

ADMINISTRATIVE PANEL DECISION

Telegraph Media Group Holdings Limited v. Cierra Hirigoyen, Fresh Education Track

Case No. D2025-4528

1. The Parties

The Complainant is Telegraph Media Group Holdings Limited, United Kingdom, represented by Abion GmbH, Switzerland.

The Respondent is Cierra Hirigoyen, Fresh Education Track, United States of America.

2. The Domain Name and Registrar

The disputed domain name <telegraphfantasyfootball.com> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 3, 2025. On November 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 5, 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 7, 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 11, 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 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 3, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 5, 2025.

The Center appointed Christiane Féral-Schuhl 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 the operating entity for the online properties of The Telegraph and is part of the Telegraph Media Group of companies, which publishes The Daily Telegraph (founded in 1855) and The Sunday Telegraph, alongside other print and digital publications.

Amongst the Complainant's offerings is "Telegraph Fantasy Football", a fantasy sports service provided via its apps and website.

The Complainant holds numerous trademark registrations for the marks TELEGRAPH and one for the mark TELEGRAPH FANTASY FOOTBALL (the "TELEGRAPH FANTASY FOOTBALL Trademark") including the following:

- the United Kingdom wordmark TELEGRAPH FANTASY FOOTBALL No. UK00002246213, registered on July 6, 2001, for goods and services in classes 9, 16 and 41;
- the United Kingdom wordmark TELEGRAPH No. UK00001444838, registered on May 1, 1992, for goods and services in classes 1, 3, 4, 6, 7, 9, 12, 16, 17, 37 and 39;
- the European Union wordmark TELEGRAPH No. 003601069, registered on May 26, 2005, for goods in classes 9, 16 and 41.

The disputed domain name was registered by the Respondent on August 12, 2025, and resolves to an inactive page.

The Complainant sent a cease and desist letter to the Respondent on September 30, 2025, and corresponding reminders on October 10 and 15, 2025. The Respondent did not respond to the Complainant's correspondence.

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 is identical to the Complainant's TELEGRAPH FANTASY FOOTBALL trademark and/or confusingly similar to the Complainant's TELEGRAPH trademark.

Then, the Complainant submits that the Respondent lacks any right or legitimate interest in the disputed domain name, since the Complainant has not licensed or authorized the Respondent to use the Complainant's trademarks and did not authorize the Respondent to register or use the disputed domain name incorporating its trademarks nor has the Complainant endorsed or sponsored the Respondent. The Complainant asserts there is no evidence that the Respondent is commonly known by the disputed domain name terms. The Complainant also underlines that the structure of the disputed domain name, incorporating the TELEGRAPH FANTASY FOOTBALL Trademark in its entirety, is inherently misleading and reflects the Respondent's intention to create an association, and a subsequent likelihood of confusion, with the Complainant and its trademarks in Internet users' minds. Moreover, the Complainant notes that the disputed domain name resolves to an inactive page and that the Respondent did not respond to the Complainant's cease and desist letter.

Finally, the Complainant asserts that the disputed domain name was registered and is being used in bad faith, since the TELEGRAPH FANTASY FOOTBALL Trademark was registered significantly before the registration of the disputed domain name and that it appears that the Respondent was well aware of the Complainant's rights given that the disputed domain name contains the Complainant's trademark in its entirety along with the generic Top-Level Domain ".com". The Complainant also underlines that the disputed domain name is passively held and that it incorporates its distinctive TELEGRAPH FANTASY FOOTBALL Trademark. The Complainant further notes that the Whois information is likely to be false, or at least inaccurate, given that the Respondent's address as provided to the Registrar appears to be tied to a pack-and-ship/print center, with seemingly no ties to the other provided details, such as the Respondent's name and organization. The Complainant concludes that the overall described circumstances are clear demonstration of the registration and use of the disputed domain name in bad faith.

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. 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.

Indeed, it appears that the Complainant has not licensed or authorized the Respondent to use the Complainant's trademarks and did not authorize the Respondent to register or use the disputed domain name incorporating its trademarks nor has the Complainant endorsed or sponsored the Respondent. Moreover, there is no evidence that the Respondent is commonly known by the disputed domain name, which resolves to an inactive page. UDRP panels have also found that domain names identical to a complainant's trademark carry a high risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5.1.

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.

In the present case, the Panel notes that the Respondent has registered the disputed domain name well after the registration of the TELEGRAPH FANTASY FOOTBALL Trademark and that the Respondent was very likely aware of the Complainant's Trademark when registering the disputed domain name. The Panel also observes that the Respondent likely provided false or inaccurate contact information when registering the disputed domain name.

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.

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. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the reputation of the Complainant's trademark, the lack of response from the Respondent, and the composition of the disputed domain name which is only composed of the Complainant's trademark in its entirety, 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 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 <telegraphfantasyfootball.com> be transferred to the Complainant.

/Christiane Féral-Schuhl/

Christiane Féral-Schuhl

Sole Panelist

Date: December 16, 2025