

ADMINISTRATIVE PANEL DECISION

African Bank Limited v. Shaun Mills

Case No. D2025-4490

1. The Parties

The Complainant is African Bank Limited, South Africa, represented by Adams & Adams Attorneys, South Africa.

The Respondent is Shaun Mills, South Africa.

2. The Domain Name and Registrar

The disputed domain name <africanbank.xyz> 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 30, 2025. On October 31, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 31, 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 November 3, 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 5, 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 November 11, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 1, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 4, 2025.

The Center appointed Jeremy Speres as the sole panelist in this matter on December 9, 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 South African retail bank founded in 1975, trading under the AFRICAN BANK mark.

The Complainant's mark is registered in a number of African jurisdictions, including South African Trademark Registration No. 2012/28236 AFRICAN BANK in class 36, having a registration date of May 18, 2015.

The Complainant uses the domain name <africanbank.co.za>, registered on November 26, 1996, in connection with a website where it promotes its banking services.

The disputed domain name was registered on June 5, 2025, and resolves to a registrar parking page offering the disputed domain name for sale.

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 the disputed domain name was registered and has been used in bad faith in order to sell the disputed domain name to the Complainant for an amount in excess of the Respondent's out-of-pocket costs related directly to the disputed domain name.

B. Respondent

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

6. Discussion and Findings

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.

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 entirety of the mark is reproduced within the disputed domain name, apart from the space. Spaces within a trademark can be disregarded for purposes of assessing identity (*Novomatic AG v. Oleg Bakanach*, WIPO Case No. [D2020-1667](#)). 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 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.

For the reasons discussed in relation to the third element below, it is likely that the Respondent’s intention was to sell the disputed domain name to the Complainant for valuable consideration in excess of his documented out-of-pocket costs. This cannot confer rights or legitimate interests. *Sistema de Ensino Poliedro Vestibulares Ltda., Editora Poliedro Ltda. v. Anonymize, Inc. / STANLEY PACE*, WIPO Case No. [D2022-1981](#).

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.

For the following reasons, the Panel finds that it is more likely than not that the Respondent registered and has used the disputed domain name to sell the disputed domain name to the Complainant for valuable consideration in excess of his documented out-of-pocket costs (absent any evidence from the Respondent to the contrary), falling within paragraph 4(b)(i) of the Policy.

The Complainant’s evidence establishes that its AFRICAN BANK mark is well known within the Respondent’s jurisdiction of South Africa. Panels have consistently found that the mere registration of a domain name that is identical to a widely known trademark, as in this case, by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

In accordance with its powers of independent research articulated inter alia in paragraphs 10 and 12 of the Rules, the Panel has established that the disputed domain name is listed for sale on a domain name marketplace for USD 2,000, which, in the absence of any Response, is likely to be in excess of the Respondent’s out-of-pocket costs relating directly to the disputed domain name.

The Complainant noted that the Respondent was previously found in contravention of the Policy in similar circumstances, also targeting a well-known South African trademark and listing the domain name for sale, in *Comair Ltd. v. Shaun Mills*, WIPO Case No. [DCO2011-0036](#). The present case would seem to be a continuation of the Respondent’s modus operandi in that case. In these circumstances the Panel draws an

adverse inference from the Respondent's failure to take part in the present proceeding where an explanation is certainly called for. [WIPO Overview 3.0](#), section 4.3.

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 <africanbank.xyz> be transferred to the Complainant.

/Jeremy Speres/

Jeremy Speres

Sole Panelist

Date: December 15, 2025