

ADMINISTRATIVE PANEL DECISION

Microsoft Corporation v. li rui
Case No. D2026-2173

1. The Parties

The Complainant is Microsoft Corporation, United States of America, represented by Edward Nathan Sonnenbergs Inc., South Africa.

The Respondent is li rui, China.

2. The Domain Name and Registrar

The disputed domain name <createanimagewithbing.com> is registered with CloudFlare, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 20, 2026. On May 20, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 20, 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 (Data Redacted) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 21, 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 May 26, 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 May 28, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 17, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 18, 2026.

The Center appointed Tobias Malte Müller as the sole panelist in this matter on June 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

It results from the Complainant's undisputed allegations that is one of the leading developer and provider of personal-computer software systems and applications, cloud computing services, video games, and other online services, with global operations through its subsidiaries, affiliates and/or licensees. The Complainant's offerings include in particular well-known products and applications such as the Bing search engine, the MSN web portal and the Outlook email service; and the AI companion Copilot (collectively "Microsoft Offerings"). As of December 31, 2025, it has subsidiaries in over 120 countries worldwide with an employee headcount of 103,000 internationally, 125,000 in the United States and 228,000 worldwide.

The Complainant's Bing search engine (also referred to as Bing decision engine) was first launched in June 2009. In February 2023, the Complainant introduced a new AI-powered Bing search engine. The Complainant's Bing Image Creator is a cutting-edge, AI-powered tool that transforms the Internet user's words into stunning visuals in seconds. It was launched in March of 2023 and is a free to use offering, enabling users to choose from leading image generation models including MAI-Image-1, GPT-4o, or DALL-E3, making it easy to produce anything from lifelike photos to unique works of art. Users can also personalize their creations by uploading their own images, then bring them to life by animating their finished masterpieces; all in one seamless experience.

It uses the domain name <microsoft.com> for its corporate website.

The Complainant is registered owner of many trademarks worldwide for BING, e.g. International trademark Registration No. 996797, BING (word) designating amongst others European Union and registered on March 2, 2009, for goods and services in classes 9, 35, 38, 41 and 42.

According to the data provided by the Registrar Verification, the disputed domain name was registered on September 10, 2025.

Furthermore, the undisputed evidence provided by the Complainants proves that the disputed domain name resolves to a website allegedly offering for sell a paid-for competing AI-image generation service referred to as "Bing AI" or "Bing Image Creator", prominently using the Complainant's trademark at the top of the website and within the tab interface and website banner. Even if at the bottom of the website a disclaimer states that *"(..) this service is not affiliated with, endorsed by, sponsored by, or in any way officially connected to Microsoft or Bing. (..)"*, the landing page of the website describes itself as "Bing Image Creator". In addition, the logo, which is almost identical to the Complainant's BING logo, also appears within the tab interface and at the top of the website and in close proximity with the BING trademark.

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:

- (1) the disputed domain name is confusingly similar to the Complainant's registered BING trademark, because the disputed domain name reproduces the BING trademark in its entirety, in addition to the non-distinctive and descriptive phrase "createanimagewith";
- (2) that the Respondent has no rights or legitimate interests in the disputed domain name. According to the Complainant, it has not licensed or otherwise permitted the Respondent to use any of its trademarks or to register a domain name incorporating its BING trademark (or a domain name which will be associated with this trademark). In addition, the Respondent's behaviour shows a clear intent to obtain an unfair commercial gain, with a view to misleadingly diverting consumers or to tarnish the trademarks owned by the Complainant: (i) the Respondent is not an authorized licensee of the Complainant's Bing offering branded with the Complainant's BING trademark; (ii) the website is selling an unauthorised, inauthentic competing service offering branded with the Complainant's BING trademark; (iii) the website provided under the disputed domain name does not meet the requirements set out by numerous panel decisions for a bona fide offering of services. In fact, the Respondent is offering an unauthorised competing service of other commercial origin which infringes the Complainant's BING trademark. Furthermore, the disputed domain name in itself suggests at least an affiliation with the Complainant and its BING trademark. In addition, the website, prominently and without authorization, presents the Complainant's registered BING trademark appearing at the top of the Website and within the tab interface and Website banner, where relevant consumers will usually expect to find the name of the online shop and/or the name of the website provider. It does so, in some instances, in close proximity to the logo, which is conceptually and visually similar (almost identical) to the Complainant's registered BING logo. This creates the illegitimate and false impression of an affiliation with the Complainant. The website includes no information regarding the identity of the provider of the website, which is only identified as "Bing Image Creator" or "Bing AI" on the Website, being a name which similarly includes the Complainant's registered BING trademark (without authorization) and further serves to perpetuate the false impression of an official commercial relationship between the website and the Complainant. The purported disclaimer is not sufficiently or prominently displayed on the Website, and is likely to be easily overlooked by Internet users and visitors to the Website. In any event, it does not cure the confusion and/or bad faith that may have already occurred and, in fact, it serves as an admission by the Respondent that Internet users may be confused (otherwise it would not be necessary to make use of such a disclaimer). The Respondent is using the Complainant's BING trademark to redirect users to a competing site which does not support a claim to rights or legitimate interests;
- (3) that the disputed domain name was registered and is being used in bad faith. According to the Complainant, it is evident from the Respondent's use of the disputed domain name that the Respondent knew of the Complainant's BING trademark when registering the disputed domain name. The Respondent started offering its unauthorised competing service branded with the Complainant's BING trademark immediately after registering the disputed domain name. The term BING is purely an imaginative term and is unique to the Complainant and is not commonly used to refer to AI image creation or generation. By reproducing the Complainant's registered trademark in the disputed domain name and the title of the website, the Respondent is clearly suggesting to any Internet user visiting a website provided under the disputed domain name that the Complainant (or a licensee of the Complainant) is the source of the website, which it is not. Additionally, the Respondent is using the Complainant's BING trademark for the purposes of offering for sale a competing and unauthorised third party service of other commercial origin branded with the Complainant's BING trademark. Such abusive use of the Complainant's BING trademark for purposes of promoting a competing unauthorized service offering is a clear-cut trademark infringement and constitutes clear evidence of the Respondent's bad faith. The statement appearing in the header of the Website "*Bing Image Creator No Content Restriction Version*", implies to visitors of the Website that the Respondent's unauthorised offering is able to create images otherwise not permitted by the Complainant's genuine Bing and Bing Image Creator offerings, which is clearly disparaging and detrimental to the Complainant, and its offerings under the BING trademark.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs this Panel to “decide a 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”. Paragraph 4(a) of the Policy requires a complainant to prove each of the following three elements in order to obtain an order that each disputed domain name be transferred or cancelled:

