

ADMINISTRATIVE PANEL DECISION

Pepperstone Operations Pty Ltd v. Khushbu Gupta
Case No. D2026-1803

1. The Parties

The Complainant is Pepperstone Operations Pty Ltd, Australia, represented by IntegriShield, United States of America.

The Respondent is Khushbu Gupta, India.

2. The Domain Name and Registrar

The disputed domain name <pepperstoneasia.com> (the “Disputed Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 27, 2026. On April 28, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On April 28, 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 (“Unknown owner as blocked – Seeking information from WIPO”) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 29, 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 May 5, 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 May 8, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 28, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 2, 2026.

The Center appointed Marilena Comanescu as the sole panelist in this matter on June 9, 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.

On June 9, 2026, the Respondent sent an email communication to the Center, stating that he will transfer the Disputed Domain Name to the Complainant. On June 11, 2026, the Center informed the Parties that, pursuant to the Rules, paragraph 17, a UDRP proceeding may be suspended to implement a settlement agreement between the Parties. The Parties did not submit a suspension request by the deadline mentioned of June 16, 2026, and the proceedings continued.

4. Factual Background

The Complainant is operating a financial-based, lending e-commerce site. The Complainant's business website is available at the domain name <pepperstone-asia.com>.

The Complainant, directly or through affiliated entities¹, holds trademark rights for or including PEPPERSTONE, such as the International Trademark registration number 1263493 for PEPPERSTONE (figurative), registered on July 16, 2015, designating inter alia India, and covering services in International class 36.

The Disputed Domain Name was registered on February 2, 2026. At the time of filing the Complaint (or when the Panel visited the website under) the Disputed Domain Name was used to redirect to the Atom.com registrar's website and offered for public sale.

The Respondent is a physical person located in India.

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 the following:

- The Complainant has procured and attained business through the website "www.pepperstone-asia.com" using the PEPPERSTONE trademark since 2015 and thus establishing a presence, business, and brand in the financial/lending industry under the PEPPERSTONE mark;
- the Disputed Domain Name is confusingly similar to the PEPPERSTONE trademark and business name, and the Respondent is positioning itself to traffic Internet users based on the established business that the Complainant generated using the PEPPERSTONE trademark, also is diverting clients seeking the Complainant's services;
- the Respondent should be considered as having no rights or legitimate interests in the Disputed Domain Name;

¹ The Complainant is part of Pepperstone Group Limited, the trademark holder. The Panel notes its powers to undertake limited factual searches, WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.8.

- the Respondent registered and is using the Disputed Domain Name in bad faith mainly because: at the time of registering the Disputed Domain Name, the Complainant (as an online business) has been commonly known by the domain name <pepperstone-asia.com> for over a decade and has properly trademarked various uses of the term “pepperstone”; the Disputed Domain Name has been used primarily for the purpose of disrupting the business of a competitor and also to attract, for commercial gain, Internet users to the Respondent’s website or other on-line location, by creating a likelihood of confusion with the Complainant’s URL title as to the source, sponsorship, affiliation, or endorsement of the Respondent’s web site or location or of a product or service on the Respondent’s web site or location.

B. Respondent

The Respondent did not formally reply to the Complainant’s contentions.

On June 9, 2026, the Respondent sent an email communication to the Center stating that he will transfer the Disputed Domain Name to the Complainant.

6. Discussion and Findings

Under the Policy, the Complainant is required to prove on the balance of probabilities that:

- (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 the Disputed Domain Name; and
- (iii) the Disputed Domain Name has been 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 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 Panel finds the mark PEPPERSTONE is recognizable within the Disputed Domain Name. Accordingly, the Disputed Domain Name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

While the addition of other term, here “asia”, may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the Disputed Domain Name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), 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 3.1](#), section 2.1.

Having reviewed the 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.

After the commencement of the proceedings, the Respondent send an email communication stating he will transfer the Disputed Domain Name to the Complainant. Although the transfer did not amicably take place, such communication is, in the eyes of the Panel, equivalent to the Respondent’s recognition that he lacks any rights or legitimate interests in the Disputed Domain Name.

The Panel notes that the Disputed Domain Name, reproducing the Complainant’s mark PEPPERSTONE with an additional geographic term, also being highly similar to the Complainant’s domain name <pepperstone-asia.com> (with the dash removed), carry a risk of implied affiliation with the Complainant. Therefore, such composition cannot constitute fair use. [WIPO Overview 3.1](#), section 2.5.1.

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.

In the present case, the Panel notes that the Disputed Domain Name was registered in bad faith, with knowledge of the Complainant and its trademark particularly because it incorporates the Complainant’s PEPPERSTONE trademark which predates the registration of the Disputed Domain Name with more than ten years. Furthermore, the Disputed Domain Name is highly similar to the Complainant’s domain name, which resolves to its commercial website at “www.pepperstone-asia.com”, having only the dash sign removed from the domain name.

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.

At the time of filing of the Complaint, the Disputed Domain Name resolved to Atom.com registrar and was offered for public sale.

Further, the Panel notes the distinctiveness and international trademark registrations of the Complainant’s marks; the composition of the Disputed Domain Name; the Respondent’s communication consenting to the remedy, and finds that, in the circumstances of this case, such facts constitute further evidence of 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, <pepperstoneasia.com>, be transferred to the Complainant.

/Marilena Comanescu/

Marilena Comanescu

Sole Panelist

Date: June 23, 2026