

ADMINISTRATIVE PANEL DECISION

The Local Guys IP Pty Ltd v. Testel Australia Pty Ltd, John Oszczypok, San
Case No. D2026-1807

1. The Parties

The Complainant is The Local Guys IP Pty Ltd, Australia, represented internally.

The Respondents are Testel Australia Pty Ltd, John Oszczypok (“the First Respondent”), Australia, represented internally, and San (“the Second Respondent”), United States of America (“United States”).

2. The Domain Names and Registrars

The disputed domain name <jarradgoulding.com> is registered with Dynadot Inc (the “Registrar”). The disputed domain name <jarradgoulding.net> is registered with Dreamscape Networks International Pte Ltd (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 28, 2026. On April 28, 2026, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On April 30, 2026, the Registrars transmitted by email to the Center their verification responses disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (John Oszczypok) and contact information in the Complaint.

The Center sent an email communication to the Complainant on May 8, 2026, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar(s), requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on May 12, 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 Respondents of the Complaint, and the proceedings commenced on June 15, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 4, 2026. Responses were filed with the Center on June 1, 2026, and June 3, 2026.

The Center appointed Warwick A. Rothnie as the sole panelist in this matter on June 17, 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.

In the exercise of the Panel's powers under paragraph 10 of the Rules, the date for the Panel's decision to be forwarded to the Center was extended to July 10, 2026.

4. Factual Background

The Complainant and the First Respondent both operate competing businesses providing safety testing of electrical equipment.

The Complainant was first employed in this field by the First Respondent as a Client Account Manager for a period of several months from March to August 2012. While so employed, the Complainant set up a second business with a friend, Mr. Stephen, which also commenced trading in providing safety testing of electrical equipment services. That business was called TestCorp Pty Ltd. The Complainant and Mr. Stephen subsequently fell out in 2015 and, after selling his shares in TestCorp to Mr. Stephen for over AUD 243,000, the Complainant set up a new business under the name ServiceCorp Pty Ltd and commenced providing electrical safety testing services through that company.

The Complainant owns two registered trademarks in Australia for JARRAD GOULDING:

- (1) Registered trademark No 2560087, which was registered on February 9, 2026, with effect from its filing date on June 30, 2025, in respect of a range of services in International Classes 35 and 41; and
- (2) Registered Trademark No 2574939, which was registered on April 14, 2026, with effect from its filing date on August 15, 2025, in respect of a range of goods and services in International Classes 9, 35, 37, and 42.

The First Respondent successfully sued the Complainant in the District Court of South Australia for breach of his implied duties of good faith and fidelity, as well as his fiduciary obligations owed by an employee to his employer. The First Respondent had alleged that the Complainant had copied confidential information from the First Respondent's systems about its clients on to 239 Post-it notes for use in soliciting customers for the TestCorp business. In addition, the First Respondent alleged that the Complainant had adapted the First Respondent's admittedly non-confidential operating documents to create templates for use in TestCorp's business, particularly a short form quote and order form. Thirdly, the First Respondent alleged that the Complainant had solicited various of its clients in competition with the Complainant. The trial judge found that the First Respondent had proved its case but on a much more limited basis than alleged. As a result, the judge ordered the Complainant to pay the First Respondent AUD 3,981 (excluding GST) by way of accounting for ill-gotten profits plus AUD 1,984 by way of interest, rather than the AUD 243,496 claimed by the First Respondent.¹ The First Respondent's appeal from that decision was dismissed.²

According to the Whois reports, both disputed domain names were registered on January 15, 2014.

¹ *Testel Australia Pty Ltd v Goulding* [2022] SADC 156 and *Testel Australia Pty Ltd v Goulding (No 2)* [2023] SADC 57.

² *Testel Australia Pty Ltd v Goulding* [2023] SASCA 116.

Both disputed domain names resolve to websites. The Complainant says (and neither Respondent has disputed) that the content of the websites appeared after the court case.

The detailed content of each website and layout and appearance is somewhat different. The overall substance, however, is essentially the same. The First Respondent's website, at <jarradgoulding.net>, features an image of a man in dark clothing wearing a balaclava and is headlined "The thief. The liar. The conman. A documented pattern of theft, deception and manipulation." It has three or four paragraphs, said to be based on the "publicly available judicial record" concerning the Complainant.

