

## **ADMINISTRATIVE PANEL DECISION**

Jack DeBrabander, Jared DeBrabander v. UKBoy london  
Case No. D2025-3515

### **1. The Parties**

The Complainants are Jack DeBrabander (the “First Complainant”) and Jared DeBrabander (the “Second Complainant”), United States of America (the “United States”), self-represented.

The Respondent is UKBoy london, United Kingdom.

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

The disputed domain names <jackdebrabander.net> and <jareddebrabander.com> are registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 28, 2025. On August 29, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On September 1, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (WithheldForPrivacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 3, 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 September 3, 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 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 30, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 1, 2025.

The Center appointed Warwick A. Rothnie as the sole panelist in this matter on October 15, 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.

On October 22, 2025, the First Complainant submitted an unsolicited supplemental filing.

#### **4. Factual Background**

The Complainants are two brothers who have had varied business interests over time.

The First Complainant has an associated business entity, Velocity Innovations LLC. This company was incorporated on June 7, 2024. His LinkedIn profile under his name shows that he has qualifications in packaging engineering and is working in optimizing control systems, logistics and sales. His account shows he has more than 500 LinkedIn connections. The Complaint also includes evidence of several news articles in the DuJour online newspaper, Yahoo Finance website, and Access Newswire in which the First Complainant promotes under his own name various business activities, including new forms of packaging, cryptocurrency, the importance of physical fitness, and the potential use of vitamin C in combating COVID.

The Second Complainant holds an insurance license from the state of Florida in the United States, has a company called Estes Health Consulting LLC and trades as an insurance broker under his name, Jared Estes, through CHC Brokers.

According to the WhoIs reports, the disputed domain name <jareddebrabander.com> was registered on January 6, 2025, and the disputed domain name <jackdebrabander.net> was registered on February 3, 2025.

Both disputed domain names resolve to websites which make allegations that the particular Complainant has engaged in criminal or fraudulent activity. Both Complainants deny the allegations and claim that the websites are defamatory.

#### **5. Discussion and Findings**

Paragraph 4(a) of the Policy provides that in order to divest the Respondent of a disputed domain name, the Complainant must demonstrate each of the following:

- (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.

Before addressing the substantive requirements under the Policy, the Panel deals with the Complainants' request to file a supplemental filing.

Apart from documents requested by the Panel pursuant to paragraph 12 of the Rules, neither the Policy nor the Rules expressly provide for supplemental filings. Their admissibility is therefore in the discretion of the Panel bearing in mind the requirements under paragraph 10 of the Rules to ensure that the proceeding is conducted with due expedition and both parties are treated equally, with each party being given a fair opportunity to present its case.

To the extent that the Complainants' unsolicited supplemental filing provides information not already made in the Complaint, it essentially seeks to advance a ground that the Respondent's failure to submit a Response provides a further ground for the Complaint's success. Paragraph 15(a) of the Rules, however, directs the Panel to decide the Complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable. Given the limited utility of the unsolicited supplemental filing, therefore, the Panel does not propose to admit it into the record.

#### **A. Identical or Confusingly Similar**

The first element that the Complainants must establish is that the disputed domain names are identical with, or confusingly similar to, the Complainants' trademark rights.

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.

Neither Complainant has a registered trademark. Instead, they rely on claims to unregistered trademarks. It is well established that the Policy does not protect personal names unless the personal name has been used as a trading name either in the promotion of someone else's goods or services or for direct commercial purposes in the marketing of his or her own goods or services. See *Israel Harold Asper v. Communication X Inc.*, WIPO Case No. [D2001-0540](#) and *Kotak Mahindra Bank Limited v. Richard Brown*, WIPO Case No. [D2008-0243](#).

The Complaint does include evidence that both Complainants promote the services they provide by reference to their respective names in their professional capacities. It appears, therefore, that the Complainants have both endeavoured to establish trade reputations under their own names as brands, not just as representatives of any particular company they may be employed by or working for. The evidence before the Panel is slender so the Complainants' respective reputations are more accurately described as incipient. In addition, it must be borne in mind that both websites target the respective Complainant and do so with the expectation that members of the relevant public will recognise the persons who are the intended targets. The Policy recognises that attempts to gazump someone else's trademark can be illegitimate conduct. [WIPO Overview 3.0](#), section 3.8.2 (in the context of bad faith). While the reputations of the Complainants appear to be comparatively modest on the information before the Panel, therefore, the Panel is prepared to proceed on the basis that they have demonstrated sufficient interest in their respective names to qualify as unregistered trademark rights under the Policy.

