

ADMINISTRATIVE PANEL DECISION

Microsoft Corporation v. Javier Lozano de Diego
Case No. D2025-4265

1. The Parties

The Complainant is Microsoft Corporation, United States of America, represented by Edward Nathan Sonnenbergs Inc., South Africa.

The Respondent is Javier Lozano de Diego, Spain, self-represented.

2. The Domain Names and Registrar

The disputed domain names <exclforadults.com> and <exclforkids.com> are registered with Grupo Loading Systems S.L. (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on October 17, 2025. On October 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On November 3, 2025, the Registrar transmitted by email to the Center its verification response, disclosing registrant and contact information for the disputed domain names that differed from the named Respondent (GDPR Masked) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 4, 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 November 6, 2025. The Respondent filed an initial response to the amended Complaint on November 7, 2025.

On November 4, 2025, the Center informed the Parties in Spanish and English, that the language of the Registration Agreement for the disputed domain names is Spanish. On November 6, 2025, the Complainant confirmed its request that English be the language of the proceedings. The Respondent did not comment on the Complainant's request.

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 in English and Spanish of the Complaint, and the proceedings commenced on November 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 30, 2025. The Center received an email communication from the Respondent on November 12, 2025. At the request of the Complainant, the proceedings were suspended on November 20, 2025, until December 20, 2025, in order to allow the Parties to explore a possible settlement. At the request of the Complainant, the suspension of the proceedings was extended on December 22, 2025, and again on January 15, 2026, until February 20, 2026. At the request of the Complainant, the proceedings were reinstated on February 10, 2026. The Response was filed in English with the Center on February 14, 2026.

The Center appointed Matthew Kennedy as the sole panelist in this matter on February 23, 2026. 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 developer and provider of personal-computer software systems and applications, cloud computing services, video games, and other online services. Its products include the Microsoft Office and Microsoft 365 suite of productivity applications, which includes the spreadsheet editor Microsoft Excel, also referred to as "Excel", that was first released in 1985. Excel is available as an application for desktop and mobile devices, and online through an Internet browser. The Complainant holds trademark registrations in multiple jurisdictions, including European Union trademark registration number 4064978 for EXCEL, registered on November 15, 2005, specifying goods in class 9. That trademark registration is current. The Complainant has also registered domain names including <microsoft.com> and <microsoft.net> that it uses in connection with websites where it makes available information about itself and its products, including the EXCEL spreadsheet editor, and provides online services.

The Respondent is a self-employed educator and coach based in Spain. He runs an independent educational program focused on teaching practical spreadsheet skills and training executive functions through structured spreadsheet-based projects.

The disputed domain name <excelforkids.com> was registered on March 7, 2022. At the time when the Complaint was filed, it resolved to a website in Spanish titled "Excel for Kids©" alongside a logo of a human figure and a spreadsheet. The website presented a training program to develop creativity and talent based on Excel software scheduled for 2025-26. The website prominently displayed a link to a YouTube video explaining the program. Classes were offered online in Spanish for students in Spain and countries in the same time zone. Fees applied. The Respondent was identified as one of the teachers of the program.

The disputed domain name <excelforadults.com> was registered on September 5, 2023. At the time when the Complaint was filed, it resolved to a website in Spanish titled "Excel for Adults©" alongside the same logo of a human figure and a spreadsheet. The website presented an Excel training program of 12 practical sessions online scheduled for 2024. Fees were expressed in EUR. The Respondent was identified as one of the teachers of the program.

The Respondent filed Spanish trademark application number M4252179(3) on February 7, 2024, for a figurative EXCEL FOR KIDS mark, specifying services in class 41, which the Complainant opposed on the basis of its prior EXCEL marks. The trademark application was denied on March 20, 2025. In its decision on denial, the Spanish Patent and Trademark Office considered that the use of the applied-for trademark could generate a link in the consumer's mind with the Complainant's renowned earlier trademarks.

Since the Complaint was filed in these UDRP proceedings, the content of the Respondent's websites has changed. The disputed domain name <excelforkids.com> now resolves to a landing page displaying a disclaimer in Spanish and English titled "Independent educational program", advising that "This site is not

official and is not sponsored by Microsoft. We use Microsoft Excel only to identify the software being taught.” Below this appears a button with a link to a website associated with the domain name <excelforkids.es> and, below that, in small font, “Microsoft Excel is a registered trademark of Microsoft Corporation”. The disputed domain name <excelforadults.com> now resolves to a landing page titled “Excel for Adults” alongside the words “Independent training – Coming soon”. The landing page displays a “non-affiliation notice” in English and Spanish, advising inter alia that “This website and training program are independent and not affiliated with, endorsed by, or sponsored by Microsoft. The word ‘Excel’ is used only to refer to the spreadsheet software tool commonly known as Microsoft Excel.”

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 names.

Notably, the Complainant contends that the disputed domain names are confusingly similar to the Complainant’s EXCEL mark.

