

ADMINISTRATIVE PANEL DECISION

Newcastle United Football Company Limited v. Edward Cullen, Crescite Innovation Corporation
Case No. D2025-3200

1. The Parties

The Complainant is Newcastle United Football Company Limited, United Kingdom, represented by Gateley Legal, United Kingdom.

The Respondent is Edward Cullen, Crescite Innovation Corporation, United States of America.

2. The Domain Name and Registrar

The disputed domain name <newcastleunitedtoken.com> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 11, 2025. On August 12, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 12, 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 13, 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 August 13, 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 August 18, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 7, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 8, 2025.

The Center appointed Anne-Virginie La Spada as the sole panelist in this matter on September 12, 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 is a football club in the Premier League in England known by the name Newcastle United. It was established in Newcastle in 1892.

Among goods and services typical of a professional football club, the Complainant also offers non-fungible tokens ("NFT") in the form of officially licensed digital trading cards, digital video moments, and other digital memorabilia.

The Complainant owns, among other registrations, the following trademark registrations:

- European Union Trademark registration for NEWCASTLE UNITED no. 8285637, registered on December 1, 2009, in classes 6, 16, 18 and 25;
- United States registration for NEWCASTLE UNITED no. 7160806, registered on September 12, 2023, in classes 6, 9, 16, 18, 25 and 28; and
- United Kingdom registration for NEWCASTLE UNITED no. UK00003886183, registered on June 9, 2023, in classes 3, 6, 8, 9, 11, 12, 14, 16, 18, 20, 21, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 39, 41, 42 and 43.

The disputed domain name was registered on May 17, 2025.

At the time of filing of the Complaint, the disputed domain name resolved to an inactive page indicating "this site can't be reached".

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 its trademark is comprised in the disputed domain name, and that the disputed domain name is confusingly similar to its NEWCASTLE UNITED trademark as the structure of the disputed domain name, incorporates the Complainant's trademark with the addition of the term "token".

The Complainant further contends that the Respondent does not have rights or legitimate interests in respect of the disputed domain name. Indeed, the Complainant has not granted the Respondent any rights to use its trademark. The Respondent is not known by the disputed domain name and the disputed domain name has not been used in connection with a bona fide offering of goods or services. The Complainant asserts moreover that the Respondent is not making a legitimate non-commercial or fair use of the disputed domain name, without intent for commercial gain misleadingly to divert consumers or to tarnish the trade mark at issue.

Finally, the Complainant contends that the disputed domain name has been registered and used in bad faith. Firstly, the structure of the disputed domain name (combining the Complainant's trademark to a term – token – referring to the Complainant's services) shows that the Respondent registered the disputed domain name, having the Complainant and its trademark in mind and that it intended to create an association and a likelihood of confusion with the Complainant's trademark in the mind of Internet users. The Complainant

considers relevant for a finding of bad faith that the Respondent was in all likelihood aware of the Complainant and of its trademark, and that it has engaged into a pattern of registering domain names involving the addition of the term “token” to a well-known trademark.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, a complainant must assert and prove each of the following:

- (i) the domain name registered by the respondent 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 domain name; and
- (iii) the domain name registered by the respondent has been registered and is being used in bad faith.

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, “token”) may bear on assessment of the second and third elements, the Panel finds the addition of such term 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.

Based on the information submitted by the Complainant, the Complainant has not granted the Respondent authorization to use its trademarks within the disputed domain name. Moreover, there is no evidence indicating that the Respondent is commonly known by the disputed domain name.

The Panel observes that the disputed domain name resolves to an inactive page with the mere indication that the page can't be reached. The Respondent does not seem to have operated any bona fide or legitimate business under the disputed domain name (or to have made corresponding preparations), and it is not making any noncommercial or fair use of the disputed domain name.

Finally, the Respondent did not file a Response to the Complaint. The Panel may draw from the lack of a Response the inferences that it considers appropriate, according to the Rules, paragraph 14(b).

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.

Given the longstanding use and registration of the Complainant's trademark, and the fact that the term "token" refers to goods offered by the Complainant (namely NFTs), the Panel finds it implausible that the Respondent chose the disputed domain name without having the Complainant's mark in mind. The Panels therefore accepts that the disputed domain name was registered in bad faith.

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.

Although panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, and (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement). [WIPO Overview 3.0](#), section 3.3.

Having reviewed the available record, the Panel notes the prior use and reputation of the Complainant's trademark and the composition of the disputed domain name – reproducing the Complainant's trademark entirely and combining it with the term token referring to one of the areas of the Complainant's activities - and finds that in the circumstances of this case, the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Indeed, as mentioned above, the Panel accepts that the Respondent chose the disputed domain name with the Complainant's trademark in mind. The Panel further observes that the Respondent failed to submit a response or provide any evidence of actual or contemplated good-faith use.

Furthermore, the Respondent has been involved in two other UDRP cases regarding domain names with a very similar composition, namely combining the word "token" with preexisting trademarks, namely <axatoken.com> (*AXA SA v. Edward Cullen, Crescite Innovation Corporation*, WIPO Case No. [D2025-2329](#)) and <molsoncoorstoken.com> (*Molson Canada 2005, Coors Brewing Company, and Molson Coors Beverage Company v. Edward Cullen, Crescite Innovation Corporation*, WIPO Case No. [D2025-2240](#))

In view of such circumstances, the Panel finds that the Respondent has engaged into a pattern of registering domain names corresponding to protected trademarks of third parties, a behavior which amounts to bad faith according to para. 4 (b)(ii) of 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 <newcastleunitedtoken.com> be transferred to the Complainant.

/Anne-Virginie La Spada/

Anne-Virginie La Spada

Sole Panelist

Date: September 26, 2025