The Second Respondent's website, at <jarradgoulding.com>, is headed "about JARRAD GOULDING truth" and features a pictograph of a thumbs down image. The website sets out a chronology of events relating to the Complainant's employment by the First Respondent and subsequent activities with the TestCorp and ServiceCorp companies. The website then sets out a number of details. Towards the end, it has a panel stating, "Jared Goulding freely took company secrets from his employer, rebranded those secrets firstly with a TestCorp logo and then a ServiceCorp logo". After an image of a gavel, it then states, "Judgement [*sic*] was entered [*sic*] in December 2022. The company won in the two areas of judgement: liability and damages". It then sets out a number of reflections on the outcome of the case and the Complainant's character.

The Complainant has previously successfully obtained orders for the transfer of the domain names <jarradgoulding.com.au> and <jarradgoulding.net.au>. ³ The First Respondent and its managing director, a Mr. Oszcypok, and a company then known as Jarrad Goulding Pty Ltd were the registrants of those domain names. From a screenshot included in the Complaint, at least one of these resolved to a website which contained similar (but differently worded) content to the websites to which the disputed domain names resolve.

5. Discussion and Findings

Paragraph 4(a) of the Policy provides that in order to divest a respondent of a disputed domain name, the complainant must demonstrate each of the following:

- (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 has been registered and is being used in bad faith.

Paragraph 15(a) of the Rules directs the Panel to decide the Complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable.

5.1 Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The First Respondent states that it does not represent, control or have any association with the <jarradgoulding.com> disputed domain name or the Second Respondent. The Second Respondent did not

³ RI-auDRP06/26, April 21, 2026. The respondents did not file responses to these complaints.

address this question in the Second Respondent's Response. Neither Respondent pointed to any particular prejudice that they would suffer if consolidation be permitted.

Paragraph 3(c) of the Rules expressly permits a complaint to relate to more than one domain name where all the domain names are registered by the same domain name holder. Notwithstanding this express provision, panels have frequently held that the Panel's powers under paragraph 10(e) of the Rules may permit consolidation of multiple domain name disputes, subject to satisfaction of the other requirements of Policy and Rules. In particular, paragraph 10(b) of the Rules requires the Panel to ensure that all parties are treated equally and each is given a fair opportunity to present his, her or its case.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Select UDRP Questions (["WIPO Overview 3.1"](#)), section 4.11.2.

In the present case:

- (1) Both disputed domain names were registered on the same date and only a few seconds apart. The current Registrars are different, but the record does not disclose whether or not they were the Registrars on creation.
- (2) The structure of both disputed domain names is exactly the same – they consist solely of the Complainant's first name and surname, not the Complainant's full name or his name with other modifiers.
- (3) The subject matter and substance of both websites is the same, although the detailed wording and particular images are different.
- (4) The First Respondent has denied any connection between the two Respondents, but the Second Respondent has not.

There is no information in the record about whether or not either disputed domain name has been transferred from the original registrant to the current holder.

The Panel's own search of the Internet Archive and Wayback Machine captures shows that both disputed domain names resolved to a standard parking page provided by the same Registrar, Crazy Domains for a number of years.⁴ In September 2024, however, the website captured at the second disputed domain name was essentially the same as the current website. Whether that change in content also involved a change in registrar to the current Registrar is not clear.

It is of course possible that it is entirely coincidental that two identical domain names were registered mere seconds apart by a person in Australia and someone apparently based in Wyoming in the United States. It is also of course possible that someone in Wyoming in the United States would be so outraged by the conduct of a faithless employee of a business in South Australia as to set up a website dedicated to exposing the misconduct. The coincidences are so extraordinary, however, that while possible they do not seem at all likely.

Notwithstanding the First Respondent's denial of any connection, therefore, the Panel considers it more likely that there is or has been some connection between the two Respondents all the more so as it appears likely from the Wayback Machine captures that there has been an unexplained change in the registrant of the second disputed domain name in 2024. The information about these events is particularly in the possession of the two Respondents. However, they do not appear to have been frank in their disclosure about this.

⁴ In the exercise of power under paragraph 10 of the Rules: see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, (["WIPO Overview 3.1"](#)), section 4.8.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as “the Respondent” where applicable) in a single proceeding.

5.2 Substantive matters

A. Identical or Confusingly Similar

The first element that the Complainant must establish for each disputed domain name is that the disputed domain name is identical with, or confusingly similar to, the Complainant's trademark rights.

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 proven ownership of the registered trademarks for JARRAD GOULDING.

