

ADMINISTRATIVE PANEL DECISION

RC World Inc. v. Thomas Russell

Case No. D2025-4866

1. The Parties

The Complainant is RC World Inc., United States of America ("United States"), internally represented.

The Respondent is Thomas Russell, United States, self-represented.

2. The Domain Name and Registrar

The disputed domain name <rcworld.com> is registered with Dynadot Inc (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 22, 2025, naming as the Respondent "REDACTED FOR PRIVACY, Super Privacy Service LTD c/o Dynadot." On November 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 27, 2025, the Registrar transmitted by email to the Center its verification response in which it disclosed registrant name ("Thomas Russell") and contact information for the disputed domain name that differed from the Respondent as named in the Complaint. The Center sent an email communication to the Complainant on December 3, 2025, providing the updated registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed amendments to the Complaint on December 4 and 5, 2025.

The Center verified that the Complaint together with the amendments to the 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.

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on December 8, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 28, 2025. The Response was filed with the Center on December 28, 2025. The Respondent also sent an email communication to the Center on December 3, 2025.

The Center appointed David H. Bernstein as the sole panelist in this matter on January 6, 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, RC World Inc., is a company that does business in the radio-controlled hobby industry.

The Complainant owns a federally registered trademark for RC WORLD, United States Registration No. 5,442,609. The mark was registered on April 10, 2018; in the application, the Complainant claimed a date of first use in commerce of May 10, 1999. The registration covers retail services relating to radio-controlled vehicles and related hobby products. The United States Patent and Trademark Office ("USPTO") required a disclaimer of the term "RC" because, the USPTO held, RC is nondistinctive given that it is an abbreviation for, and describes, "radio controlled." The Complainant submitted evidence of its use of the RC WORLD mark in connection with the online sale of radio-controlled products through third-party marketplace platforms, including screenshots of an eBay storefront reflecting approximately 13,000 followers and 224,000 sales, as well as materials relating to Amazon Seller Central and Walmart Marketplace listings.

The disputed domain name <rcworld.com> was initially created on January 18, 1998 by a third party. The Respondent, Thomas Russell, an individual located in the United States, acquired the disputed domain name some time after its initial creation. The record does not establish the date on which the Respondent acquired the disputed domain name. Evidence submitted by the Complainant suggests that the Respondent had acquired and controlled the disputed domain name by at least 2016, as indicated by email correspondence in 2016 in which the Respondent offered 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.

With respect to paragraph 4(a)(i) of the Policy, the Complainant contends that it is the registered owner of the RC WORLD trademark, United States Registration No. 5,442,609. The Complainant asserts that the disputed domain name <rcworld.com> is identical to its trademark because it reproduces the mark in its entirety (except for the elimination of the space), and that the addition of the generic Top-Level Domain ".com" does not avoid a finding of confusing similarity.

With respect to paragraph 4(a)(ii) of the Policy, the Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant asserts that the Respondent is not authorized by the Complainant to use the RC WORLD mark and is not commonly known by the disputed domain name. The Complainant further contends that the disputed domain name resolves to Afternic nameservers and is being held passively or offered for sale, which the Complainant argues does not constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use. The Complainant also relies on the Respondent's use of a privacy service, arguing that the concealment of the Respondent's identity, combined with the absence of authorization and the alleged passive holding or offer for sale of the disputed domain name, supports a finding that the Respondent lacks rights or legitimate interests.

With respect to paragraph 4(a)(iii) of the Policy, the Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant acknowledges that the disputed domain name was originally created in 1998 but contends that subsequent changes reflected in Whois records,

including a registrar transfer and the use of privacy services in 2023, support a “strong inference” that the Respondent acquired or re-registered the disputed domain name in 2023, long after the Complainant obtained trademark rights in 2018.

In further support of its contention that the disputed domain name was registered in bad faith, the Complainant contends that, given what it characterizes as the fame, uniqueness, and commercial use of the RC WORLD mark in the radio-controlled hobby industry, it is unlikely that the Respondent selected the disputed domain name for an independent legitimate purpose.

With respect to bad faith use, the Complainant contends that the disputed domain name resolves to Afternic nameservers, which, the Complainant asserts, indicate an intent to sell or profit from the disputed domain name. The Complainant argues that offering a domain name for sale that corresponds to a third party’s registered trademark constitutes bad faith use under paragraph 4(b)(i) of the Policy. The Complainant further contends that the Respondent’s passive holding of the disputed domain name, combined with the use of a privacy service, supports a finding of bad faith use under the Policy.

B. Respondent

The Respondent contends that the Complainant has not satisfied all three of the elements required under the Policy for a transfer of the disputed domain name.

The Respondent asserts that the disputed domain name has been continuously registered since 1998, and that the Respondent has long been the lawful registrant of the disputed domain name. (The Respondent claims that he bought the disputed domain name “many years ago” but he does not specify the date on which he acquired the disputed domain name.) The Respondent contends that his ownership of the disputed domain name predates any trademark, business, or commercial use associated with the Complainant and that the disputed domain name consists of a generic and descriptive phrase commonly associated with the radio-controlled hobby. The Respondent asserts that the disputed domain name was registered and used in good faith, without intent to target or exploit the Complainant or any third party.

