

## **ADMINISTRATIVE PANEL ORDER**

Vodafone Group PLC v. H Sheikh, Vodanile Ltd.  
Case No. D2025-3940

### **1. The Parties**

The Complainant is Vodafone Group PLC, United Kingdom, represented by Boulton Wade Tennant LLP, United Kingdom.

The Respondent is H Sheikh, Vodanile Ltd., United Kingdom.

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

The disputed domain names <vodanile.com> (the “First Domain Name”), and <vodanile.net> (the “Second Domain Name”)(together the “Domain Names”) are registered with GoDaddy.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 26, 2025. On September 29, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On September 29, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Names which differed from the named Respondent (Registration Private: Domains By Proxy, LLC) 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 3, 2025.

The information provided by the Registrar identified the Registration Name to be H Sheikh and the Registrant Organization to be Vodanile Ltd. For the purposes of this order the Panel treats the Mr Sheikh and his company, Vodanile Ltd, as one. They are referred to jointly and severally as the “Respondent”.

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 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 27, 2025. An email from the Respondent dated October 17, 2025, and described by the Respondent as the Response was filed with the Center on that date, but it incorporated a request for an automatic four-day extension of time “to finalize supporting evidence and submissions”. The Center granted that request thereby extending the due date for the Response to October 31, 2025.

On November 21, 2025, the Respondent issued proceedings against the Complainant in the English High Court with Claim No IP-2025-000106 (the “2025 Court Proceedings”). The “Brief details of claim” set out on the front of the Claim Form filed in the 2025 Court Proceedings reads as follows:

“Claim for breach of contract arising from a Settlement Agreement dated 22 February 2022 between the parties. The Defendant has breached clauses 4.4, 6.2, and 18 of that agreement by commencing and pursuing WIPO UDRP Case No. [D2025-3940](#) concerning the [Domain Names], contrary to the exclusive-jurisdiction and dispute-resolution provisions of the Settlement Agreement.”

Further, according to the Claim Form the relief sought by the Respondent in the 2025 Court Proceedings is a declaration that the Defendant is in breach of the Settlement Agreement by commencing the present UDRP proceedings, an injunction restraining the Defendant from “continuing or initiating UDRP or similar proceedings” and “mandatory withdrawal of the existing UDRP complaint”.

On November 21, 2025 and November 25, 2025, the Respondent sent emails to the Center in which it stated that it did not consent to the appointment of a panel to adjudicate this administrative proceeding as the dispute was now the subject of proceedings which he had launched in the High Court in London. The Respondent repeated a request that it had made in earlier emails that this proceeding be terminated pursuant to the Rules paragraph 18(a).

The Center sent an email to the Parties on November 25, 2025. In that email the Center, inter alia stated as follows:

“The effect of any court proceedings commenced during the course of a UDRP proceeding and the determination of any appropriate procedural steps (including any suspension or termination order), under paragraph 18 of the Rules, are at the discretion of the Panel when appointed. The Center for its part does not have power to unilaterally order the suspension or termination of UDRP proceedings under paragraph 18 of the Rules or otherwise.

In the circumstances, the Center will proceed with the case, drawing to the Panel’s attention (on appointment) the Respondent’s request and provided information regarding the referred-to court proceeding. Determination of the matter, including any appropriate procedural steps, is a matter for the Panel.”

On December 2, 2025, the Respondent sent an email to the Center together with a number of documents including an Application Notice in the 2025 Court Proceedings in which the Respondent sought what was described in that Application Notice as an “Urgent interim anti-suit injunction” restraining the Complainant from continuing these proceedings.

The Center responded to that email the same day and informed the Respondent that its email of December 2, 2025 and associated documentation would be forwarded to the Panel for their information.

The Center appointed Tony Willoughby, Dawn Osborne and Matthew S. Harris as panelists in this matter on December 3, 2025. The Panel finds that it was properly constituted. Each member of 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.

In an email on December 3, 2025, the Respondent informed the Center that its injunction application had been fixed to be heard on December 9, 2025.

On December 16, 2025, the Parties sent a joint letter to the Center, which stated that it was being sent pursuant to a direction given on December 9, 2025, by a judge in the 2025 Court Proceedings. The letter requested the Panel to suspend all steps in relation to the determination of this administrative proceeding pending the final resolution of the High Court proceeding in London.

Accompanying that letter was a copy of the Court Order dated December 9, 2025, (the “Court Order”). The Court Order included an undertaking given by the Parties to those proceedings that they would send a joint letter to the Center in the form that had been sent.

