

ADMINISTRATIVE PANEL DECISION

Timpson Limited v. Mills John
Case No. D2025-3369

1. The Parties

The Complainant is Timpson Limited, United Kingdom, represented by Barker Brettell LLP, United Kingdom.

The Respondent is Mills John, United States of America.

2. The Disputed Domain Name and Registrar

The Disputed Domain Name <maxphotouk.com> is 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 August 21, 2025. On August 22, 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 the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 26, 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 29, 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 September 1, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 21, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 23, 2025.

The Center appointed Marilena Comanescu as the sole panelist in this matter on September 26, 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, founded in 1970 in the United Kingdom, provides a range of photographic goods and services from traditional printing of photographs to wall art and photo gifts.

The Complainant owns trademark rights for MAX SPIELMANN, such as the following:

- the United Kingdom Trademark Registration number 2555195 for MAX SPIELMANN (word), filed on August 9, 2010, registered on April 8, 2011, covering goods and services in International Classes 1, 16, 40; and
- the United Kingdom Trademark Registration number 4165715 for MAX SPIELMANN (logo), filed on February 26, 2025, registered on May 23, 2025, covering goods and services in International Classes 1, 9, 16, 20 and 40.

The Complainant conducts its online services under the domain name <maxphoto.co.uk>, registered on December 28, 2008.

The Disputed Domain Name was registered on May 13, 2024, and, at the time of filing the Complaint, it was used in relation to a commercial website promoting products similar and identical to those provided by the Complainant, displaying the Complainant's trademark and logo, and using similar color scheme and overall layout as used on the Complainant's website. Also, on the website under the Disputed Domain Name the Respondent claimed copyright protection and provided an address in the United Kingdom.

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: it has longstanding unregistered rights in MAX SPIELMANN, MAX and MAXPHOTO which date back to at least 2008; "max" is the dominant element of the marks and the average consumer will associate "max" exclusively with the Complainant in relation to photographic goods and services; the Disputed Domain Name is confusingly similar to its registered and unregistered trademarks since it contains the mark's dominant element, "max"; the Respondent has no rights or legitimate interests in the Disputed Domain Name; the Respondent registered and is using the Disputed Domain Name in bad faith mainly because the Respondent has used the Disputed Domain Name in a way which is likely to confuse consumers into believing that the Disputed Domain Name is registered, operated or authorised by, or otherwise connected with, the Complainant; the Respondent is imitating the Complainant by using its trademarks to obtain money from the Complainant's customers; the Respondent is using the Complainant's trademarks to sell identical or similar products to those available to purchase through the Complainant's legitimate website, also the colour scheme and overall layout of the website under the Disputed Domain Name are identical or similar to the Complainant's legitimate website and thus, the Respondent is using the Disputed Domain Name to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark.

B. Respondent

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

6. Discussion and Findings

Under the Policy, the Complainant is required to prove on the balance of probabilities 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 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

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. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

Based on the available record, the Panel finds the Complainant has shown rights in respect of a registered trademark regarding MAX and MAX SPIELMANN. [WIPO Overview 3.0](#), section 1.2.1.

Furthermore, it is undisputed, and the Panel finds for the purposes of this UDRP proceeding that the Complainant has established unregistered trademark rights through a longstanding use to "MAX PHOTO". [WIPO Overview 3.0](#), section 1.3.

The Panel finds the dominant feature of the Complainant's mark, MAX, is recognizable within the Disputed Domain Name and that the MAX PHOTO trademark is reproduced in its entirety in the Disputed Domain Name. Accordingly, the Disputed Domain Name is identical or confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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.

According to the evidence, the Respondent has used the Disputed Domain Name in connection with a website promoting goods similar to those of the Complainant, displaying the Complainant's trademark, using the colors and the overall layout of the Complainant's website, without providing any disclaimer regarding the relationship (in fact the lack thereof) between the Respondent and the Complainant. UDRP panels have

held that the use of a domain name for illegitimate activity (such as claimed impersonation/passing off, or other types of fraud) 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 Disputed Domain Name was registered in bad faith, with knowledge of the Complainant and its trademark particularly because the Complainant's trademark predates the registration of the Disputed Domain Name with about 14 years, and the composition of the Disputed Domain Name itself, reproducing the Complainant's dominant element of the mark together with elements closely related to the Complainant (i.e., "photo" -its core products, and "uk" – the Complainant being located in the United Kingdom), and being very similar to the Complainant's domain name. Further, the use of the Disputed Domain Name reinforces such finding.

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.

Paragraph 4(b)(iv) of the Policy provides that the use of a domain name to intentionally attempt "to attract, for commercial gain, Internet users to [the respondent's] website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of [the respondent's] website or location or of a product or service on [the respondent's] website or location" is evidence of registration and use in bad faith.

Creating a website displaying the Complainant's trademarks and copyrighted images and providing identical and similar goods to those provided by the Complainant under its trademark, without providing any disclaimer, in this Panel's view, the Respondent has intended to attract Internet users accessing the website who may be confused and believe that the website is held, controlled by, or somehow affiliated or related to the Complainant, for its commercial gain.

The Respondent chose not to participate in these proceedings and provided an inaccurate/incomplete postal address at the registration of the Disputed Domain Name, because the Written Notice could not be delivered to the Respondent by courier service. Along with the other circumstances in this case, this may be a further sign of bad faith.

The Panel finds the third element of the Policy has been established.

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, <maxphotouk.com>, be transferred to the Complainant.

/Marilena Comanescu/

Marilena Comanescu

Sole Panelist

Date: October 8, 2025