In a separate email communication to the Center prior to the filing of the Response, but which the Panel treats as part of the Response, the Respondent stated that the disputed domain name was intended to be used in connection with a community of people around the world interested in the remote-control hobby field, to allow enthusiasts to connect and share ideas.

The Respondent further asserted that the disputed domain name is descriptive of “Remote Control World” and that it would be unethical to prevent use of such terms in connection with the radio-controlled hobby world.

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. In particular, the Complainant is the owner of a valid and subsisting United States trademark registration for RC WORLD, United States Registration No. 5,442,609, registered on April 10, 2018. The Respondent does not contest the validity of that registration.

The entirety of the mark is reproduced within the disputed domain name, except for the deletion of the space between “RC” and “WORLD”. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds that the Complainant has established the first element of the Policy.

B. Rights or Legitimate Interests

The Respondent contends that he has “demonstrable rights and legitimate interests” in the disputed domain name based on what he characterizes as his long-standing registration of the disputed domain name and his historical use of the disputed domain name for a website intended to function as a community platform for people around the world interested in the radio-controlled hobby field, allowing like-minded enthusiasts to connect, discuss, and share ideas. The Respondent further explains that a server crash caused the website to go offline, and that he is “currently in the process of working on a new website for rcworld.com.” Given that these bald allegations lack detail, are unsupported by any documentary evidence to establish the asserted facts, and that the Respondent did not include the required certification that the assertions in the Response are complete and accurate, the Response, on its own, is not sufficient to establish rights or legitimate interests. See generally paragraphs 5(c)(i), (viii) and (ix) of the Rules.

Nevertheless, it is well within the Panel’s right to review the website to which the disputed domain name resolves and has resolved so that the Panel can make its own assessment of whether the Complainant has established that the Respondent lacks rights or legitimate interests in the disputed domain name. That exercise is particularly appropriate here given (i) that the Complainant itself has submitted historical screen shots of its use of its website but has not submitted historical screen shots of the Respondent’s use of its website, and (ii) that the Respondent is proceeding pro se. Accordingly, the Panel independently reviewed publicly available Internet Archive (“Wayback Machine”) records relating to the disputed domain name. [WIPO Overview 3.0](#), paragraph 4.8 (“a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision. This may include [...] consulting historical resources such as the Internet Archive (www.archive.org) in order to obtain an indication of how a domain name may have been used in the relevant past.”) Those records show that, during the period from 2016 through April 2019 (which appears to be within the period when the Respondent was the owner of the disputed domain name given that the Respondent emailed the Complainant in 2016 to discuss the possible sale of the disputed domain name, as discussed further below), the disputed domain name resolved to a forum-style website featuring community discussion boards, user login functionality, and categories relating to radio-controlled hobbies, consistent with the Respondent’s description of a hobbyist community site. Beginning around August 2019, subsequent Internet Archive queries return “access-restricted” or “error” responses. Although the cessation of archived captures may raise questions regarding continuity of use, the Panel notes that such responses may be consistent with a variety of explanations, including hosting changes, server-side access restrictions, or robots.txt blocking that prevents archival crawling, and therefore do not by themselves establish that the disputed domain name ceased to be used at that time. Regardless, the Panel finds, on the limited record submitted, as supplemented by the Panel’s own research, that the Respondent did, for at least some period of time, use the disputed domain name for an online forum related to the radio-controlled hobby industry.

The Respondent’s use of the disputed domain name for a website like this appears to be legitimate given the descriptive nature of the website. At the time that the Respondent began use of the disputed domain name for this website (in at least 2016, if not earlier), the Complainant had no trademark registration and had not even applied to register the RC WORLD trademark. The disputed domain name is an appropriate descriptive URL for a radio-controlled hobbyist community because, as the USPTO later determined, “RC” is descriptive for “radio controlled” (which is why the Complainant had to disclaim that designation) and “world” can be used to describe the world of certain hobbyist or enthusiast communities.

Ultimately, the burden of proving that the Respondent lacks rights or legitimate interests rest of the Complainant. Here, the Complainant's failure to acknowledge the Respondent's past use of the disputed domain name for an RC hobbyist community, and its corresponding failure to explain why that use does not show rights or legitimate interests, is fatal to the Complainant's showing that the Respondent lacks rights or legitimate interests.

Accordingly, the Panel finds that the Complainant has not established the second element of the Policy.

C. Registered and Used in Bad Faith

Paragraph 4(a)(iii) of the Policy requires the Complainant to establish that the disputed domain name was both registered and used in bad faith. The Complainant must therefore show that the Respondent registered the disputed domain name with awareness of, and intent to target, the Complainant or its trademark rights, and that the Respondent thereafter used the disputed domain name in order to take advantage of the Complainant or its trademark rights.

