

ADMINISTRATIVE PANEL DECISION

Commonwealth Bank of Australia v. Steven Carter
Case No. D2025-4188

1. The Parties

The Complainant is Commonwealth Bank of Australia, Australia, represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Steven Carter, Australia.

2. The Domain Name and Registrar

The disputed domain name <commonwealthbank.earth> (the “Disputed Domain Name”) is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 13, 2025. On October 13, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On October 13, 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 (Registration Private/Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 17, 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 22, 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 24, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 13, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 14, 2025.

The Center appointed Nicholas Weston as the sole panelist in this matter on November 21, 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 an Australian bank founded in 1911 with an operating income in 2025 of AUD28 million. The Complainant holds registrations for the trademark COMMONWEALTH BANK and variations of it around the world, including, inter alia, New Zealand Registration No. 209689 for COMMONWEALTH BANK registered on March 26, 1996 in class 36, Australian Registration No. 855742 for COMMONWEALTH BANK registered on November 3, 2000 in class 36, Indian Registration No. 2026334 for COMMONWEALTH BANK registered on September 21, 2010 in class 36, and International Registration No. 1604561 for COMMONWEALTH BANK (figurative) registered on February 23, 2021 in classes 9, 16, 35, 36, 38 and 41.

The Complainant owns the domain names <commonwealthbank.com.au> and <commbank.com.au>, which resolve to its main webpage and as at August 2025 receive more than 20 million monthly visits.

The Respondent registered the Disputed Domain Name on May 12, 2025, which resolves to a webpage that states “Commonwealth Bank Launching Soon” and contains an invitation to “Drop us a line” with three fields: Name, Email and Message available for users to fill in.

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 cites trademark registrations for the mark COMMONWEALTH BANK, and variations of it, in numerous jurisdictions as prima facie evidence of ownership.

The Complainant submits that “[b]y virtue of its trademark registrations ..., Complainant is the owner of COMMONWEALTH BANK trademark” and that its rights predate the Respondent’s registration of the Disputed Domain Name, and submits that the Disputed Domain Name is identical to its trademark, for the reason that the addition of the generic Top-Level Domain (“gTLD”) “.earth” to the Disputed Domain Name does not prevent a finding of confusing similarity.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because the “Respondent is not sponsored by or affiliated with Complainant in any way. Nor has Complainant given Respondent license, authorization or permission to use Complainant’s trademark in any manner, including in domain names” and contends that none of the circumstances set out in paragraph 4(c) of the Policy apply.

Finally, the Complainant alleges that the registration and use of the Disputed Domain Name was, and currently is, in bad faith, contrary to the Policy and the Rules having regard to the prior use and reputation of the Complainant’s trademark, and on the issue of registration states that “[b]y registering a domain name that is an exact reproduction of Complainant’s COMMONWEALTH BANK trademark, Respondent has created a domain name that is identical to Complainant’s trademark”. On the issue of use the Complainant contends that “[t]he Disputed Domain Name currently resolves to a “launching soon” site and is not being used” in support of its submission that this amounts to use in bad faith.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant has the burden of proving the following:

- (i) that the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and
- (iii) that 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 3.0](#), section 1.7.

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 Complainant has produced sufficient evidence to demonstrate that it has rights in the trademark COMMONWEALTH BANK in several jurisdictions.

Turning to whether the Disputed Domain Name is identical or confusingly similar to the COMMONWEALTH BANK trademark, the Panel observes that the Disputed Domain Name is comprised of: (a) an exact reproduction of the Complainant's trademark COMMONWEALTH BANK; and (b) the gTLD ".earth".

It is well established that the gTLD used as part of a domain name is generally disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1. The relevant comparison to be made is with the second-level portion of the Disputed Domain Name, specifically: "commonwealthbank".

The entirety of the mark is reproduced within the Disputed Domain Name. Accordingly, the Disputed Domain Name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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 disputed 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 disputed 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.

The Panel finds that there is no indication that the Respondent was commonly known by the term "COMMONWEALTH BANK" prior to registration of the Disputed Domain Name. The Complainant has not licensed, permitted, or authorized the Respondent to use the trademark COMMONWEALTH BANK.

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 Panel notes the evidence that the Disputed Domain Name resolves to a webpage featuring COMMONWEALTH BANK on the top with fields seeking contact information that can be filled in by Internet users, and finds that this does not represent a bona fide offering of goods or services, or a legitimate noncommercial or fair use, given the substantial reputation and goodwill of the Complainant's mark in Australia, where the Respondent is reportedly located, or capacity to otherwise mislead Internet users.

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.

In the present case, the Panel finds that the evidence in the case shows the Respondent registered and has been using the Disputed Domain Name in bad faith.

On the issue of registration, this Panel, noting the lack of a response putting forward a legitimate non-infringing purpose, finds that it is more likely than not that the Respondent registered the Disputed Domain Name to trade off the reputation and goodwill of the Complainant's well-known trademark. [WIPO Overview 3.0](#), section 3.1.4.

Further, a gap of several years between registration of a complainant's trademark and respondent's registration of a disputed domain name (containing the trademark) may indicate bad faith registration. In this case, the Respondent registered the Disputed Domain Name at least 29 years after the Complainant established registered trademark rights in the COMMONWEALTH BANK mark. The Respondent has not come forward to rebut the Complainant's allegations or offer any alternative explanation.

On the issue of use, the Complainant contends that Disputed Domain Name does not currently resolve to an active website.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. Although panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the Complainant's well-known trademark, the composition of the Disputed Domain Name, and the Respondent's failure to provide any evidence of actual

or contemplated good-faith use and finds that in the circumstances of this case the passive holding of the Disputed Domain Name does not prevent a finding of bad faith under the Policy.

The Complainant's evidence of the website that the Disputed Domain Name resolves to is also, in this Panel's view, demonstrative of a potential phishing webpage, considering that the webpage invites Internet users to enter their personal details. [WIPO Overview 3.0](#), section 3.2.1.

Having reviewed the record, the Panel finds the Respondent's registration and use of the Disputed Domain Name constitutes 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 <commonwealthbank.earth> be transferred to the Complainant.

/Nicholas Weston/

Nicholas Weston

Sole Panelist

Date: December 3, 2025.