

ADMINISTRATIVE PANEL DECISION

Instinet Holdings Incorporated v. michael weaver john
Case No. D2025-2661

1. The Parties

The Complainant is Instinet Holdings Incorporated, United States of America, represented by Potter Clarkson AB, Sweden.

The Respondent is michael weaver john, United Kingdom.

2. The Domain Names and Registrar

The disputed domain names <instinetpacific.com> and <instinetworld.com> are registered with Gname.com Pte. Ltd. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 7, 2025. On July 8, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On July 9, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 10, 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 July 15, 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 July 16, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 5, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 17, 2025.

The Center appointed Hong Yang as the sole panelist in this matter on August 22, 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, being a key company within the Instinet financial services group (the Instinet Group), is an electronic agency broker and independent equity trading service provider. Founded in 1969 in the United States of America, the Instinet Group serves institutional clients worldwide, having presence in over 60 countries, including the United Kingdom and the Pacific region. In 2007, the Instinet Group was acquired by Nomura Holdings, Inc.

The Complainant owns a portfolio of trademarks containing the term “instinet” globally, including the following: United Kingdom Trademark Registration No. UK00905662457 for INSTINET, registered on February 25, 2008; Australia Trademark Registration No. 491221 for INSTINET, registered on July 15, 1988; and European Union Trademark Registration No. 018772240 for INSTINET, registered on August 31, 2023.

The Complainant also registered and used as its global homepage the domain name incorporating the mark INSTINET, namely <instinet.com>, registered in 1992.

The disputed domain names were respectively registered on May 6, 2025 for <instinetpacific.com>, and June 26, 2025 for <instinetworld.com>. At the time of filing of the Complaint, both of the disputed domain names resolved to inactive websites. Previously, both disputed domain names resolved to websites hosting online platforms offering equity trading and brokerage services. Moreover, the website under the disputed domain name <instinetpacific.com> hosted promotional contents claiming without the Complainant's consent or approval that the provider of the relevant services was the Complainant, being a member of Nomura Group.

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.

B. Respondent

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

6. Discussion and Findings

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 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.

Although the addition of other terms here, “pacific” and “world”, 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 names 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 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 notes that the composition of the disputed domain names themselves carries a risk of implied affiliation, where the disputed domain names consist of the Complainant’s mark in full plus the terms “pacific” and “world”, referring to geographic areas. Where a domain name consists of a trademark plus an additional term, panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. [WIPO Overview 3.0](#), section 2.5.1. Further, the available record shows that the Respondent is not affiliated with or otherwise authorized by the Complainant, nor does it hold any registration of the INSTINET mark anywhere. There is no evidence indicating that the Respondent might be commonly known by the disputed domain names.

The disputed domain names resolved to websites operating online platforms offering financial services similar to those of the Complainant. On one of the two websites under the disputed domain names, it was clearly claimed without any authorization that the provider was the Complainant, mentioning the Nomura Group as the parent company. Thus, the Respondent conveyed the false impression about a relationship with, or endorsement by, the Complainant. The overall circumstances indicate the Respondent’s attempt to impersonate the Complainant.

Panels have held that the use of a domain name for illegal activity, here claimed impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 used, without any license or authorization, the Complainant’s trademark in full in the disputed domain names plus descriptive terms. The Complainant’s trademark INSTINET is distinctive and well-known in its business field, including in the region where the

Respondent allegedly resides, and the Complainant's registration and use of its mark long predate the Respondent's registration of the disputed domain names. Moreover, the disputed domain names are both confusingly similar to the Complainant's official domain name <instinet.com>, indicating the Respondent's ultimate intent to confuse unsuspecting Internet users seeking or expecting the Complainant. Thus, the Respondent must have known of the Complainant's mark at the time of registering the disputed domain names. Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4

Further, considering the use of the disputed domain names analyzed in Section 6.B above, the Panel finds that the Respondent intentionally attempted to attract, for commercial gain, Internet users to its websites, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's websites. The disputed domain names were thus registered and used in bad faith, according to paragraph 4(b)(iv) of the Policy. The Panel further notes that 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.

At the time of filing of this Complaint, each of the disputed domain names resolved to an inactive page. 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, the composition of the disputed domain names, and the Respondent's failure to submit a response, 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 <instinetpacific.com> and <instinetworld.com> be transferred to the Complainant.

/Hong Yang/

Hong Yang

Sole Panelist

Date: September 5, 2025