

## **ADMINISTRATIVE PANEL DECISION**

Xero Limited v. dairy lee  
Case No. D2025-3926

### **1. The Parties**

The Complainant is Xero Limited, New Zealand, represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is dairy lee, Nigeria.

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

The disputed domain name <xerolimited.com> 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 26, 2025. On September 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 29, 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 (Domain Admin, Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 30, 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 October 2, 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 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 26, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 27, 2025.

The Center appointed Rodrigo Azevedo as the sole panelist in this matter on November 3, 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 Xero Limited, a company headquartered in New Zealand and established in 2006. It provides cloud-based accounting software for small and medium-sized businesses and maintains a global presence, including offices in Australia, the United Kingdom, the United States of America, Canada, Singapore, and South Africa.

The Complainant is the owner of multiple trademark registrations for the mark XERO in various jurisdictions, including:

- New Zealand Trademark Registration No. 758103, registered on May 2, 2007;
- Australian Trademark Registration No. 1145998, registered on November 10, 2006;
- United States Trademark Registration No. 3850387, registered on September 21, 2010;
- European Union Trade Mark Registration No. 005867361, registered on March 12, 2008;
- International Trademark Registration No. 1202118, registered on January 14, 2014.

The Complainant also owns and operates the domain name <xero.com>, registered in 1997, since at least 2006.

The disputed domain name <xerolimited.com> was registered on August 17, 2024.

The disputed domain name is linked to a website of an alleged asset management company entitled “Xero Limited Profitable Traders”. In the “About us” section of that website, the company presents itself as “one of the world’s leading Asset Management firms with approximately USD 2.2 trillion in Assets under management that creates lasting impact for our investors, teams, businesses and the communities in which we live”. However, according to the Complainant, the website at the disputed domain name features not only its company name and brand – XERO, whilst also uses its office location in New Zealand and links that redirect users to its business registration certificate with the New Zealand Companies Office.

#### **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:

(i) The disputed domain name is identical or confusingly similar to the Complainant’s trademark. The Complainant asserts that the disputed domain name is confusingly similar to its registered XERO trademark. The disputed domain name incorporates the entirety of the mark XERO, followed by the term “limited,” which is a common corporate designation and also part of the Complainant’s own legal name, “Xero Limited”. The Complainant emphasizes that this addition does not prevent a finding of confusing similarity. Rather, it reinforces the likelihood of confusion, especially since “limited” is commonly used in company names and appears in the Complainant’s own full name.

(ii) The Respondent has no rights or legitimate interests in the disputed domain name. The Complainant states that the Respondent is not affiliated with or authorized by the Complainant in any way and has never been licensed to use the XERO trademark. The Respondent is not commonly known by the name “Xero” or “Xero Limited,” nor is there any evidence of the Respondent’s legitimate use of the disputed domain name in

connection with a bona fide offering of goods or services. The disputed domain name resolves to a website that falsely purports to represent the Complainant, by displaying the Complainant's real company address and linking to official New Zealand company records for the Complainant. This impersonation is clear evidence of a lack of rights and legitimate interests and, instead, shows an intention to mislead users into believing the site is operated by the Complainant.

(iii) The disputed domain name was registered and is being used in bad faith. The Complainant argues that the Respondent registered the disputed domain name with full knowledge of the Complainant's trademark and business. This is evidenced by the use of the Complainant's exact address and the linking of the domain name to the Complainant's official company registration information on the New Zealand Companies Office website. The Complainant submits screenshots of the website at the disputed domain name, which displays the Complainant's name and corporate details in a misleading manner. The existence of active MX records attached to the disputed domain name, permitting the ability for the disputed domain name to be used for email, creates an ongoing implied threat to the Complainant that the disputed domain name may be used for fraudulent activities, which further supports an inference of bad faith. In addition, the Respondent currently holds registrations for other domain names that misappropriate the trademarks of well-known brands and businesses, a fact that also demonstrates that the Respondent is engaging in a pattern of cybersquatting / typosquatting, another evidence of bad faith registration and use of the disputed domain name.

## **B. Respondent**

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

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy provides that in order to be entitled to a transfer of the disputed domain name, a Complainant shall prove the following three elements:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (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.

### **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.

Annex 1 to the Complaint shows numerous registrations for XERO trademark obtained by the Complainant since 2006. Based on the available record, the Panel finds the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The trademark XERO is wholly encompassed within the disputed domain name, with the addition of the term "limited", as well as with the generic Top Level-Domain ("gTLD") extension ".com".

Although the addition of other terms (here, "limited"), may bear on assessment of the second and third elements, the Panel finds the addition of such term 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.

It is also well established that the addition of a gTLD, such as “.com”, is typically disregarded when determining whether a domain name is confusingly similar to a complainant’s trademark as such is viewed as a standard registration requirement. [WIPO Overview 3.0](#), section 1.11.1.

Based on the available record, 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.

The Complainant has not licensed nor authorized the use of its trademark to the Respondent, and the Panel finds no indication that the Respondent is commonly known by the disputed domain name.

Furthermore, the Complainant has shown that the disputed domain name is linked to a website not only reproducing its trademark but also using its office location in New Zealand and business registration certificate with the New Zealand Companies Office, without authorization.

Based on the available record, 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.

The Panel concludes that it is not feasible that the Respondent was not aware of the Complainant’s trademark and that the registration of the disputed domain name was a mere coincidence.

When the disputed domain name was registered (in 2024) the XERO trademark was already registered with the Complainant for over 15 years.

The addition of the suffix “limited” only enhances the confusingly similarity, forming the Complainants corporate name.

Also, the content at the website linked to the disputed domain name – including reproductions of the Complainant's trademark, business address, and corporate certificate registration – makes it clear that the Respondent intentionally attempted to attract the Internet users, for commercial gain, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the website.

Panels have held that the use of a domain name for illegitimate activity (here, claimed impersonation/passing off) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Finally, the absence of a formal reply from the Respondent to the Complainant's contentions and of any justification of the use of the trademark, together with the fact that he has already registered other domain names containing third parties' trademarks, further support a finding of bad faith in the present case.

## **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 <xerolimited.com> be transferred to the Complainant.

*/Rodrigo Azevedo/*

**Rodrigo Azevedo**

Sole Panelist

Date: November 17, 2025