The comparison of a disputed domain name to a Complainant's trademark simply requires a visual and aural comparison of the disputed domain name to the proven trademark. This test is narrower than and thus different to the question of "likelihood of confusion" under trademark law. Therefore, questions such as the scope of the trademark rights, the geographical location of the respective parties, the date they were acquired and other considerations that may be relevant to an assessment of infringement under trademark law are not relevant at this stage. Such matters, if relevant, may fall for consideration under the other elements of the Policy. See e.g., [WIPO Overview 3.0](#), section 1.7.

In undertaking that comparison, it is permissible in the present circumstances to disregard the generic Top-Level Domain (gTLD) component as a functional aspect of the domain name system. [WIPO Overview 3.0](#), section 1.11.

Disregarding the gTLD, therefore, each disputed domain name is identical to the respective Complainant's trading name. Accordingly, the Panel finds that the Complainants have established that the first limb of the Policy is satisfied.

## **B. Rights or Legitimate Interests**

The second requirement the Complainants must prove is that the Respondent has no rights or legitimate interests in the disputed domain names.

Paragraph 4(c) of the Policy provides that the following circumstances can be situations in which the Respondent has rights or legitimate interests in a disputed domain name:

- (i) before any notice to [the Respondent] of the dispute, [the Respondent's] use of, or demonstrable preparations to use, the [disputed] domain name or a name corresponding to the [disputed] domain name in connection with a bona fide offering of goods or services; or
- (ii) [the Respondent] (as an individual, business, or other organization) has been commonly known by the [disputed] domain name, even if [the Respondent] has acquired no trademark or service mark rights; or
- (iii) [the Respondent] is making a legitimate noncommercial or fair use of the [disputed] domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

These are illustrative only and are not an exhaustive listing of the situations in which a respondent can show rights or legitimate interests in a domain name.

While 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 often impossible 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. 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.

There is no dispute between the Parties that:

- (1) The Respondent registered the disputed domain names after the Complainants began using their respective marks;
- (2) The Respondent is not affiliated with either Complainant;
- (3) The Complainants have not otherwise authorised the Respondent to use the disputed domain names;
- (4) The disputed domain names are not derived from the Respondent's name. Nor is there any suggestion of some other name by which the Respondent is commonly known from which the disputed domain name could be derived.

These factors are usually sufficient to establish a prima case that the Respondent does not have rights or legitimate interests in a disputed domain name.

The nature of the websites to which the disputed domain names resolve potentially invokes the ground identified in Paragraph 4(c)(iii) above. That is, it has been accepted that use of a domain name for a genuine criticism site may give rise to a legitimate interest under the Policy. [WIPO Overview 3.0](#), section 2.6. The criticism must be genuine and the nature of the use must generally be non-commercial. In the present case, the Complainants deny the allegations made on the respective websites and consider them scurrilous and defamatory.

The Panel is not in a position, and it is no part of the Panel's role, to assess the truth or otherwise of the content of the websites. There is nothing before the Panel which provides a basis to find the criticisms are not genuine or for some ulterior commercial purpose. On the other hand, if the allegations are false, they would plainly be quite hurtful, and quite damaging, to the Complainants' respective reputations.

The disputed domain names, however, are identical to the respective Complainants' names and trademarks. The disputed domain names do not include any additional text to indicate the nature of the resolving websites as criticism sites. In these circumstances, the Panel finds that, even if the content of the websites is genuine noncommercial free speech, the disputed domain names create impermissible risks of user confusion through impersonation. [WIPO Overview 3.0](#), section 2.6.2

Accordingly, the Panel finds that the manner of use of the respective disputed domain names does not confer rights or legitimate interests in the disputed domain names under the Policy. Therefore, the Panel finds the Complainants have established the second requirement under the Policy also.

### **C. Registered and Used in Bad Faith**

Under the third requirement of the Policy, the Complainants must establish that the disputed domain names have been both registered and used in bad faith by the Respondent. These are conjunctive requirements; both must be satisfied for a successful complaint: see e.g., *Group One Holdings Pte Ltd v. Steven Hafto*, WIPO Case No. [D2017-0183](#).

Both disputed domain names resolve to websites plainly intended to target the reputation of the relevant Complainant. Given the short time which has passed between the registration of the disputed domain names and development of the websites to which they resolve, the Panel is prepared to infer, that both disputed domain names were registered for that purpose.

In circumstances where the Panel has found that the Respondent does not have rights or legitimate interests in the disputed domain names, therefore, the registration and use of the disputed domain names to undermine the reputation associated with the Complainants constitutes registration and use in bad faith under the Policy.

Accordingly, the Complainants have established all three requirements under the Policy.

## **6. Decision**

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that:

- (1) the disputed domain name <jackdebrabander.net> be transferred to the First Complainant; and
- (2) the disputed domain name <jareddebrabander.com> be transferred to the Second Complainant.

*/Warwick A. Rothnie/*

**Warwick A. Rothnie**

Sole Panelist

Date: October 31, 2025