The Respondent has no rights or legitimate interests in respect of the disputed domain names. The Complainant has not licensed or otherwise permitted the Respondent to use any of its trademarks or to register a domain name incorporating its EXCEL trademark. The disputed domain names in themselves suggest at least an affiliation with the Complainant and its EXCEL trademark. The EXCEL trademark is displayed at the top of the associated websites and/or within the tab interface and/or within the top banner where relevant consumers will usually expect to find the name of the website provider. The copyright notices at the bottom of the websites create the false impression of an affiliation with the Complainant.

The disputed domain names have been registered and are being used in bad faith. It is evident from the Respondent’s use of the disputed domain names that the Respondent knew of the Complainant’s EXCEL trademark when registering the disputed domain names and registered and used the disputed domain names in bad faith within the terms of paragraph 4(b)(iv) of the Policy. The superiority claims appearing on the associated websites clearly have the effect of tarnishing the Complainant’s EXCEL trademark by implying that the Complainant’s (authorized) training courses for its Excel program/app are inferior to the unauthorized offerings of the Respondent on the websites. The Respondent’s attempted registration of a mark wholly incorporating the Complainant’s registered EXCEL trademark can never be bona fide. The mere registration of a domain name that is identical or confusingly similar to a widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith.

B. Respondent

The Respondent contends that the Complainant has not satisfied all the elements required under the Policy for a transfer of the disputed domain names and requests that the Panel deny the Complaint.

The Respondent acknowledges that the disputed domain names contain the term EXCEL, which is a trademark of the Complainant.

The Respondent submits that he has rights and legitimate interests in respect of the disputed domain names. He submits that he is not a software vendor, a technology company, or in the business of trading in domain names. He has been making a bona fide offering of educational services since prior to the dispute. The name “Excel for Kids” was chosen to describe, in plain language, educational training activities using Microsoft Excel as a tool for young students. His use of the names was intended to be referential, not to claim any association with the Complainant or to trade on the Complainant’s goodwill. The landing pages and websites do not use Microsoft logos or trade dress to suggest sponsorship. Since the Complaint was filed, the Respondent has removed any automatic redirection and implemented neutral landing pages with

prominent non-affiliation notices. These steps were taken to minimize any potential risk of initial-interest confusion and to ensure that users receive clear disclosure before choosing to follow any voluntary link.

The Complainant has not established bad faith registration or use. The Respondent has never offered the disputed domain names for sale; he has not used them for phishing, malware, impersonation, or pay-per-click advertising; he has not engaged in a pattern of registering third-party trademarks; he operates in Spain under the commercial name “Excel for Kids” for teaching services. He has also removed any automatic redirection and implemented neutral landing pages with prominent non-affiliation notices to further reduce any possibility of user confusion.

6. Discussion and Findings

6.1 Preliminary Issue: Language of the Proceedings

The language of the Registration Agreement for the disputed domain names is Spanish. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceedings shall be the language of the registration agreement.

The Complainant requested that the language of the proceedings be English. The Respondent did not comment on the Complainant’s request, but noted that English is not his native language and that he has used automatic translation tools to prepare the Response and submitted it in good faith.

The Panel notes that the Complaint, the amended Complaint, the initial response to the amended Complaint, and the Response were all filed in English.

Accordingly, the Panel determines that the Respondent was given a fair opportunity to present its case, and the language of these proceedings shall be English.

6.2 Substantive Issues

Paragraph 4(a) of the Policy provides that a complainant must demonstrate each of the following elements:

- (i) each 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 each disputed domain name; and
- (iii) each disputed domain name has been registered and is being used in bad faith.

The burden of proof of each element is borne by the Complainant.

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. See WIPO Overview of WIPO Panel Views on Select UDRP Questions (“[WIPO Overview 3.1](#)”), section 1.7.

The Complainant has shown rights in respect of the EXCEL trademark for the purposes of the Policy. See [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the EXCEL mark is reproduced within the disputed domain names as their respective initial elements. Despite the addition of the words “for adults” and “for kids”, the mark remains clearly recognizable

within the disputed domain names. The only additional element in each disputed domain name is a generic Top-Level Domain (“gTLD”) extension (“.com”) which, as a standard requirement of domain name registration, may be disregarded in the assessment of confusing similarity for the purposes of the Policy. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. See [WIPO Overview 3.1](#), sections 1.7, 1.8, and 1.11.1.

Therefore, 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 that 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. See [WIPO Overview 3.1](#), section 2.1.

