

ADMINISTRATIVE PANEL DECISION

Fabulive Ltd. v. Muhammad Faizan

Case No. D2025-2886

1. The Parties

The Complainant is Fabulive Ltd., Hong Kong, China, represented by McKool Smith P.C., United States of America (“United States”).

The Respondent is Muhammad Faizan, Pakistan.

2. The Domain Name and Registrar

The disputed domain name <examtopicspro.com> is registered with Hostinger Operations, UAB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 19, 2025. On July 22, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 23, 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 (Domain Admin) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 23, 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 24, 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 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 18, 2025. The Response was filed with the Center on August 1, 2025.

The Center appointed Steven A. Maier, R. Eric Gaum, and Warwick A. Rothnie as panelists in this matter on September 9, 2025. The Panel finds that it was properly constituted. Each member of 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 limited company registered in Hong Kong, China, and trading as “ExamTopics”. It is a provider of online study materials for individuals preparing for IT certification exams.

The Complainant has conducted business from a website at “www.examtopics.com” since October 2019. Its products include an item named “ExamTopics Pro” which it has offered since at least May 2024. At the date of registration of the disputed domain name, its website included a distinctive logo comprising the name “EXAMTOPICS” in a stylized form (the “Complainant’s Logo”) and a promotion of the “ExamTopics Pro” product.

The disputed domain name was registered on June 18, 2024.

The disputed domain name has resolved to a website at “www.examtopicspro.com”. The website included a logo identical to the Complainant’s Logo, its appearance, structure and content closely replicated the Complainant’s website, and it included an offer of an “ExamTopics Pro” product seemingly identical to the Complainant’s offering.

5. Parties’ Contentions

A. Complainant

The Complainant submits that it has obtained unregistered or common law trademark rights in the mark EXAMTOPICS by virtue of its longstanding, continuous use of that brand, resulting in significant consumer recognition. It states that it has spent USD 3.3 million on advertising on Facebook, Google and other platforms in the past three years. It claims that its website commands almost 10 million unique visitors annually and that it has achieved over 60,000 product sales. Google Analytics data included in the Complaint supports the traffic to the Complainant’s website.

The Complainant submits that the disputed domain name is confusingly similar to its EXAMTOPICS trademark. It contends that the disputed domain name incorporates that trademark in full, with the addition only of the descriptive term “pro”, which suggests a premium version of a product or service and fails to distinguish the disputed domain name from the Complainant’s trademark.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It states that it has never authorized the Respondent to use its EXAMTOPICS trademark and that the Respondent has not commonly been known by that name. It asserts that the Respondent’s website is a “carbon copy” of its own website, including an identical logo, layout and product structure, which can only be intended to confuse consumers and to trade off the Complainant’s reputation.

The Complainant contends that the disputed domain name has been registered and has been used in bad faith. It asserts that the Respondent’s conduct comprises commercial impersonation, and that the Respondent’s entire business model is based on dishonestly appropriating the Complainant’s customer base in order to pass off counterfeit test materials as the Complainant’s.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

The Respondent submits that, while both his website and the Complainant's contain the phrase "ExamTopics", their nature, layout, branding and purpose are entirely different. He denies having copied the Complainant's website and submits that he and his team independently created his own website, using his own product listings, text and layout.

The Respondent asserts that he provides an e-commerce platform offering paid certification training packages, whereas the Complainant operates a community Q&A forum hosting thread-based discussions.

The Respondent contends that numerous other businesses use the term "examtopics" in some form (citing domain names including <examtopics.biz> and <examtopics.net>) and that the term "pro" is a generic term implying a premium version, and not affiliation as the Complainant claims. The Respondent states that he was unaware of the Complainant's "ExamTopics Pro" product.

The Respondent submits that the Parties' respective names are non-exclusive and descriptive. He asserts that the Complainant is selectively targeting the disputed domain name because of the success of his website, and that the Complainant is seeking retroactively to claim ownership of the disputed domain name.

6. Discussion and Findings

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant relies on unregistered or common law trademark rights in the mark EXAMTOPICS. As observed in section 1.3 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)):

"To establish unregistered or common law trademark rights for purposes of the UDRP, the complainant must show that its mark has become a distinctive identifier which consumers associate with the complainant's goods and/or services."

The Panel is satisfied in this case that the Complainant's trading activity under the mark EXAMTOPICS since 2019, including its promotional spend, sales record, website profile and social media presence, are sufficient to have vested it with common law trademark rights for purposes of the Policy.

The Panel also considers this to be a case in which the Complainant's activities under the disputed domain name, namely impersonating the Complainant's website, support the contention that the Complainant's mark has achieved significance as a source identifier (section 1.3, [WIPO Overview 3.0](#)).

The disputed domain name is identical to the Complainant's trademark EXAMTOPICS, but for the addition of the term "pro", which does not prevent the Complainant's trademark from being recognizable within the disputed domain name.

The Panel therefore finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

Based on a review of the Parties' respective websites, there can be no doubt that the Respondent has closely replicated the Complainant's website, including the Complainant's Logo and the distinctive appearance, layout and content of that website. While the Complainant provided undated side-by-side screenshots in support of its contentions, the Panel has independently verified, via Archive.org, that the Respondent's website closely mimicked the Complainant's, included the Complainant's Logo, and even stated "Welcome to ExamTopics" between at least September 2024 and March 2025¹. The Respondent's denial (and his mischaracterization of the Complainant's business) is difficult to comprehend in the circumstances.

Whether or not a domain name is comprised of dictionary terms, a respondent cannot claim rights or legitimate interests in that domain name in circumstances where it has been registered in order to take unfair advantage of a third-party trademark. There can be no clearer evidence of such targeting than the Respondent's impersonation of the Complainant's website which is apparent in this case, and it is immaterial that other businesses may use names including the term "examtopics" without a similar, demonstrable, intent to target the Complainant's mark.

The Panel therefore finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

C. Registered and Used in Bad Faith

For similar reasons, the Panel finds that the Respondent registered and has used the disputed domain name in the knowledge of the Complainant's EXAMTOPICS trademark and business, and has sought to take unfair commercial advantage of the goodwill attaching to that trademark. Specifically, by using the disputed domain name, 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 trademarks as to the source, sponsorship, affiliation, or endorsement of its website or of a product or service on its website (paragraph 4(b)(iv) of the Policy).

The Panel therefore finds that the disputed domain name has been registered and is being used in bad faith.

¹ As indicated in section 4.8 of [WIPO Overview 3.0](#), a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision.

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 <examtopicspro.com> be transferred to the Complainant.

/Steven A. Maier/
Steven A. Maier
Presiding Panelist

/R. Eric Gaum/
R. Eric Gaum
Panelist

/Warwick A. Rothnie /
Warwick A. Rothnie
Panelist
Date: September 23, 2025