On December 17, 2025, the Panel issued a Procedural Order to the Parties in the following terms:

“The Panel notes the Parties' request that these proceedings be suspended.

The Panel has the discretion under paragraph 18(a) of the Rules to suspend these proceedings. However, the preliminary view of the Panel, is that suspension is not the appropriate order to make. Neither the Rules nor the Supplemental Rules make any provision for what may very well be a lengthy suspension, nor do they indicate any mechanism by which this matter might, in practice, be kept pending and resumed or reinstated at an undetermined date in the future [see the decisions of the panels in *DNA (Housemarks) Limited v. Tucows.com Co* (WIPO Case No. [D2009-0367](#)) and *E. Remy Martin & C° v. Whois Privacy Services Pty Ltd/ Emedia Development Ltd and Mr. Pepin* (WIPO Case No. [D2013-1984](#))].

Given this, the provisional position of the Panel is that the present proceedings under the Policy be terminated without prejudice to the Complainant refiling the Complaint in the future if it so wishes and is able to do so without breaching any order of the court.

The Parties if they so wish may each file a Supplemental Submission in relation to the issues raised in this Procedural Order by no later than 5 pm CET on December 19, 2022.

In the meantime, pursuant to paragraphs 10(a) and(c) of the UDRP Rules, the Panel extends the time for the issuing of a decision in this matter to December 24, 2025.”

The Respondent responded the same day indicating that he had no objection to the Panel's proposed course of action.

The Complainant responded by way of a letter dated December 19, 2025, objecting to the Panel's proposed course of action. The Panel sets out and addresses these objections later on in this order.

On the same date the Respondent submitted an unsolicited submission to the Center, which the Panel has not found to be of any assistance.

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

The Complainant is one of the world's largest mobile communications companies. It has operated under the trade mark VODAFONE since 1984. Its global revenue in 2024-2025 was in excess of 37 billion euros. It is the registered proprietor of numerous trade mark registrations for the marks VODAFONE and VODA.

The Complainant's portfolio of trade mark registrations includes the following United Kingdom registrations, namely:

- United Kingdom Trade Mark Registration No. UK00001223053 registered on January 17, 1990, (application filed July 19, 1984) VODAFONE (word) in class 9 for inter alia electrical, electronic, telecommunications and telephonic apparatus and instruments; radio telephones; mobile telephones.
- United Kingdom Trade Mark Registration No. UK00001233640 registered on December 8, 1989 (application filed January 16, 1985) VODA (word) in class 9 for inter alia electrical, electronic, telecommunications and telephonic apparatus and instruments; radio telephones; mobile telephones.

The Complainant's full portfolio of VODAFONE and VODA trade mark registrations cover a wide range of goods and services including electrical, electronic, telecommunications and telephonic apparatus and instruments; mobile telephones; data communication apparatus and instruments in Class 9; telecommunications, telephone, telegraph, radio telephone, radio facsimile, radio paging and radio communication services; message sending, receiving and forwarding; transmission and receiving by radio; rental of telephone, radio, radio telephone and radio facsimile apparatus; communication of data by radio and by telecommunications; automatic telephone answering services; information about telecommunication; rental of message sending apparatus; news agencies; wire service; data interchange services; transfer of data by telecommunications; video conferencing services; video telephone services; computer communication services in Class 38; and computer consultation services; computer programming and software design; maintenance and updating of computer software and programmes in Class 42.

On August 22, 2011, Vodanile Ltd was incorporated with Mr Hussain Sheikh as the sole director and shareholder.

On June 17, 2011, the First Domain Name was registered and is currently connected to a webpage with a message headed "Vodanile™" and a log in screen stating that the "domain is down for maintenance".

On September 10, 2012, the Second Domain Name was registered and currently redirects to the above message at "www.vodanile.com".

The only other evidence before the Panel relating to the Respondent's use of the Domain Names is in the form of the <vodanile.com> Webarchive screenshots dating back to 2012 and forming Annex 18 to the Complaint.

On October 29, 2020, the Complainant sent a letter before action to the Respondent contending that Vodanile's trading name and its logo, "Vodanile" in figurative form, infringed the Complainant's registered trade mark rights and constituted passing off. In November 2020, the Complainant also made an application in the United Kingdom Intellectual Property Office to revoke the following trade mark registration owned by the Respondent:

- United Kingdom Trade Mark Registration No. UK00002627938 registered on October 19, 2012, (application filed July 11, 2012) VODANILE (figurative) in class 42 for computer consultancy services; design and development of computer hardware and software; computer programming; installation, maintenance and repair of computer software; design, drawing and commissioned writing for the compilation of web sites; creating, maintaining and hosting the web sites of others; design services; IT strategy and planning professionals.

