

ADMINISTRATIVE PANEL DECISION

Terry Paule v. Adam Priester
Case No. D2026-1394

1. The Parties

The Complainant is Terry Paule, Australia, represented by My Co Pty Ltd, Australia.

The Respondent is Adam Priester, Australia.

2. The Domain Name and Registrar

The disputed domain name <terrypaule.net> 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 April 1, 2026. On April 1, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 1, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 8, 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 amended Complaint on April 9, 2026.

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 April 14, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 4, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 12, 2026.

The Center appointed Rebecca Slater as the sole panelist in this matter on May 20, 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 an individual that has been operating in the professional services industry in Australia for over 45 years.

The Complainant is the owner of Australian Trade Mark Registration No. 2520279 for the word mark TERRY PAULE (registered February 11, 2025) (the "Trade Mark").

In addition to the Complainant's registered trade mark rights, the Complainant claims common law trade mark rights in the personal name "Terry Paule".

The Complainant operates his official website from the domain name <terrypaule.com>. The Complainant did not provide any evidence to demonstrate how long the website has been active.

The Respondent is an individual apparently located in Australia. The Respondent did not submit a response, and consequently little information is known about the Respondent.

The disputed domain name was registered on December 5, 2024.

At the time of the Complaint, the disputed domain name resolved to a website titled "The Official Truth of Terry Paule". The website publishes copies of articles and court judgements and commentary involving the Complainant. The Complainant characterises the content of the website as defamatory.

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 is identical to the Trade Mark and the Complainant's common law trade mark "Terry Paule". The disputed domain name reproduces the Trade Mark in its entirety.
- The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant has never authorized the Respondent to use "Terry Paule". The Respondent is not commonly known by the name "Terry Paule". The website at the disputed domain name is an impersonation website that publishes defamatory content about the Complainant. There is no legitimate or fair use of the domain name.
- The disputed domain name was registered and is being used in bad faith. The Respondent was aware of the Complainant and the "Terry Paule" unregistered mark when registering the domain name, given the Complainant's rights spanning more than 45 years. The website impersonates the Complainant by closely resembling his official website and using his name and identity without authorization, creating a false impression of affiliation or endorsement. The website publishes material damaging to the Complainant's reputation, demonstrating an intent to disrupt his business.

The Respondent registered the domain through a privacy proxy service and failed to respond to the Complainant's cease and desist correspondence.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

1. the disputed domain name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights;
2. the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
3. the disputed domain name has been registered and is being used in bad faith.

The onus of proving these elements is on the Complainant.

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 of WIPO Panel Views on Select UDRP Questions (["WIPO Overview 3.1"](#)), section 1.7.

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

The entirety of the Trade Mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the Trade Mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

For completeness, although the Complainant provided evidence of a registered mark, the Panel finds for purposes of the Policy that the Complainant established unregistered trade mark rights in his personal name that pre-date the registration of the disputed domain name and that the disputed domain name is identical to that unregistered mark. [WIPO Overview 3.1](#), sections 1.3, 1.7, and 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 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.

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 Respondent has used the disputed domain name for a criticism site. The disputed domain name is identical to the Trade Mark and the Complainant's personal name. Panels have found that even a general right to legitimate criticism does not necessarily extend to registering or using a domain name identical to a trade mark; even where such a domain name is used in relation to genuine noncommercial free speech, panels tend to find that such a domain name creates an impermissible risk of user confusion through impersonation. [WIPO Overview 3.1](#), section 2.6.2.

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.

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.

The Panel notes that the clear purpose of the Respondent's website is to criticize the Complainant. The Panel takes no issue with the use of websites for the purposes of noncommercial criticism in general, and does not make any finding regarding whether or not the criticism on the website at the disputed domain name is accurate or defamatory.

As per the Panel in *Justice for Children v. R neetso / Robert W. O'Steen*, WIPO Case No. [D2004-0175](#): "By analogy to the typosquatting cases, where bad faith is presumed from the intentional similarity to the Complainant's mark, Respondent's registration and continued use were undertaken intentionally and expressly to disrupt Complainant's activities...to expand the audience for his criticism by misleading Internet users as to the 'source, sponsorship, affiliation, or endorsement' of his website."

As the disputed domain name is identical to Trade Mark and the Complainant's personal name, Internet users are likely to assume that the disputed domain name must be owned or operated by, or otherwise affiliated with, the Complainant. This is a misleading use of the disputed domain name and constitutes bad faith.

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 <terrypaul.net> be transferred to the Complainant.

/Rebecca Slater/

Rebecca Slater

Sole Panelist

Date: May 29, 2026