

ADMINISTRATIVE PANEL DECISION

Microsoft Corporation v. Alexander Delago
Case No. D2025-3189

1. The Parties

Complainant is Microsoft Corporation, United States of America (“United States”), represented by Edward Nathan Sonnenbergs Inc., South Africa.

Respondent is Alexander Delago, United States.

2. The Domain Name and Registrar

The disputed domain name <microsofthonline.com> is registered with INWX GmbH & Co. KG (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 11, 2025. On August 11, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 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 named Respondent (Private Registration) and contact information in the Complaint. The Center sent an email communication to Complainant on August 25, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on August 28, 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 Respondent of the Complaint, and the proceedings commenced on August 28, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 17, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on September 18, 2025.

The Center appointed Jeffrey M. Samuels as the sole panelist in this matter on September 24, 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

Complainant, Microsoft Corporation, is a leading developer and provider of personal-computer software systems and applications, cloud computing services, video games, and other online services, with global operations through its subsidiaries, affiliates, and/or licensees. Complainant was founded in 1975, and, as of June 2025, has subsidiaries in over 120 countries and an employee headcount of 228,000 worldwide. Over the years, Complainant has spent substantial time, effort, and money advertising and promoting its offerings under its MICROSOFT trademark.

Complainant owns a number of registrations for its MICROSOFT trademark. These include International Trademark Registration No. 1142097, which was issued on August 22, 2012; United States Trademark Registration No. 6880851, which was issued on October 18, 2022; and European Union Trademark Registration No. 000330910, which issued on May 7, 1999.

Complainant also owns the domain names <microsoft.com> and <microsoft.net>.

The disputed domain name, <microsoftonline.com>, was created on September 6, 2024. The disputed domain name is not linked to an active website.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, Complainant contends that the disputed domain name is identical or confusingly similar to the MICROSOFT mark. It points out that the disputed domain name adopts a virtually identical mark to the MICROSOFT trademark, with the only difference being the addition of the letter "f" after the letter "s" in the word "soft." According to Complainant, "a mere addition of a minor misspelling or typographical error of a mark, does not create a new or different mark in which the respondent has legitimate rights. This is the case, in particular, where a complainant's mark is well-known and famous, like in this case."

Complainant next contends that Respondent has no rights or legitimate interests in respect of the disputed domain name. Complainant maintains that it has not licensed or otherwise permitted Respondent to use any of its trademarks or to register a domain name incorporating a trademark confusingly similar to its MICROSOFT mark. Complainant further argues that Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. "On the contrary, the Disputed Domain Name resolves to an inactive webpage and there is no evidence that the Respondent has ever used, or made demonstrable preparations to use, the Disputed Domain Name in connection with a bona fide offering of goods or services." There also is no evidence that Respondent is commonly known by the disputed domain name.

With respect to the issue of "bad faith" registration and use, Complainant alleges that, given the well-known and famous status of its MICROSOFT mark, "[i]t is beyond the realm of reasonable coincidence that the Respondent chose the Disputed Domain Name, without the intention of invoking a misleading association with the Complainant." Moreover, Complainant adds, "it is well-settled case law that the practice of typo-squatting may in itself be evidence of bad faith registration of a domain name and is the obverse of a legitimate non-commercial or fair use of a domain name."

The fact that the disputed domain name does not resolve to an active webpage does not prevent a finding of bad faith, Complainant asserts. In support of this argument, Complainant maintains that the MICROSOFT mark has a strong reputation and is widely known; Respondent is not known by Complainant and is not authorized to make use of a confusingly similar name to the MICROSOFT mark; Respondent clearly knew of, or ought to be reasonably aware of, Complainant and of its trademark rights; there is no evidence of any actual or contemplated good faith use by Respondent of the disputed domain name; Respondent has taken active steps to conceal its true identity; and, given Respondent's choice of an all but identical disputed domain name to Complainant's MICROSOFT mark, Respondent could not, in the future, use the disputed domain name without the likelihood of a breach of Complainant's intellectual property rights.

B. Respondent

Respondent did not reply to 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 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.

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.

As noted by Complainant, the disputed domain name consists of an obvious misspelling of the MICROSOFT mark with the addition of the term "online". The disputed domain name, however, still contains sufficiently recognizable aspects of the MICROSOFT mark. The Panel, therefore, concludes that the disputed domain name is confusingly similar to Complainant's MICROSOFT trademark. See [WIPO Overview 3.0](#), section 1.9.

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 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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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 finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Panels have found that the non-use of a domain name 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 that Complainant's MICROSOFT mark is distinctive and famous, a finding adopted by previous UDRP panels. See e.g., *Microsoft Corporation v Momm Amed Ia*, WIPO Case No. [D2001-1454](#); *Microsoft Corporation v. StepWeb*, WIPO Case No. [D2000-1500](#). The Panel further notes that Respondent failed to file a response and deems it implausible that Respondent could put the disputed domain name to any good faith use. Thus, under the circumstances of this case, the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

The Panel finds that the disputed domain name was registered and is being used in bad faith. Given the fame and longstanding use of the MICROSOFT mark, it must be assumed that Respondent deliberately chose the disputed domain name with the intent of targeting Complainant and its MICROSOFT mark and invoking a misleading association with Complainant. Indeed, Complainant submitted evidence that the disputed domain name has been incorrectly cited or referenced in connection with one of Complainant's products and has been flagged as possibly malicious.

The Panel finds that 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 <microsoftonline.com> be transferred to Complainant.

/Jeffrey M. Samuels/

Jeffrey M. Samuels

Sole Panelist

Date: October 1, 2025