This dispute was resolved by way of a settlement agreement dated February 22, 2022 (the "Settlement Agreement") on confidential terms.

On February 22, 2022, the VODANILE trade mark registration was assigned to the Complainant, but the Domain Names remain in the name of the Respondent.

On July 22, 2022, the Respondent issued proceedings against the Complainant in the High Court of Justice in London seeking re-assignment to him of the VODANILE trade mark and damages of in excess of GBP 65,000,000. The Respondent claimed that the Settlement Agreement was signed under duress and was voidable. The action was struck out on January 26, 2023, by the judgment of His Honour Judge Hacon sitting as a Judge of the High Court on the basis that it had no prospect of success.

As has been referred to in the Procedural History section of this order, the Center was informed following the commencement of these proceedings that the Respondent had once again commenced High Court proceedings in England against the Complainant; i.e the 2025 Court Proceedings and subsequently the Panel received a request from both parties that these UDRP proceedings be suspended. .

## **5. Suspension of UDRP Proceedings**

As is recorded above, the parties pursuant to an undertaking given to the court in the 2025 Court Proceedings have jointly requested that these UDRP proceedings be suspended.

Provision for suspension of proceedings is provided for in two parts of the Rules. The first is suspension of proceedings where the parties are discussing settlement as provided for in paragraph 17 of the Rules. As is recorded in section 4.9 of the WIPO Overview of Panel Views on Selected UDRP Questions, Third Edition (the "[WIPO Overview 3.0](#)"), if a request is made prior to the appointment of the panel the approach of the Center is as follows:

"Given the expedited nature of UDRP proceedings such suspensions are typically for 30 days, with an additional 30 days normally available on request where necessary to give effect to the parties' settlement effort"

As is also recorded in the [WIPO Overview 3.0](#), where such a request is made after a panel's appointment the issue of suspension becomes a matter for the panel not the Center. However, once again given the expedited nature of the UDRP if a suspension is ordered, the general approach of panels is to grant this for only a short period of time.

The other circumstances in which the Rules provide for possible suspension of proceedings is as set out in paragraph 18(a) of the Rules. This provides as follows:

“In the event of any legal proceedings initiated prior to or during an administrative proceeding in respect of a domain-name dispute that is the subject of the complaint, the Panel shall have the discretion to decide whether to suspend or terminate the administrative proceeding, or to proceed to a decision.”

As the 2025 Court Proceedings were initiated after the commencement of the current UDRP proceedings, this is the Rule that is more relevant in this case. As this Rule makes clear, the issue of whether to suspend, terminate or proceed to a decision in such circumstances is not one for the parties. Although a panel may well take into account the parties' views in this respect, the issue of whether proceedings are suspended, terminated or the panel proceeds to a decision is ultimately a matter of discretion for the panel.

In this respect, the preferred approach of panels even if one or both of the parties request suspension is either to terminate the proceedings without prejudice to the right of the Complainant to bring fresh UDRP proceedings (if for example, it concludes that the court is better placed to determine issues related to the domain name in issue) or to proceed to a decision (bearing in mind the potential limitations upon the implementation of a decision resulting from court proceedings as set out in 4(k) of the Policy).

The reason why this is the case was explained by the panel in *DNA (Housemarks) Limited v. Tucows.com Co*, WIPO Case No. [D2009-0367](#) (the “DNA Case”), where termination was considered more appropriate. In that case the panel stated as follows:

“Termination is far preferable to suspension, most importantly because the Policy, the Rules, and the Supplemental Rules make no provision for what may very well be a lengthy suspension, nor do they include a mechanism by which this matter might in practice be kept ‘pending’ and resumed or reinstated at some undetermined day in the future.”

A related practical issue here is that the panel appointed prior to suspension may not be available when the suspension comes to an end and yet under the Policy, Rules or the Supplemental Rules there is no express mechanism for a panel's replacement in those circumstances, nor for the remuneration of more than one panel in any one case.

The DNA Case has been cited, or similar reasoning to that set out in the DNA Case adopted, in a number of subsequent cases under the Policy in which the panel decided to terminate rather than suspend proceedings, including *E. Remy Martin & C° v. Whois Privacy Services Pty Ltd/ Emedia Development Ltd and Mr. Pepin*, WIPO Case No. [D2013-1984](#), and *Citizens For A Better Kenner, Inc. v. Scott Sigur*, WIPO Case No. [D2020-1462](#).

