

## **ADMINISTRATIVE PANEL DECISION**

Harworth Group PLC v. Joanna McShane, Harworth Group plc  
Case No. D2025-2715

### **1. The Parties**

The Complainant is Harworth Group PLC, United Kingdom (“UK”), represented by Freeths LLP, UK.

The Respondent is Joanna McShane, Harworth Group plc, UK.

### **2. The Domain Name and Registrar**

The disputed domain name <harworthgroupplc.com> is registered with Squarespace Domains II LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 9, 2025. On July 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 10, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 14, 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 18, 2025.

The Center verified that the Complaint together with 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 21, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 10, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 11, 2025.

The Center appointed David Stone as the sole panelist in this matter on August 19, 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 was incorporated in 1991 and provides land and property regeneration services. It is one of the leading land and property regeneration companies in the UK, owning and managing approximately 14,000 acres across around 100 sites in the UK.

The Complainant owns UK trademark registration no. 3176473 for HARWORTH registered on December 16, 2016 in international classes 35, 36, 37, 40, 41, 42, 44 and 45 (the "Mark").

The Complainant's main website is hosted at <harworthgroup.com>.

On July 7, 2025, the Respondent registered the disputed domain name <harworthgroupplc.com>. The Complainant has provided evidence that the Respondent has used the disputed domain name to create an email address which the Respondent has used to send emails impersonating the Complainant. At the time of this Decision, no website is returned by the disputed domain name.

#### **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 contends, under the first element, that the disputed domain name includes the word HARWORTH, which is identical to the Mark. The disputed domain name also includes "Harworth Group Plc", which is identical to the Complainant's registered company name. It is contended that the similarity between the disputed domain name and the Mark is such that Internet users will be confused into believing that the disputed domain name is registered to, or at least operated, authorized or endorsed by, the Complainant. Accordingly, the disputed domain name is confusingly similar to the Mark.

The Complainant contends, under the second element, that the Complainant's rights in the Mark predate the Respondent's registration of the disputed domain name. The Complainant has not licensed or otherwise authorized the Respondent to use the Mark. The Respondent, therefore, has no right or legitimate interest in the disputed domain name, nor any rights in the Mark, and is not associated with the Complainant in any way.

The Complainant contends, under the third element, that the nature of the disputed domain name means it is inevitable that Internet users will be confused into believing that the disputed domain name has some form of association with the Complainant. In addition, the Complainant contends that an email address associated with the disputed domain name has been used in a fraudulent manner, namely, to send phishing emails posing as the Complainant. Further, the Respondent is outwardly posing as the Complainant by registering the disputed domain name in the name of the Complainant.

##### **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 entirety of the 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, "group" and "plc", 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.

Further, panels have held that the use of a domain name for illegitimate activity, here claimed phishing and impersonation, 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.

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.

Particular circumstances panels may take into account in assessing whether the respondent's registration of a domain name is in bad faith inter alia include: (i) the nature of the domain name; and (ii) the chosen Top-Level Domain. [WIPO Overview 3.0](#), section 3.2.1.

Panels have held that the use of a domain name for illegitimate activity, here claimed phishing and impersonation, constitutes bad faith. Many such cases involve the respondent's use of the domain name to send deceptive emails. [WIPO Overview 3.0](#), section 3.4.

In the present case, the Panel notes that the Respondent: (i) registered the disputed domain name, which is confusingly similar to the Mark for the reasons already given, using falsely the details of the Complainant; (ii) used the same Top-Level Domain as the Complainant's official domain name in the disputed domain name, such that the two domain names differ only by the term "plc" and such that the disputed domain name comprises the Complainant's company name, most likely such details were specifically chosen to falsely suggest an affiliation with the Complainant; and (iii) used the disputed domain name to create an email address from which the Respondent has sent emails impersonating the Complainant.

Further, the Respondent has not attempted to refute the Complainant's contentions, which casts additional doubt on the nature of its conduct. [WIPO Overview 3.0](#), section 3.2.1.

Having reviewed the record, the Panel concludes that the actions of the Respondent in choosing the disputed domain name were aimed at the use of the domain name for illegitimate activity. The Panel therefore concludes that the disputed domain name was registered and is being used in bad faith.

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 <harworthgroupplc.com> be transferred to the Complainant.

*/David Stone/*

**David Stone**

Sole Panelist

Date: September 2, 2025