In the present case, the Complainant submits that it has not licensed or otherwise permitted the Respondent to use any of its trademarks or to register a domain name incorporating its EXCEL trademark. The disputed domain names both combine the Complainant’s EXCEL mark with the terms “for kids” or “for adults”. In the Panel’s view, each disputed domain name implies that it will resolve to a website for a program to train children or adults in the use of the Complainant’s EXCEL spreadsheet software, without necessarily implying that the program is sponsored or endorsed by the Complainant. Prior UDRP panels have considered that a service provider using a domain name containing a complainant’s trademark to provide services relating to that complainant’s goods, as here, may be making a bona fide offering of services and thus have a legitimate interest in that domain name, if it satisfies certain cumulative requirements (the so-called “Oki Data test”). See [WIPO Overview 3.1](#), sections 2.8.1 and 2.8.2, and *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#). However, the Respondent’s use of the disputed domain names in this case does not satisfy all the requirements of the Oki Data test. While it appears that the Respondent is using the disputed domain name <excelforkids.com> to offer a program that actually relates to the Complainant’s EXCEL spreadsheet software, and only that software, the Respondent no longer appears to be providing the program for adults presented in connection with the disputed domain name <excelforadults.com>. Moreover, neither website accurately and prominently disclosed the Respondent’s lack of relationship with the trademark holder, i.e., the Complainant, at the time when the Complaint was filed.¹ Accordingly, these circumstances do not indicate that the Respondent’s use of either disputed domain name has been in connection with a bona fide offering of services, nor a fair use.

The Registrar has confirmed that the Respondent’s name is “Javier Lozano de Diego”, which does not resemble the disputed domain names. Further, fees apply for the Respondent’s training programs, which is not a legitimate non-commercial use.

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 names.

Turning to the Respondent, he submits that he has been making a bona fide offering of educational services

¹ As regards the fourth requirement of the Oki Data test, there is evidence that the Respondent uses three domain names incorporating the EXCEL mark (i.e., the two disputed domain names plus the domain name <excelforkids.es>), which does not amount to an attempt to corner the market in domain names reflecting that mark.

and that his use of the names was intended to be referential. However, as discussed above, the websites associated with the disputed domain names failed accurately and prominently to disclose the Respondent's lack of relationship with the trademark holder, i.e., the Complainant, at the time when the Complaint was filed. The Respondent points out that his websites do not use Microsoft logos or trade dress to suggest sponsorship. However, that is insufficient to avoid confusion where the disputed domain names themselves are ambiguous as to whether they resolve to websites offering services sponsored or endorsed by the Complainant, as here. Further, the potential for confusion was exacerbated by the fact that the websites reserved the rights of "Excel for Kids" and "Excel for Adults" in their respective copyright notices, which did not in any way clarify the Respondent's lack of sponsorship or endorsement by the Complainant. The Respondent also submits that he has added prominent non-affiliation notices to his websites now, since the Complaint was filed. However, given the overall circumstances, in which the disputed domain names are ambiguous and the website content did nothing to avoid confusion regarding potential sponsorship or endorsement prior to receipt of notice of the dispute, these notices are of no avail. In any case, UDRP panels generally assess whether a respondent has rights or legitimate interests in the disputed domain names by reference to the circumstances prevailing at the time when the complaint was filed. See [WIPO Overview 3.1](#), section 2.11.

The Respondent also presents evidence showing that he has been registered in Spain for a business tax by reference to the trade name "Excel for Kids" since September 6, 2024. He also submits a calendar and a basic 30-week program outline for Excel for Kids in 2023/2024, and a flyer for a presentation of a program that commenced on April 9, 2024. There is no information as to where the program was advertised or how many students enquired or enrolled (the minimum class size is 8). Accordingly, this evidence does not demonstrate that the Respondent has been commonly known (whether as an individual, a business, or another organization) by either disputed domain name.

In sum, the Respondent has not rebutted the Complainant's prima facie showing.

Based on the 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. The fourth circumstance is as follows:

"(iv) by using the [disputed] domain name, [the respondent has] intentionally attempted to attract, for commercial gain, Internet users to [the respondent's] website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of [the respondent's] website or location or of a product or service on [the respondent's] web site or location."

In the present case, the Panel notes that the disputed domain names were registered in 2022 and 2023, after the registration of the Complainant's EXCEL mark, including in the European Union, where the Respondent is based. The disputed domain names wholly incorporate that mark. Even though the mark is also a dictionary word, the disputed domain names formerly resolved to websites presenting training programs in the use of the Complainant's EXCEL spreadsheet software. In view of these circumstances, the Panel finds that the Respondent registered the disputed domain names with the Complainant's EXCEL mark in mind.

As regards use, the disputed domain names formerly resolved to websites presenting programs to train children or adults in the use of the Complainant's EXCEL spreadsheet software. The Panel recalls its findings in Section 6.2B above and finds that, by using the disputed domain names, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to his websites by creating a likelihood of confusion with the Complainant's EXCEL mark as to the source, sponsorship, affiliation, or endorsement of the training programs presented on those websites, within the terms of paragraph 4(b)(iv) of the Policy.

The Respondent submits that he has not registered or used the disputed domain names in bad faith in other ways, such as phishing, malware, or impersonation. However, this does not alter the Panel's conclusion that he has registered and used the disputed domain names in bad faith within the terms of paragraph 4(b)(iv) of 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 names <excelforadults.com> and <excelforkids.com> be transferred to the Complainant.

/Matthew Kennedy/

Matthew Kennedy

Sole Panelist

Date: March 3, 2026