and 42 with an application date of March 2, 2009 and with a registration date of June 7, 2011;

(iii) International trade mark registration no 996700 for BING as a word mark in class 39, based upon the application for the United States trade mark registration identified at (i) above, with a registration date of March 2, 2009 and which has proceeded to registration in various territories including the European Union and China; and

(iv) International trade mark registration no 996797 for BING as a word mark in classes 9, 35, 38, 41 and 42, based upon the application for the United States trade mark registration identified at (ii) above, with a registration date of March 2, 2009 and which has proceeded to registration to at least some degree in various territories including the European Union and China.

4.6 The Domain Name was registered on November 7, 2023. It has been used since registration for a website that displays the text "Evoke. Create. Amaze. Bing Image Creator" and offers a variety of AI-powered tools for generating and enhancing images. Various subscription plans at various prices are offered on the website, including at least two which purport to provide a "commercial license". The website also promotes various third party services and products and displays various Google generated advertisements. At the bottom of the home page of the website is the copyright notice "© 2025 Bing Image Creator. All rights reserved."

4.7 Subsequent to the commencement of these proceedings, a disclaimer was added to the top of the website, comprising the word/s "We are not affiliated with Microsoft". But otherwise, the website appears to be substantially unchanged, and it continues to operate as at the date of this decision.

5. Parties' Contentions

A. Complainant

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

5.2 Notably, the Complainant contends that the Domain Name is confusingly similar to its BING trade marks. Further, the Complainant contends that the Respondent is not making a legitimate noncommercial or fair use of the Domain Name, and instead shows a clear intent to use the Domain Name's similarity to its marks to obtain an unfair commercial gain, with a view to misleadingly diverting consumers or to tarnishing the Complainant's trade marks. It, further, contends that the Respondent does not satisfy the Oki Data criteria (*Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)) as the Domain Name is being used to promote and advertise third party products and services of other commercial origin. The Complainant also claims that the Respondent's activities fall within the scope of paragraph 4(b)(iv) of the Policy. The Complainant also asserts that the fact that "the Respondent is using a privacy protection service to hide its true identity may in itself constitute a factor indicating bad faith".

5.3 In the circumstances, the Complainant contends that the Respondent has no right or legitimate interest in the Domain Name and that the Domain Name was registered and is being used in bad faith.

B. Respondent

5.4 The Respondent filed a Response in which the Respondent claims to be an individual with the name "zss panda". The Respondent also contends as follows:

"1. Why I chose the name. 'Bing' (冰) is the given name of my late fiancée. She loved art and dreamed of becoming a well-known painter. After she passed away, I wanted to keep her dream alive. So, on 7 November 2023 I registered *bingimagecreator.net*—in my mind 'Bing Image Creator' simply means 'Bing (the person) creates images.'

2. What the site does. The website lets visitors generate digital artwork using only open-source tools such as Stable Diffusion and Flux 1. It is a memorial, not a commercial venture. I placed a small banner ad and an optional donation button only to offset server costs.

3. Money matters. So far the site has earned USD 454. My hosting and bandwidth bills are about USD 737, so I am running at a loss."

5.5 The Respondent further claims in his Response that when he registered the Domain Name he was unaware that the Complainant had a service called "Bing Image Creator." In this respect he claims that this "service was barely reported in Chinese media in November 2023".

6. Discussion and Findings

A. Identical or Confusingly Similar

6.1 It is generally 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 trade mark and the domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

6.2 The Complainant has shown that it has rights in registered trade marks for BING. [WIPO Overview 3.0](#), section 1.2.1.

6.3 The only sensible reading of the Domain Name is as the term “Bing” combined with the words “image” and “creator” and the “.net” generic Top-Level Domain (“gTLD”). Accordingly, the entirety of the Complainant’s mark is reproduced within the Domain Name and as a consequence that mark is clearly recognisable in the Domain Name.

6.4 It follows that the Domain Name is confusingly similar to the Complainant’s marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. Further, the addition of the words “image” and “creator” does not prevent a finding of confusing similarity between the Domain Name and the Complainant’s marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8. The Panel also notes that the Respondent accepts that this is the case.

6.5 The Panel, therefore, finds the first element of the Policy has been established.

B. Rights or Legitimate Interests and Registered and Used in Bad Faith

6.6 It is usual for panels under the Policy to consider the issues of rights or legitimate interests and registration and use in bad faith in turn. However, in this case it is more convenient to consider those issues together. [WIPO Overview 3.0](#), section 2.15.

6.7 The Domain Name in this case can most sensibly be read as a combination of the BING trade mark, and the words “image” and “creator (and the “.net”, generic Top-Level Domain); i.e., as relating to some form of image creation tool connected with the Complainant’s browser. Further, given the Complainant’s offering of such a tool under the name “Bing Image Creator”, the Domain Name inherently impersonates the Complainant and its product.

6.8 The Panel also has no doubt that the Respondent deliberately intended such impersonation. The story offered by the Respondent that the Domain Name was registered to memorialise the Respondent’s late fiancé, who was called “Bing”, is inherently implausible, particularly in circumstances where the Domain Name was registered several months after the Complainant launched a tool under the name “Bing Image Creator”. This implausible story is also unsupported by any evidence.

6.9 Further, the Respondent’s intentions are made quite clear from the website that has operated from the Domain Name. This is not remotely a “memorial” site. It is a website that purports to offer AI image generation, similar to that provided by the Complainant, by way of subscriptions which are clearly commercial in nature. Further, the Panel is satisfied that the form of the website operating from the Domain Name is such that a large number of Internet users on reaching the website will have believed it to be operated or endorsed by the Complainant when it is not. This is also likely to remain the case notwithstanding the addition of a disclaimer in small print only after these proceedings were commenced.

6.10 There is no right or legitimate interest in holding and using a domain name to deliberately mislead Internet users into believing that a domain name is held and being used by a trade mark owner when it is not ([WIPO Overview 3.0](#) section 2.13.1) and such holding and use provides positive evidence that no such rights or legitimate interest exists. The registration and use of a domain name for such a purpose is also registration and use in bad faith (see [WIPO Overview 3.0](#), section 3.1.4). The Panel also accepts the Complainant’s claim that the website operating from the Domain Name falls within the circumstances evidencing bad faith registration and use set out at paragraph 4(b)(iv) of the Policy.

6.11 Given these findings it is not necessary to consider the Complainant’s contentions by reference to the Oki Data requirements, but the Panel also accepts the Complainant is right when it contends that these have not been satisfied in circumstances where the Respondent is also promoting third party products and services.

6.12 Finally, there are the Complainant’s contentions regarding the use of a privacy service. There is nothing before the Panel that suggests that the reason why the Respondent’s contact details were not initially publicly available, was anything other than as a consequence of the Registrar’s implementation of

ICANN's Temporary Specification for gTLD Registration Data and/or ICANN's Registration Data Policy.

There are aspects of the underlying registration details for the Domain Name provided by the Registrar, that suggest that this may not be a true geographical address. Further, it strikes the Panel as implausible that the Respondent's name is really "zss panda". However, as the Complainant did not advance any contentions to this effect, and the Panel has been able to come to its findings in this case without reliance on either the use of a privacy service or a finding that false contact details have been provided, the Panel declines to consider this issue any further.

6.13 The Panel, therefore, finds that the second and third elements of the Policy have been established.

7. Decision

7.1 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 <bingimagecreator.net> be transferred to the Complainant.

/Matthew S. Harris/

Matthew S. Harris

Sole Panelist

Date: July 23, 2025