

ADMINISTRATIVE PANEL DECISION

GitHub, Inc. v. king yu
Case No. D2025-5139

1. The Parties

The Complainant is GitHub, Inc., United States of America (“United States”), represented by Edward Nathan Sonnenbergs Inc., South Africa.

The Respondent is king yu, China.

2. The Domain Name and Registrar

The disputed domain name <github-zh.com> (the “Domain Name”) is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 10, 2025. On December 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On December 10, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 11, 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 December 17, 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 December 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 11, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 12, 2026.

The Center appointed Nicholas Smith as the sole panelist in this matter on January 15, 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 United States company providing a platform for more than 150 million software developers from its website at “www.github.com” which has been in operation since 2008 (“Complainant’s Website”). The Complainant offers a wide variety of services connected to its developer platform under a trademark consisting of the GITHUB (“GITHUB Mark”).

The Complainant has held a trademark registration for the GITHUB Mark in various jurisdictions including the United States, China, and the European Union. The Complainant’s registration of the GITHUB Mark in the United States dates from 2015 (Registration No. 4,665,707, registered January 6, 2015, in class 9).

The Domain Name was registered on August 9, 2023. The Domain Name is presently inactive but prior to the commencement of the proceeding resolved to a website (the “Respondent’s Website”) that reproduces the Complainant’s word and device marks, purports to offer various services for the GitHub Chinese community, reproduces copyrighted material from the Complainant’s Website and states as part of the copyright notice “GitHub official website”.

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 Domain Name.

Notably, the Complainant contends that:

- a) It is the owner of the GITHUB Mark, having registered the GITHUB Mark in the United States and various other jurisdictions. The Domain Name is confusingly similar to the GITHUB Mark as it merely adds the term “-zh” which is a pinyin or phonetic symbol for a Chinese character and the generic Top-Level Domain (“gTLD”) “.com” to the wholly incorporated mark.
- b) There are no rights or legitimate interests held by the Respondent in respect of the Domain Name. The Complainant has not granted any license or authorization for the Respondent to use the GITHUB Mark. The Respondent is not commonly known by the GITHUB Mark, nor does it use the Domain Name for a bona fide purpose or legitimate noncommercial purpose. Rather the Respondent is using the Domain Name to pass off as the Complainant for commercial gain by reproducing the Complainant’s mark, copyrighted material and specific language asserting that the website is the Complainant’s official website to misleadingly divert users seeking the Complainant’s Website for the Respondent’s commercial gain. Such use is not a legitimate use of the Domain Name.
- c) The Domain Name was registered and is being used in bad faith. The Respondent is using the Domain Name to divert Internet users searching for the Complainant to the Respondent’s Website to disrupt the Complainant’s business and for commercial gain. Such conduct amounts to registration and use of the 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 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 Domain Name. Accordingly, the Domain Name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here "-zh" may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the Domain Name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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 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 Domain Name such as those enumerated in the Policy or otherwise.

The Panel considers that the record of this case reflects that:

- before any notice to the Respondent of the dispute, the Respondent did not use, nor has it made demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services. Paragraph 4(c)(i) of the Policy, and [WIPO Overview 3.0](#), section 2.2.
- the Respondent (as an individual, business, or other organization) has not been commonly known by the Domain Name. Paragraph 4(c)(ii) of the Policy, and [WIPO Overview 3.0](#), section 2.3.
- the Respondent is not making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. Paragraph 4(c)(iii) of the Policy, and [WIPO Overview 3.0](#), section 2.4.

- the record contains no other factors demonstrating rights or legitimate interests of the Respondent in the Domain Name.

The Respondent has used the Domain Name to operate a website that falsely purports to be an official website of the Complainant for the Chinese software development community; hence offering services in direct competition with the Complainant, which also operates a website for the software development community.

The [WIPO Overview 3.0](#), section 2.5 summarizes the consensus views of UDRP panels in assessing claims of nominative (fair) use in the following manner:

“Fundamentally, a respondent’s use of a domain name will not be considered ‘fair’ if it falsely suggests affiliation with the trademark owner; the correlation between a domain name and the complainant’s mark is often central to this inquiry...

2.5.2 Circumstances beyond the domain name itself

Beyond looking at the domain name and the nature of any additional terms appended to it (whether descriptive, laudatory, derogatory, etc.), panels assess whether the overall facts and circumstances of the case support a claimed fair use.

To facilitate this assessment, panels have found the following factors illustrative: (i) whether the domain name has been registered and is being used for legitimate purposes and not as a pretext for commercial gain or other such purposes inhering to the respondent’s benefit,... (iii) whether it is clear to Internet users visiting the respondent’s website that it is not operated by the complainant, ... (v) where appropriate, whether a prominent link (including with explanatory text) is provided to the relevant trademark owner’s website....”

In this case, the Respondent’s Website does not accurately or prominently disclose the Respondent’s relationship with the Complainant, in particular that it is not the Complainant and does not have any particular connection with the Complainant. Rather the nature of the Domain Name itself, which incorporates the Complainant’s mark and an arguable geographic reference to China, the absence of a disclaimer, the inclusion of copyrighted material from the Complainant’s Website and the presence of a statement that actively asserts that the Respondent’s Website is associated with the Complainant (e.g. “GitHub official website”) results in the impression that the Respondent’s Website is an official website of the Complainant. Under the circumstances of this case, even in the event that the Respondent is offering some form of genuine services relating to the GitHub community, its use of the Domain Name for the Respondent’s Website does not grant it rights or legitimate interests in the Domain Name.

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 finds that the Respondent must have been aware of the Complainant and its reputation in the GITHUB Mark at the time the Respondent registered the Domain Name. The Respondent has provided no explanation, and neither is it immediately obvious, why an entity would register a domain name that wholly incorporates the GITHUB Mark and direct it to a website purportedly offering services relating to the Complainant’s services under the Complainant’s GITHUB Mark (and falsely asserting that the Respondent’s Website is an official website of the Complainant) unless there was an awareness of and an intention to create a likelihood of confusion with the Complainant and its GITHUB Mark. The registration of the Domain Name in awareness of the GITHUB Mark and in the absence of rights or legitimate interests amounts under these circumstances to registration in bad faith.

The Panel considers that the record of this case reflects that the Respondent has passed off as the Complainant and purported to offer some form of commercial services under the Complainant's GITHUB Mark on the Respondent's Website without the Complainant's approval and while actively passing off as the Complainant. The Panel finds that the Respondent is using the Domain Name to intentionally attempt to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the GITHUB Mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's Website. Paragraph 4(b)(iv) of the Policy, and [WIPO Overview 3.0](#), section 3.1.4.

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 Domain Name <github-zh.com> be transferred to the Complainant.

/Nicholas Smith/

Nicholas Smith

Sole Panelist

Date: January 19, 2026