

ADMINISTRATIVE PANEL DECISION

The Imagination Group Limited v. xavier eliann
Case No. D2025-3532

1. The Parties

The Complainant is The Imagination Group Limited, United Kingdom, represented by D Young & Co LLP, United Kingdom.

The Respondent is xavier eliann, France.

2. The Domain Name and Registrar

The disputed domain name <Imagination.com> (the “Domain Name”) 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 September 1, 2025. On September 2, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On September 4, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the 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 September 8, 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 9, 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 12, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 2, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 3, 2025.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on October 8, 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 communication and design agency which offers services in brand identity, investor communications, marketing, advertising and PR services. Since its creation in 1978, the Complainant has expanded worldwide. It has studios in Australia, China, Dubai, Germany, Qatar, Saudi Arabia, the UK and USA, with clients worldwide. The Complainant has been rewarded several international awards.

The Complainant owns numerous trademark registrations for the mark IMAGINATION, such as United Kingdom trademark no. 2626916 (registered January 11, 2013) and European Union trademark registration no. 014656284 (registered on November 3, 2016). The Complainant owns the domain name <imagination.com>.

The Domain Name was registered on February 21, 2025. The Complainant documents that the Respondent, on the same day the Domain Name was registered, has set up an e-mail account and used it for a phishing attack on one of the Complainant's clients.

5. Parties' Contentions

A. Complainant

The Complainant provides evidence of trademark registrations and contends that the Domain Name is confusingly similar to the Complainant's trademark. The Domain Name is identical to the Complainant's trademark, except that the Domain Name uses an 'L' rather than an 'I'. When the Domain Name uses a lower case 'L', it is visually identical to the Complainant's trademark.

The Complainant argues that the Respondent has no rights or legitimate interests in respect of the Domain Name. There is no legitimate basis for the Respondent's registration and use of the Domain Name. The Respondent's use of the Domain Name in a fraud attempt cannot confer rights or legitimate interest.

The Complainant believes that the Respondent knowingly registered the Domain Name in order to conduct the fraudulent phishing attack. The Respondent had actual knowledge of the Complainant, its business and contacts and has used the Domain Name in bad faith.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

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

The Complainant has established that it has rights in the trademark IMAGINATION. In this case, the Domain Name is identical to the Complainant's trademark, except for the first letter "I" is replaced with a "L". Under the circumstances of this case, this minor alteration of letters indicates a typosquatting intent. The alteration

does not prevent a finding of confusing similarity between the Domain Name and the trademark. For the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domain, see [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which a respondent may demonstrate rights or legitimate interests in a disputed 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.

Based on the evidence, the Respondent is not affiliated or related to the Complainant in any way. There is no evidence that the Respondent has registered the Domain Name as a trademark or acquired trademark rights. There is no evidence of the Respondent’s use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services. On the contrary, the use of the Domain Name is evidence of bad faith, see below.

The Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name in accordance with paragraph 4(a)(ii) of the Policy.

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.

The Respondent knew of the Complainant when it registered the Domain Name. It follows from the composition and use of the Domain Name. The Respondent has not offered any explanation as to why it registered a domain name confusingly similar to the Complainant’s trademark, nor provided any evidence of good faith use of the Domain Name. The Respondent’s phishing attempt is clear evidence of bad faith.

Based on the record, 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 the Domain Name <Imagination.com> be transferred to the Complainant.

/Mathias Lilleengen/

Mathias Lilleengen

Sole Panelist

Date: October 10, 2025