

ADMINISTRATIVE PANEL DECISION

Microsoft Corporation v. Edgar Gamble

Case No. D2025-2490

1. The Parties

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

The Respondent is Edgar Gamble, United States.

2. The Domain Name and Registrar

The disputed domain name <appsource-microsoftpartner.com> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 24, 2025. On June 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 25, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 26, 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 27, 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 June 27, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 17, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Parties of the Respondent's default on July 18, 2025.

The Center appointed Ingrīda Kariņa-Bērziņa as the sole panelist in this matter on July 25, 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, established in 1975, is an American multinational technology corporation. It is the proprietor of numerous registrations internationally for its MICROSOFT mark, including the following:

- United States Trademark No. 1200236 for MICROSOFT (word mark), registered on July 6, 1982 for goods and services in classes 9 and 42, claiming a date of first use in 1975;
- United States Trademark No. 1256083 for MICROSOFT (word mark), registered on November 1, 1983 for goods in class 16, claiming a date of first use in 1975.

The disputed domain name was registered on September 11, 2024. It redirects to a website stating it is the "Microsoft AppSource", displaying the Complainant's mark and providing information about and links to its partners.

No information is available about the Respondent.

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.

Notably, the Complainant contends that it is a leading developer and provider of personal-computer software systems and applications, cloud computing services, video games and other online services, serving 1.4 billion users in 190 countries. It distributes its products and services through its own stores and websites, and through authorized distributors and retailers. The disputed domain name contains the Complainant's well-known mark and resolves to a website that mimics the Complainant's official Microsoft AppSource website and which not only purports to be a certified partner of the Complainant's Microsoft Offerings but also redirects users to pages of the Complainant's website and those of its partners. The Respondent is not affiliated with the Complainant but the disclaimer on the website is hidden and does not clearly state this. The copyright notice on the website references the Complainant. The Respondent solicits Internet users' personal information for what appears to be a phishing scheme.

The Complainant requests transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the UDRP requires the Complainant to make out all three of the following:

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

- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the Respondent has registered and is using the disputed domain name in bad faith.

Under paragraph 15(a) of the Rules, “[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”.

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 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 entirety of the Complainant’s MICROSOFT mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, “appsource” and “partner”) may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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

The Panel notes the composition of the disputed domain name, which reflects the Complainant’s MICROSOFT preceded by the term “appsource” and a hyphen and followed by the term “partner.” Therefore, the Panel finds that the composition of the disputed domain name affirms the Respondent’s intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant as to the origin or affiliation of the website at the dispute domain name.

The Panel notes that the website at the disputed domain name features the Complainant's mark and displays information about, and links to, the Complainant's partners. The Panel also notes that the presented disclaimer is insufficient to disclose the (lack of) relationship with the Complainant in furtherance of an appearance of affiliation with the Complainant. The copyright notice on the website falsely references the Complainant.

The Respondent has not put forward any rights or legitimate interests. There is no evidence that the Respondent is commonly known by the disputed domain name, or that there are any circumstances or activities that would establish the Respondent's rights therein.

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 intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark. The Panel notes that the disputed domain name was registered over 40 years after the Complainant registered its MICROSOFT mark. The composition of the disputed domain name reflects the Complainant's mark together with the terms "appsource" and "partner". Such composition indicates, on the balance of probabilities, that the Respondent intended to take unfair advantage of the likelihood of confusion with the Complainant as to the origin or affiliation of the website at the dispute domain name.

The Panel notes that the disputed domain name resolves to a website purporting to offer information about the Complainant's partners and featuring the Complainant's name and marks. The website mimics the appearance of the Complainant's own website and includes a copyright notice referencing the Complainant. The Respondent's website provides links to the websites of the Complainant and its partners and displays a notice that does not clearly disclose the lack of relationship between the Parties. The Respondent's website invites Internet users to enter their personal information in furtherance of what appears to be a fraudulent scheme.

Panels have held that the use of a domain name for illegal activity (here, claimed phishing, impersonation/passing off, or other types of fraud) 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 name constitutes 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 name <appsource-microsoftpartner.com> be transferred to the Complainant.

/Ingrīda Kariņa-Bērziņa/

Ingrīda Kariņa-Bērziņa

Sole Panelist

Date: August 5, 2025