

ADMINISTRATIVE PANEL DECISION

Newcastle United Football Company Limited v. 谢鑫 (xie xin)
Case No. D2026-1171

1. The Parties

The Complainant is Newcastle United Football Company Limited, United Kingdom, represented by gunnercooke LLP, United Kingdom.

The Respondent is 谢鑫 (xie xin), China.

2. The Domain Name and Registrar

The disputed domain name <nufcshopuk.com> is registered with Alibaba Cloud Computing Ltd. d/b/a HiChina (www.net.cn) (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on March 18, 2026. On March 18, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 19, 2026, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 in Chinese and English of the Complaint, and the proceedings commenced on March 23, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 12, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 19, 2026.

The Center appointed Joseph Simone as the sole panelist in this matter on April 27, 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 Newcastle United Football Company Limited, is a United Kingdom football club that was established in 1892 and currently competes in the Premier League in England, United Kingdom. The Complainant's trade names include "Newcastle United" and "Newcastle United Football Club". The latter is often shortened to the acronym "NUFC".

The Complainant has a portfolio of trade mark registrations for NUFC marks, including the following:

- United Kingdom Trade Mark Registration No. 1528422 for NUFC in Class 25, registered on March 24, 1995; and
- United Kingdom Trade Mark Registration No. 2149609 for NUFC in Classes 14, 21, 26, 28, 32, and 42, registered on July 31, 1998.

The disputed domain name <nufcshopuk.com> was registered on October 14, 2025. The Complainant has submitted evidence showing that the disputed domain name has been used in connection with a website that purports to be the Complainant's online store and that advertises and sells merchandise relating to the Complainant. At the time of this Decision, the disputed domain name continued to resolve to the same 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.

Notably, the Complainant contends that the disputed domain name registered by the Respondent is confusingly similar to the Complainant's NUFC marks.

The Complainant asserts that it has not authorized the Respondent to use the NUFC mark, and there is no evidence to suggest that the Respondent has used, or has undertaken any demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services, but rather, as the Complainant further contends, has used it to host a website selling the Complainant's merchandise.

The Complainant also claims that there is no evidence that the Respondent has any connection to the NUFC mark, and that there is no plausible good faith reason for the Respondent to have registered the disputed domain name. The Complainant therefore argues that the registration and any use of the disputed domain name must be in bad faith.

B. Respondent

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

6. Discussion and Findings

6.1 Preliminary Issue: Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for the following reasons:

- The website to which the disputed domain name resolves is in English;
- The contact details for the website to which the disputed domain name resolves include an address in Houston, Texas, United States of America;
- The disputed domain name uses Latin script; and
- Requiring translation of the Complaint would cause unwarranted delay and unfairness to the Complainant and allow the Respondent to continue to offer counterfeit goods for sale.

The Respondent did not make any specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

6.2 Substantive Issues

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 trade mark and the disputed domain name. [WIPO Overview 3.1](#), section 1.7.

The Panel acknowledges that the Complainant has established rights in the NUFC trade marks. [WIPO Overview 3.1](#), section 1.2.1.

Disregarding the generic Top-Level Domain ("gTLD") ".com", the disputed domain name is comprised of the term "nufcshopuk", which incorporates the Complainant's NUFC trade mark in its entirety. The inclusion of the other terms "shop" and "uk" does not prevent a finding of confusing similarity. [WIPO Overview 3.1](#), sections 1.7 and 1.11.1.

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.

In this case, the Complainant asserts that it has not authorized the Respondent to use its trade marks and there is no evidence to suggest that the Respondent has used, or undertaken any demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services. Having reviewed the available records, the Panel finds that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name.

The Respondent did not file a response and has therefore failed to assert factors or put forth evidence to establish that it enjoys rights or other legitimate interests in the disputed domain name.

According to the Complainant, the Respondent is not affiliated or connected with the Complainant in any manner, and the Complainant has not granted the Respondent any license or authorization to use or register a domain name incorporating the Complainant's NUFC trade marks. The Respondent did not respond to the Complaint and did not provide any information or factors that could potentially establish prior rights or legitimate interests in the disputed domain name. Under these circumstances, the Respondent's conduct in directing the disputed domain name to a website purporting to be the Complainant's shop selling its merchandise further supports the lack of legitimate or genuine use and indicates a clear intent to exploit the Complainant's marks for commercial gain, which contradicts any claim that the disputed domain name was registered to facilitate noncommercial or bona fide activities.

Based on the foregoing as well as the Panel's findings below, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name pursuant to paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The third and final element that a complainant must prove is that the respondent has registered and is using the disputed domain name in bad faith.

Paragraph 4(b) of the Policy states that any of the following circumstances, in particular but without limitation, shall be considered as evidence of the registration and use of a domain name in bad faith:

- (i) circumstances indicating that the respondent registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant (the owner of the trade mark or service mark) or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or
- (ii) circumstances indicating that the respondent registered the domain name in order to prevent the owner of the trade mark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or
- (iii) circumstances indicating that the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) circumstances indicating that the respondent is using the domain name to intentionally attempt to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on its website or location.

The examples of bad faith registration and use set forth in paragraph 4(b) of the Policy are not meant to be exhaustive of all circumstances in which bad faith may be found. Other circumstances may also 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.

In the present case, the Panel finds that the registration of the disputed domain name, which is confusingly similar to the Complainant's NUFC trade marks, indicates the Respondent's awareness of the Complainant and its trade mark rights. The disputed domain name was registered more than three decades after the Complainant established rights in its marks. The Panel finds it improbable that the Respondent was not aware of the NUFC mark and the Complainant's trading names, since a quick Internet search would have revealed the existence of the NUFC mark and the Complainant's trading names and products. The Respondent also used the disputed domain name to intentionally attempt to attract, for commercial gain, Internet users by directing such users to a website purporting to be the Complainant's online store. Such activities constitute bad faith acts for purposes of paragraph 4(b)(iv) 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 <nufcshopuk.com> be transferred to the Complainant.

/Joseph Simone/

Joseph Simone

Sole Panelist

Date: May 8, 2026