

ADMINISTRATIVE PANEL DECISION

The Trustees of the Borough Market Southwark v. Michael Wade
Case No. D2026-0559

1. The Parties

The Complainant is The Trustees of the Borough Market Southwark, United Kingdom ("UK"), represented by Fieldfisher LLP, UK.

The Respondent is Michael Wade, UK.

2. The Domain Name and Registrar

The disputed domain name <borough-market.org> is registered with IONOS SE (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 10, 2026. On February 11, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 12, 2026, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 13, 2026, 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 amendment to the Complaint on February 17, 2026.

The Center verified that the Complaint together with the amendment 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 (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 February 18, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 10, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 12, 2026. The Complainant sent an email communication to the Center on March 16, 2026.

The Center appointed David Taylor as the sole panelist in this matter on March 24, 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 charitable trust established in England and Wales on August 6, 1999. It is responsible for upholding the integrity of Borough Market as an estate for the use and benefit of the local community. The Complainant operates Borough Market, a historic food market in London, which was established in its current form under The Southwark Market (No. 2) Act 1755 (UK).

The Complainant is the owner of trademark registrations for BOROUGH MARKET, including:

- European Union Trade Mark No. 006688361, BOROUGH MARKET, registered on March 26, 2009; and
- United Kingdom Trademark Registration No. UK00002360113, BOROUGH MARKET, registered on March 11, 2005.

The Complainant is also the registrant of domain names comprising its trademarks, including its primary domain name <boroughmarket.org.uk>, as well as the domain names <boroughmarket.co.uk>, <boroughmarket.com>, and <boroughmarket.org>.

The disputed domain name was registered on November 15, 2025. The disputed domain name resolves to a parking page provided by the Registrar, which states, "This domain has been registered via IONOS and is not yet connected to a 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 disputed domain name.

The Complainant asserts rights in the trademark BOROUGH MARKET. The Complainant submits that the disputed domain name is confusingly similar to its trademark.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant asserts that it has never authorized the Respondent to register the disputed domain name. The Complainant argues that it is the only party with any legitimate interest in owning the disputed domain name.

The Complainant further contends that the disputed domain name was and is likely to be used in bad faith, as the Respondent had actual notice of the Complainant's marks due to their reputed and distinctive nature, and any use of the disputed domain name would likely take advantage of the Complainant's goodwill and cause confusion among consumers. Lastly, it submits that it had received a call from an individual who allegedly resides at the address provided by the Respondent in the registration details of the disputed domain name and who reported that nobody lived there with the Respondent's name.

B. Respondent

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

6. Discussion and Findings

In order to prevail, the Complainant must demonstrate that it has satisfied the requirements of paragraph 4(a) of the Policy:

- (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 was 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 Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name, altered only by the addition of a hyphen. The Panel finds the disputed domain name to be confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), 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 that 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.

The Panel notes that there appears to be no relationship between the Complainant and the Respondent. The Respondent does not appear to benefit from any licence to use the Complainant's trademark. The disputed domain name does not resolve to an active website, nor is there evidence of the Respondent having made demonstrable preparations to use the disputed domain name. The Panel finds that the disputed domain name is not being used in connection with a bona fide offering of goods or services pursuant to paragraph 4(c)(i) of the Policy. Nor is there any evidence to suggest that the Respondent is commonly known by the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy. The Panel further finds that the Respondent is not making any legitimate noncommercial or fair use of the disputed domain name further to paragraph 4(c)(iii) of the Policy. While the disputed domain name is composed of two dictionary terms, panels have held that merely registering a domain name comprised of a dictionary word or phrase would not by itself automatically confer rights or legitimate interests on the respondent. [WIPO Overview 3.1](#), section 2.10. The Panel notes that the disputed domain name is highly

similar to the Complainant's BOROUGH MARKET trademark as well as the Complainant's domain name <boroughmarket.org>, the Respondent is reported to reside in the UK where the Complainant's trademark is well reputed, and it has proffered no explanation for its choice of the disputed domain name. The Panel infers that it is more likely than not that by registering the disputed domain name the Respondent intended to target the Complainant.

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.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Borough Market is believed to have begun operating as a local market as early as the year 1014 CE, making it one of the oldest markets in London, UK. It was established in its current form following an Act of Parliament in 1755. Over the years, Borough Market has gained worldwide recognition as a premier food market, featuring in major publications and winning numerous industry awards. Its reputation is further evidenced by a strong online presence, with high ratings and significant followings on social media platforms. In light of this, the Panel infers that the Respondent, who also appears to be based in the UK, had knowledge of the Complainant and its prior rights and knowingly proceeded to register the disputed domain name in bad faith.

As noted above, the disputed domain name resolves to a parking page provided by the Registrar that states that the disputed domain name has not been connected to a website. Panels have found that the non-use of a domain name would not by itself prevent a finding of bad faith under the doctrine of passive holding. On the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the longstanding reputation of the Complainant and its trademark, the composition of the disputed domain name itself, the fact that the Respondent has not come forward with any evidence of actual or contemplated good faith use of the disputed domain name, 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 <borough-market.org> be transferred to the Complainant.

/David Taylor/

David Taylor

Sole Panelist

Date: April 7, 2026