The comparison of the disputed domain name to the Complainant's trademark simply requires a visual and aural comparison of the disputed domain name to the proven trademarks. This test is narrower than and thus different to the question of “likelihood of confusion” under trademark law. Therefore, questions such as the scope of the trademark rights, the geographical location of the respective parties, the date they were acquired and other considerations that may be relevant to an assessment of infringement under trademark law are not relevant at this stage. Such matters, if relevant, may fall for consideration under the other elements of the Policy. See e.g., [WIPO Overview 3.1](#), section 1.7.

In undertaking that comparison, it is permissible in the present circumstances to disregard the generic Top Level Domain (gTLD) component as a functional aspect of the domain name system. [WIPO Overview 3.1](#), section 1.11.

Disregarding the “.com” and “.net” gTLDs, therefore, each disputed domain name consists of the Complainant's registered trademark. The omission of the space between the two names is trivial and can be disregarded.

Accordingly, the Panel finds that the Complainant has established that each disputed domain name is identical with the Complainant's trademark and the requirement under the first limb of the Policy is satisfied for both.

B. Rights or Legitimate Interests

The second requirement the Complainant must prove is that the Respondent has (or the Respondents have) no rights or legitimate interests in the disputed domain names.

Paragraph 4(c) of the Policy provides that the following circumstances can be situations in which a respondent has rights or legitimate interests in a disputed domain name:

- (i) before any notice to [the Respondent] of the dispute, [the Respondent's] use of, or demonstrable preparations to use, the [disputed] domain name or a name corresponding to the [disputed] domain name in connection with a bona fide offering of goods or services; or
- (ii) [the Respondent] (as an individual, business, or other organization) has been commonly known by the [disputed] domain name, even if [the Respondent] has acquired no trademark or service mark rights; or

(iii) [the Respondent] is making a legitimate noncommercial or fair use of the [disputed] domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

These are illustrative only and are not an exhaustive listing of the situations in which a respondent can show rights or legitimate interests in a domain name.

While 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 often impossible 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. 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.

There is no dispute between the Parties that:

- (1) Neither Respondent is affiliated with the Complainant;
- (2) The Complainant has not otherwise authorised either Respondent to use their respective disputed domain names;
- (3) The disputed domain names are not derived from either Respondent's names. Nor is there any suggestion of some other name by which either Respondent is commonly known from which the disputed domain name could be derived.
- (4) The First Respondent (at least) competes with the Complainant's company in the provision of safety testing services for electrical equipment.

These factors are usually sufficient to establish a prima case that a Respondent does not have rights or legitimate interests in a disputed domain name.

Both Respondents point to the content of their respective websites and contend that they are engaged in legitimate noncommercial use in the public interest to discuss the Court findings and expose the true character of the Complainant. In support of their contentions, both Respondents invoke findings in the District Court's judgment referred to above. The Panel notes in particular that the First Respondent's Response includes a copy of the judgment and citations to relevant factual findings.

A criticism site would prima facie qualify as a legitimate noncommercial or fair use. [WIPO Overview 3.1](#), section 2.6. Even where the criticism or public interest objective is genuine and not a sham or pretext to hide another motive, however, the general right to legitimate criticism does not support an unfettered right to register and use any domain name. Thus, the [WIPO Overview 3.1](#), section 2.6.2 explains:

“2.6.2 Panels have increasingly found that even a general right to legitimate criticism does not necessarily extend to registering or using a domain name identical to a trademark (i.e., <trademark.tld> (including typos)); 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.”

For example, the panelist in *International School of Temple Arts v. Eyal Shaham*, WIPO Case No. [D2025-1552](#) explained:

“The disputed domain name is, however, identical to the Complainant's trademark INTERNATIONAL SCHOOL OF TEMPLE ARTS, and does not include any additional term (e.g., “sucks”) that would indicate a

lack of affiliation between the Complainant and the relevant website operator. On the contrary, the disputed domain name is inherently misleading, as inevitably suggesting to Internet users that it must be owned or operated by, or otherwise legitimately affiliated with, the Complainant. While the Respondent has argued that the Panel's approach should be flexible and encompass a holistic view, the Panel finds no reason in this case to depart from the established view that a domain name which effectively impersonates a trademark owner is impermissible for the purpose of a criticism site. While it is true that an Internet user accessing (at least the current version of) the Respondent's website will see that it is a criticism site, that does not change the fact that the user will only be there because of the misleading nature of the disputed domain name (what the Respondent itself acknowledges to constitute "initial interest confusion")."

Even in the case of a genuine criticism site, therefore, the registration and use of a disputed domain name identical to the Complainant's trademark does not confer rights or legitimate interests under the Policy.

