

## **ADMINISTRATIVE PANEL DECISION**

The McKenzie Corporation Limited v. tong xiaonian  
Case No. D2025-3912

### **1. The Parties**

The Complainant is The McKenzie Corporation Limited, United Kingdom, represented by Murgitroyd & Company, United Kingdom.

The Respondent is tong xiaonian, China.

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

The disputed domain name <mckenzieuk.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 25, 2025. On September 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 26, 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 / Super Privacy Service LTD c/o Dynadot) 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.

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 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 23, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 27, 2025.

The Center appointed Kaya Köklü as the sole panelist in this matter on November 6, 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 United Kingdom based company, founded in 1996, with roots dating back to 1984. The Complainant developed its own brand of sports fashion clothing and footwear. In the year 2000, the Complainant entered into an exclusive license agreement with JD Sports Fashion Plc to sell sports fashion and footwear under the trademark MCKENZIE both online and in retail shops.

Among others, the Complainant is the registered owner of the United Kingdom Trademark Registrations No. UK00002379819, registered on July 29, 2005, for MCKENZIE, covering protection for various goods and services as protected in classes 18 and 25, and No. UK00902664423, registered on November 4, 2011, for MCKENZIE, covering protection for various goods and services as protected in classes 18, 25, 36, and 37.

The Respondent is reportedly located in China.

The disputed domain name was registered on June 24, 2025.

The screenshots provided by the Complainant show that the disputed domain name resolved to a website in the English language promoting sports fashion bearing the trademark MCKENZIE. On the website at the disputed domain name, the Respondent prominently used the MCKENZIE trademark of the Complainant in a way that creates a look and feel as if the website was created and operated by the Complainant (which was not). This also included the use of partially identical text, design elements, and copyright protected product pictures that are used by the Complainant's licensee in the official online shop for products bearing the MCKENZIE trademark.

After the filing of the Complaint, the disputed domain name redirects to a website with similar content. At the very bottom right corner of the website associated with the disputed domain name, there is a disclaimer that has been added, stating:

"This website is an independent, fan-created platform that provides content about various brands. It is neither affiliated with, endorsed by, nor officially associated with these brands. All trademarks, logos, and brand names mentioned are the property of their respective owners. We are merely a platform for publishing content and do not sell products."

#### **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.

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

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

#### **6. Discussion and Findings**

According to paragraph 15(a) of the Rules, the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain name is identical or confusingly similar to a trademark 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.

Paragraph 4(a) of the Policy states that the Complainant bears the burden of proving that all these requirements are fulfilled, even if the Respondent has not replied to the Complainant's contentions. *Stanworth Development Limited v. E Net Marketing Ltd.*, WIPO Case No. [D2007-1228](#).

However, concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the provided reasonable factual allegations in the Complaint as true. See section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

For the evaluation of this case, the Panel has taken note of the [WIPO Overview 3.0](#), and, where appropriate, will decide consistently with the consensus views stated therein.

### **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 3.0](#), section 1.7.

The Complainant has shown rights in respect of the MCKENZIE trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the MCKENZIE 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 the country abbreviation "UK" (for the United Kingdom), may bear on assessment of the second and third elements, the Panel finds the addition of such abbreviation 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. There is particularly no evidence that the Respondent is commonly known by the disputed domain name, nor are there any circumstances or activities that would establish the Respondent's rights or legitimate interests therein.

The Respondent has particularly failed to demonstrate any of the non-exclusive circumstances evidencing rights or legitimate interests under the Policy, paragraph 4(c) or other evidence of rights or legitimate interests in the disputed domain name. Bearing in mind that the disputed domain name resolved to a website prominently reproducing the Complainant's MCKENZIE trademark and creating the overall look and feel as if the website was operated by the Complainant, the Panel has no doubt that the Respondent was well aware of the Complainant and its MCKENZIE trademark before registering and while using the disputed domain name. The Panel particularly notes that the inherently misleading nature of the disputed domain name along with the content of the associated website indicates the Respondent illegitimate intention to mislead Internet users in their believing that the website was operated or endorsed by the Complainant. The evidence provided in the Complaint demonstrates the Respondent's attempt to pass itself off as the Complainant, which can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

In this context, the mere presence of a disclaimer on the associated website after the filing of the Complaint does not alter the Panel's assessment in this regard.

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.

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.

As already indicated above, the Panel notes that the Respondent must have been aware of the Complainant and its MCKENZIE trademark when registering the disputed domain name. It is obvious to the Panel that the Respondent has deliberately chosen the inherently misleading disputed domain name, which comprises the Complainant's MCKENZIE trademark in combination with the country abbreviation "UK" (which is likely to further support an association with the Complainant) to target the Complainant and mislead Internet users.

With respect to the use of the disputed domain name, the Panel notes that it resolved to a website creating the overall look and feel as of being operated by the Complainant or at least with its authorization, apparently for illegitimate commercial gain. In addition, the website reproduced product pictures and descriptive text taken from the official online store for MCKENZIE branded products, thereby further reinforcing this misleading impression. The Panel finds that, by using the disputed domain name in this manner, the Respondent tries to generate traffic to his own website and mislead Internet users into the false belief that the associated website was operated or at least authorized by the Complainant.

The Panel finds that the existence of the disclaimer as used by the Respondent cannot by itself cure bad faith, especially since the disclaimer was added after the filing of the Complaint, and where bad faith has been established by other factors as described above. In addition, the disclaimer is placed at the very bottom of the associated website where it is unlikely to be noticed by Internet users. The Panel observes that by the time an Internet user becomes aware of such disclaimer, the user will already have been exposed

to the misleading content of the associated website and will likely have been misled as to the source, sponsorship or endorsement by the Complainant. In view of the Panel, the disclaimer is rather to be assessed as an admission by the Respondent that Internet users may indeed be confused. [WIPO Overview 3.0](#), section 3.7.

Having reviewed the record, the Panel concludes that the Respondent's registration and use of the disputed domain name constitute bad faith under 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 <mckenzieuk.com> be transferred to the Complainant.

*/Kaya Köklü/*

**Kaya Köklü**

Sole Panelist

Date: November 20, 2025