

## **ADMINISTRATIVE PANEL DECISION**

Birmingham Hippodrome Theatre Trust Limited v. Antony Evans  
Case No. D2025-3884

### **1. The Parties**

The Complainant is Birmingham Hippodrome Theatre Trust Limited, United Kingdom, represented by Gowling WLG (UK) LLP, United Kingdom.

The Respondent is Antony Evans, Thailand.

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

The disputed domain name <birminghamhippodrome.com> is registered with Dynadot Inc (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 24, 2025. On September 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 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 September 29, 2025, and October 7, 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 October 8, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 28, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 31, 2025.

The Center appointed Jeremy Speres as the sole panelist in this matter on October 28, 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 theatre company situated in Birmingham, United Kingdom, and has been trading under the BIRMINGHAM HIPPODROME mark since 1903. It hosts theatrical performances including opera, ballet, music, and drama. The Complainant sells tickets to its performances via its website hosted at its domain name <birminghamhippodrome.com> which the Complainant has owned since 2003. In the financial year until March 31, 2025, the Complainant had 638,278 ticketed admissions through 205,304 orders by 147,181 bookers. Its total sales for that period were GBP 33,083,877. This is representative of its sales for numerous years preceding registration of the disputed domain name.

The disputed domain name was registered on October 2, 2024, and currently resolves to a website offering online gambling services targeted at users in Thailand.

#### **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 the disputed domain name was registered and has been used in bad faith in order to take advantage of confusion with the Complainant's mark for the Respondent's commercial gain.

##### **B. Respondent**

The Respondent did not reply to the 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 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 Panel finds the Complainant has established unregistered trademark or service mark rights for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3.

The Panel finds the mark is recognizable 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. A domain name which consists of an obvious misspelling of the trademark, as in this case, is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. [WIPO Overview 3.0](#), section 1.9. Here, the omission of the letter "o" from the Complainant's mark is an obvious misspelling of the mark, and the Complainant's mark remains recognizable within the disputed domain name despite it.

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.

For the reasons discussed in relation to bad faith below, it is likely that the Respondent registered the disputed domain name to take advantage of confusion with the Complainant’s mark. The Respondent’s registration and use of the disputed domain name in these circumstances cannot represent a bona fide offering of goods or services under paragraph 4(c)(i) of the Policy and cannot confer rights or legitimate interests. *Sistema de Ensino Poliedro Vestibulares Ltda., Editora Poliedro Ltda. v. Anonymize, Inc. / STANLEY PACE*, WIPO Case No. [D2022-1981](#).

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.

For the reasons discussed below, the Panel finds that paragraph 4(b)(iv) of the Policy is eminently applicable to this case.

The Complainant’s mark enjoys a considerable reputation through extensive trade since 1903 and is inherently unique. Internet searches for the Complainant’s mark return results overwhelmingly relating to the Complainant.<sup>1</sup> In light of this and the near identity of the disputed domain name with the Complainant’s mark, the composition of the disputed domain name is unlikely to have been a coincidence, and there is no conceivable good faith use of the disputed domain name. This points strongly to targeting. [WIPO Overview 3.0](#), section 3.1.4.

Bad faith is also suggested by the complete dissonance between the composition of the disputed domain name incorporating the name of a large British city on the one hand, and the use of the disputed domain name for purposes of gambling services targeting users in Thailand on the other.

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<sup>1</sup>Limited independent research by Panels is permitted in terms of the powers articulated inter alia in paragraphs 10 and 12 of the Rules.

The Panel draws an adverse inference from the Respondent's failure to take part in the present proceeding where an explanation is certainly called for. [WIPO Overview 3.0](#), section 4.3.

The Respondent apparently supplied incomplete or false address details in the Whois record for the disputed domain name; the Center's courier indicated that a "bad address" was supplied and that the Center's correspondence could not be delivered to the Respondent. In the circumstances of this case, this suggests an attempt by the Respondent to evade pursuit. *Kabushiki Kaisha Raibudoa v. Kubota, A*, WIPO Case No. [D2001-0817](#).

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 <berminghamhippdrome.com> be transferred to the Complainant.

*/Jeremy Speres/*

**Jeremy Speres**

Sole Panelist

Date: November 13, 2025