Accepting that someone who arrived at either Respondent's website would not be likely to consider it was the website of, or authorised by, the Complainant, the Panel nonetheless finds that as each disputed domain name is identical to the Complainant's trademark the risk of confusion from the disputed domain name itself is sufficient to find that the Complainant has established the second requirement under the Policy. Both disputed domain names copy the Complainant's trademark exactly and in its entirety. This impersonation of the Complainant does not qualify as a right or legitimate interest under the Policy.

Accordingly, the Panel finds the Complainant has established the second requirement under the Policy also.

C. Registered and Used in Bad Faith

Under the third requirement of the Policy, the Complainant must establish that the disputed domain names have been both registered and used in bad faith by the Respondent. These are conjunctive requirements; both must be satisfied for a successful complaint: see e.g., *Group One Holdings Pte Ltd v. Steven Hafto*, WIPO Case No. [D2017-0183](#).

In this proceeding, the manner of use of the disputed domain names makes it clear that both were registered with knowledge of the Complainant who had been employed by the First Respondent some 18 months to two years before the disputed domain names were registered. While the Second Respondent does not disclose when they became the registrant, the Second Respondent's Response makes it clear that the <jarradgoulding.com> disputed domain name was secured to further the Second Respondent's goal of exposing the Complainant's conduct. The Second Respondent's Response states for example:

"The website was created as an independent, noncommercial publication discussing information that is already available in the public domain" and "the name was selected solely because it accurately identifies the subject of the publication."

It does not necessarily follow that a finding that a respondent does not have rights or legitimate interests in a disputed domain name must also result in a finding that the respondent registered and subsequently used the disputed domain name in bad faith. *Dover Downs Gaming & Entertainment, Inc. v. Domains By Proxy, LLC / Harold Carter Jr, Purlin Pal LLC*, WIPO Case No [D2019-0633](#).

In this case, however, the nature of the disputed domain names and the reasons for concluding neither Respondent has rights or legitimate interests in their respective disputed domain names does lead to findings of registration and subsequent use in bad faith.

Both disputed domain names impersonate the Complainant's trademark exactly. Both disputed domain names are intended to divert people looking for an official website of the Complainant, or associated with him in some way, to their respective websites. Accepting for the purposes of this Decision that the content of both websites is legitimate, noncommercial criticism and there is a public interest in disclosing the Complainant's misconduct, does not avail either Respondent in this case. The adoption and use of an inherently deceptive disputed domain name that impersonates the Complainant for use in connection with a

website, even one legitimately engaged in criticism, “constitutes registration and use in bad faith under the Policy which is not cured by the contents of the website”. See e.g., *Société civile particulière monégasque “MC 2020” v. Smiljan power solutions*, WIPO Case No. [D2023-0316](#), *Whaleco Inc. v. weixin hong*, WIPO Case No. [D2024-0847](#) and *The International School of Temple Arts* case, supra.

The vice does not lie in the content of the websites, about which the Panel makes no finding either in favour of, or against, any Party. The Policy specifically recognises that domain names may have a legitimate role in promoting free speech. That interest must be balanced against the trademark owner’s rights and also the interest of the public against being misled or confused. There are any number of options available to either Respondent for the purported exercise of their rights which do not involve the use of a disputed domain name which is inherently misleading.

The date the disputed domain names were first registered does not preclude a finding of registration in bad faith in this case. As noted above, both disputed domain names were registered in 2014, before the Complainant registered his trademarks. In addition, the first substantive website captured by the Wayback Machine at the <jarradgoulding.com> disputed domain name was in September 2024, which was also before the registration of the Complainant’s trademarks.

There is no evidence before the Panel that the Complainant was using his name as a trademark, as opposed to working in one or other company which was using its own trademark, before registering his trademarks. Nonetheless, the Panel finds the circumstances qualify for the exception to the usual rule that a respondent will not have registered a domain name in bad faith when the respondent registered the domain name before the complainant acquired its trademark rights. Both Respondents were plainly aware that the Complainant was working in the field under his own name and, admittedly, sought to take advantage of the correspondence of their disputed domain names to the Complainant’s name. In these circumstances, the Panel considers it is appropriate to apply the limited exception identified in [WIPO Overview 3.1](#), section 3.8.2.

Accordingly, the Complainant has established all three requirements under the Policy in respect of both disputed domain names.

6. 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 names <jarradgoulding.com> and <jarradgoulding.net>, be transferred to the Complainant.

/Warwick A. Rothnie/

Warwick A. Rothnie

Sole Panelist

Date: July 10, 2026