Indeed, as far as the Panel is aware there have been no cases following the DNA Case where a panel agreed to a general suspension of proceedings, and in the view of the Panel it is only likely to be appropriate for a panel to order the suspension of proceedings in exceptional circumstances and where a panel is satisfied that the suspension would either expressly or implicitly given the circumstances of the case be in effect for a relatively short period of time.

In the present case, the parties do not seem to be requesting such a short suspension. They are instead seeking a suspension until the conclusion of the 2025 Court Proceedings, notwithstanding that these court proceedings have only just been commenced. This opens up the prospect of just the sort of lengthy suspension that panels have considered inappropriate in the DNA Case and subsequent cases.

The Panel notes that when it notified the parties of its intention to terminate these proceedings without prejudice, the Respondent indicated that it agreed to the same, but the Complainant objected.

The reason why the Complainant contended that it would not be appropriate to terminate these proceedings are that (a) the 2025 Court Proceedings are not concerned with whether the Domain Names should be transferred but simply challenge the Panel's jurisdiction, (b) the judge made the Court Order on the "basis that a suspension of the UDRP proceedings (should the Panel choose to exercise their jurisdiction in that way) would give the Respondent the opportunity to progress a claim so that the issue of jurisdiction could be determined", (c) by terminating the UDRP proceedings the 2025 Court Proceedings would be "redundant" since jurisdiction would cease to be an issue and the Court Order would be rendered "nugatory, because the court's wish was for the UDRP proceedings to be suspended whilst the court consider and determines the issue of jurisdiction", and (d) the termination of the UDRP proceedings "would give the Respondent no incentive or reason to pursue further the IPEC proceedings, and would in turn deprive the Complainant of an opportunity for resolution in this matter".

The Panel finds itself in some difficulty here in that it is not entirely clear what the arguments were before the court that led to the Court Order. Nevertheless, what does seem clear from the recent letters from the parties is that both accept that notwithstanding the Court Order, it is still fully open to the Panel to exercise its discretion to terminate these proceedings.

Further, on the limited information it has as to what has or will occur in the 2025 Court Proceedings, the Panel is unpersuaded by the arguments advanced by the Complainant. On the face of the Claim Form in the 2025 Court Proceedings, the Respondent is seeking declaratory relief to the effect that the UDRP proceedings (and consequently any future UDRP proceedings) involve a breach of the Settlement Agreement and is also seeking an injunction that would prevent the Complainant from commencing any such proceedings in relation to the Domain Names in future. If that is right, it follows that the Complainant is wrong when it states that terminating these proceedings would make the 2025 Court Proceedings redundant. The issue of jurisdiction would still need to be determined. As to the contention that it would render the Court Order "nugatory", the best that the Panel can tell is that the court was seeking to preserve the status quo pending determination of the issue of jurisdiction. If that is right, the termination of the proceedings without prejudice to the Complainant's right to commence such proceedings in future would in large part have that effect. Further, as to the contention that if the UDRP proceedings were terminated, the Respondent would have no incentive or reason to pursue the 2025 Court Proceedings, the Panel does not understand why this is peculiarly so if the proceedings are terminated. If there is any force in this argument, this lack of incentive would also exist if there was suspension of proceedings which would leave the Domain Names during the suspension in the hands of the Respondent. Further, and in any event now that the 2025 Court Proceedings have been commenced, the progress of those proceedings is not solely a matter for the Respondent.

Last but not least, the Complainant's contentions do not address the point made in the Panel's Procedural Order (and expanded upon in this order) that it would generally be inappropriate in proceedings under the Policy to grant an open ended suspension of the sort initially requested by the parties in this case.

In the circumstances, the Panel remains of the view expressed in its Procedural Order that the most appropriate way forward in this case is for it to terminate these proceedings without prejudice to the Complainant's right to refile the Complaint.

## **6. Order**

The Panel directs that this proceeding should be terminated in deference to the pending judicial proceeding in London, which involves the Domain Names and the same parties, but expressly without prejudice to the

Complainant refiling the Complaint in the future if it so wishes and is able to do so without breaching any order of the Court.

*/Tony Willoughby/*

**Tony Willoughby**

Presiding Panelist

*/Dawn Osborne/*

**Dawn Osborne**

Panelist

*/Matthew Harris/*

**Matthew Harris**

Panelist

Date: December 29, 2025