The Complainant contends that the Respondent "acquired or reactivated" the disputed domain name in bad faith in 2023, around five years after the 2018 registration of the Complainant's mark. As noted above the Complainant relies on changes reflected in the Whois records in 2023, including a registrar transfer and the application of a privacy service, and asserts that these changes give rise to a "strong inference" that the Respondent became the registrant of the disputed domain name at that time and did so with knowledge of the Complainant's trademark rights.

Although changes in Whois information might, in some cases, support an inference of an ownership change when a privacy shield masks ownership, other factors also should be considered, such as whether the website to which the disputed domain name resolved had changed, and any other evidence that might shed light on ownership. Here, there is other relevant evidence, as cited by the Complainant itself. Specifically, the Complainant's own evidence reflects that the Respondent must have owned the disputed domain name by at least 2016 because the Complainant has submitted email correspondence from 2016 in which the Respondent offered the disputed domain name for sale. In the face of this evidence, the Complainant's assertion that the Respondent only acquired (or perhaps re-acquired) the disputed domain name in 2023 is simply not credible. Rather, although the Panel bemoans the murkiness of this record, which was not helped by each party's failure to address the relevant facts in its submissions, the record, such as it is, suggests that the Respondent owned the disputed domain name in 2016 and acquired it then or earlier.

There is no evidence in the record that can support a finding that the Complainant's use of RC WORLD in 2016 was distinctive or well known, such that the Respondent likely was aware of that trademark. Nor has the Complainant submitted any other evidence showing that, at the time the Respondent acquired the disputed domain name (whether in or prior to 2016), the Respondent was aware of the Complainant or its trademark, or that the Respondent acquired the disputed domain name for the purpose of targeting the Complainant. The Complainant had not even applied to register its trademark at that time.

The Complainant does claim to have used the mark since 1999 and asserts that its mark is famous or unique within the radio-controlled hobby industry, but it does not submit evidence supporting that characterization, particularly with respect to the period prior to 2016. The Complainant submitted evidence of sales activity, including through an eBay storefront, showing approximately 13,000 followers and 224,000 total sales over a period of more than two decades, but that evidence, standing alone, is not sufficient to establish the kind of fame or renown that would support an inference that the Respondent likely knew of and was targeting the Complainant or its mark.

Further undermining the Complainant's position is the fact that the disputed domain name was previously used in connection with a radio-controlled hobbyist community. That prior use is consistent with the Respondent's assertion that he selected the disputed domain name because it was a descriptive name for an RC hobbyist community rather than to target or take advantage of the Complainant or its trademark.

For related reasons, the Complainant has failed to show that the Respondent's use of the disputed domain name constitutes bad faith. To the contrary, as noted above, the Respondent's use of the disputed domain name for an RC hobbyist community is legitimate. Because it is legitimate, the Respondent was well within its right to keep the disputed domain name for that purpose, or to offer to sell it in response to the Complainant's inquiry, since the sale of a domain name to which a respondent has rights is not bad faith for purposes of the Policy. [WIPO Overview 3.0](#), section 3.1.1.

The Panel finds that the Complainant has not established the third element of the Policy.

D. Reverse Domain Name Hijacking

Paragraph 15(e) of the Rules provides that, if after considering the submissions, the Panel finds that the Complaint was brought in bad faith, for example in an attempt at Reverse Domain Name Hijacking or to harass the domain-name holder, the Panel shall declare in its decision that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding. The mere lack of success of the Complaint is not, on its own, sufficient to constitute reverse domain name hijacking. [WIPO Overview 3.0](#), section 4.16.

The Panel has sua sponte considered whether the circumstances of this case warrant a finding of Reverse Domain Name Hijacking. The Complainant advanced arguments that were thin and, in some respects, internally inconsistent, including asserting that the Respondent acquired the disputed domain name in 2023 while submitting evidence indicating that the Respondent controlled the disputed domain name by at least 2016. The Complainant also did not meaningfully address whether the Respondent's prior use of the disputed domain name in connection with a radio-controlled hobbyist community could give rise to a legitimate interest, notwithstanding the descriptive nature of the disputed domain name.

At the same time, the Panel notes that the Respondent's filings were themselves deficient. The Respondent did not specify when he acquired the disputed domain name, did not provide documentary evidence supporting his bald assertions of long-standing use, and did not comply with the certification requirements of the Rules. The Respondent's explanation regarding a server crash and plans to rebuild the website was not accompanied by evidence and left material gaps in the record.

In these circumstances, although the Complainant's submission was deficient and bordered on an abuse of the administrative process, the Panel declines to make a finding of Reverse Domain Name Hijacking, in light of the Respondent's own deficient submissions, including the absence of documentary support and failure to clearly address key factual issues. See *Premium Blend, Inc. v. Michael Eymer*, WIPO Case No. [D2025-3012](#) (reverse domain name hijacking "is an equitable remedy that should not be granted in situations where the Respondent itself has engaged in questionable conduct.").

The Panel therefore does not find that the Complaint was brought in bad faith or constitutes an abuse of the administrative proceeding.

7. Decision

For the foregoing reasons, the Complaint is denied.

/David H. Bernstein/

David H. Bernstein

Sole Panelist

Date: January 20, 2026