

ADMINISTRATIVE PANEL DECISION

Fabulive Ltd. v. Neo James
Case No. D2025-4741

1. The Parties

The Complainant is Fabulive Ltd., Hong Kong, China, represented by McKool Smith, P.C., United States of America.

The Respondent is Neo James, Hong Kong, China.

2. The Domain Name and Registrar

The Disputed Domain Name <examtopics.online> 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 November 15, 2025. On November 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On November 17, 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 (Individual Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 21, 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 25, 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 28, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 18, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 24, 2025.

The Center appointed Marina Perraki, Peter J. Dernbach and Karen Fong as panelists in this matter on January 20, 2026. 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.

On February 2, 2026, the Panel issued an Administrative Panel Procedural Order No. 1 (“Panel Order”), in which the Panel invited the Complainant to submit by February 8, 2026 evidence demonstrating its asserted common law rights in EXAMTOPICS. In particular, the evidence should clarify and substantiate the relationship between the Complainant and the owner of the domain name and the operator of the website at “www.examtopics.com”, which appears to be “Learners Ltd”. The Panel further invited Respondent to submit any comments by February 14, 2026. On February 7, 2026 the Complainant submitted its reply to the Panel Order. The Respondent did not submit any comments.

4. Factual Background

The Complainant is a limited company registered in Hong Kong, China and is providing online study materials to individuals preparing for information technology (IT) certification exams. It has operated under the EXAMTOPICS mark since at least 2019. The Complainant offers study materials and practice exams for sale under the EXAMTOPICS mark on its website, “examtopics.com”. The Complainant is the owner of the domain name registration <examtopics.com> registered on January 2, 2018. The ExamTopics brand has become widely recognized in the IT test prep industry. The Complainant has spent more than USD 3.3 million promoting the brand and its website has received nearly 10 million visitors in the past 12 months. Visitors to the Complainant’s website have made more than 60,000 purchases in the most recent full year.

The Disputed Domain Name was registered on January 20, 2025, and leads to a website (“the Website”) prominently displaying an “ExamTopicsOnline” logo similar to that of the Complainant, with similar product offerings and website layout, offering for sale test prep materials for IT exams, as does the Complainant’s “examtopics.com” website. The Website has a copyright notice “ExamTopics Online 2026”.

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.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy lists three elements, which the Complainant must satisfy with respect to the Disputed Domain Name:

- (i) the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and
- (iii) 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 of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.1"](#)), section 1.7.

The Panel finds the Complainant has established unregistered trademark or service mark rights for EXAMTOPICS for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.3. The Complainant has demonstrated use of the unregistered trademark since at least 2019 on its website.

According to the [WIPO Overview 3.1](#), section 1.1.1 the term "trademark or service mark" as used in UDRP paragraph 4(a)(i) encompasses both registered and unregistered (sometimes referred to as common law) marks. Per the Complaint and as not disputed by the Respondent, the Complainant's EXAMTOPICS services and website are associated with the Complainant's services such that, as the Panel finds on balance, the Complainant has common law rights in EXAMTOPICS for the purposes of the Policy.

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 3.1](#), section 1.7.

The generic Top-Level Domain ("gTLD") ".online" is disregarded, as gTLDs typically do not form part of the comparison on the grounds that they are required for technical reasons (*Rexel Developpements SAS v. Zhan Yequn*, WIPO Case No. [D2017-0275](#); *Hay & Robertson International Licensing AG v. C. J. Lovik*, WIPO Case No. [D2002-0122](#)).

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 3.1](#), 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.

Panels have held that the use of a domain name for illegal activity here, claimed copycat site /passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

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.

The Panel concludes that Respondent has registered and used the Disputed Domain Name in bad faith. Because the Complainant had used the EXAMTOPICS mark at the time of the Disputed Domain Name's registration by Respondent and enjoyed recognition in the relevant sector, the Panel finds it more likely than not that Respondent had the Complainant's mark in mind when registering the Disputed Domain Name (*Tudor Games, Inc. v. Domain Hostmaster, Customer ID No. 09382953107339 dba Whois Privacy Services Pty Ltd / Domain Administrator, Vertical Axis Inc.*, WIPO Case No. [D2014-1754](#); *Parfums Christian Dior v. Javier Garcia Quintas and Christiandior.net*, WIPO Case No. [D2000-0226](#)). This also in view of the nature of the Complainant's business being provided online and the Disputed Domain Name composition, which includes the gTLD ".online".

As regards bad faith use, the Complainant has demonstrated that the Disputed Domain Name is used to resolve to the Website, which prominently displays a logo mimicking that of the Complainant, with similar product offerings and website layout and with the copyright notice "ExamTopics Online 2026". The Website therefore gives the false impression that it is operated by the Complainant, or a company affiliated to the Complainant or an authorised partner of the Complainant. The Disputed Domain Name is therefore used to intentionally create a likelihood of confusion with the Complainant's trademark and business as to the source, sponsorship, affiliation, or endorsement of the website it resolves to. This can be used in support of bad faith registration and use (*Booking.com BV v. Chen Guo Long*, WIPO Case No. [D2017-0311](#); *Ebel International Limited v. Alan Brashear*, WIPO Case No. [D2017-0001](#); *Walgreen Co. v. Muhammad Azeem / Wang Zheng, Nicenic International Group Co., Limited*, WIPO Case No. [D2016-1607](#); *Oculus VR, LLC v. Sean Lin*, WIPO Case No. [DCO2016-0034](#); and [WIPO Overview 3.1](#), section 3.1.4).

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 3.1](#), section 3.2.1.

Panels have held that the use of a domain name for illegal activity here, claimed copycat site /passing off, constitutes bad faith. [WIPO Overview 3.1](#), section 3.4. Having reviewed the record, the Panel finds 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 <examtopics.online> be transferred to the Complainant.

/Marina Perraki/

Marina Perraki
Presiding Panelist

/Peter J. Dernbach/

Peter J. Dernbach
Panelist

/Karen Fong/

Karen Fong
Panelist
Date: February 19, 2026