- (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.

The Panel will therefore proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied.

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. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy, [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms here, “create”, “an”, “image”, and “with” may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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 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.

According to the Complaint, which has remained unchallenged, the Complainant has no relationship in any way with the Respondent and, in particular, did not authorize the Respondent's use of the trademark BING, such as by registering the disputed domain name comprising the said trademark entirely, followed by the descriptive terms "create", "an", "image", and "with". Furthermore, the Panel notes that there is no evidence showing that the Respondent might be commonly known by the disputed domain name in the sense of paragraph 4(c)(ii) of the Policy.

Finally, it results from the Complainant's non-contested evidence that the disputed domain name resolves to a website prominently using the Complainant's mark BING offering a paid competing AI-image generation service referred to as "Bing AI" or "Bing Image Creator" and which did not accurately and prominently disclose the lack of the Respondent's relationship with the Complainant. Since this use is clearly commercial, it cannot be considered 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 pursuant to paragraph 4(c)(iii) of the Policy.

Furthermore, such use cannot be qualified a bona fide offering of goods or services in accordance with paragraph 4(c)(i) of the Policy and the Oki Data test (e.g. *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)) as it is misleading and diverting consumers, making them erroneously believe that the Respondent is an authorized dealer, retailer, or re-seller of Complainant's products, and is authorized to promote sales of Complainant's products.

This is reinforced by the following facts, which do not satisfy the requirements under the Oki Data test: (1) the Respondent uses the website to offer a paid competing AI-image generation service and (2) the website does not accurately and prominently disclose the registrant's relationship with the trademark holder. In fact, even if at the bottom of the website a disclaimer states that "(...) *this service is not affiliated with, endorsed by, sponsored by, or in any way officially connected to Microsoft or Bing* (...)", the landing page of the website describes itself as "Bing Image Creator", prominently using the Complainant's trademark at the top of the website and within the tab interface and website banner. In addition, the logo, which is almost identical to the Complainant's BING logo, also appears within the tab interface and at the top of the website and in close proximity with the BING trademark. See also [WIPO Overview 3.1](#), section 2.8.1.

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.

One of these circumstances is that the Respondent by using the disputed domain name, has intentionally attempted 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 its website or location or of a product or service on its website or location (paragraph 4(b)(iv) of the Policy).

In the present case, the Panel notes that it results from the Complainant's documented allegations that the disputed domain name resolves to a website allegedly offering a paid-for competing AI-image generation service referred to as "Bing AI" or "Bing Image Creator", prominently using the Complainant's trademark at the top of the website and within the tab interface and website banner. In addition, the logo, which is almost

identical to the Complainant's BING logo, also appears within the tab interface and at the top of the website and in close proximity with the BING trademark. For the Panel, it is therefore evident that the Respondent knew the Complainant's mark and has used the disputed domain name for commercial gain which constitutes bad faith under paragraph 4(b)(iv) of the Policy.

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. In this regard, the further circumstances surrounding the disputed domain name's registration and use confirm the Panel's findings that the Respondent has registered and is using the disputed domain name in bad faith:

- (i) the nature of the disputed domain name (wholly incorporating the Complainant's mark followed by descriptive terms in the Complainant's core business);
- (ii) the content of the website to which the disputed domain name resolves (i.e. displaying without authorization the Complainant's registered trademark and allegedly offering for sell a competing service);
- (iii) a clear absence of rights or legitimate interests coupled with no credible explanation for the Respondent's choice of the disputed domain name;
- (iv) the Respondent concealing its identity through a privacy protection service.

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 <createanimagewithbing.com> be transferred to the Complainant

/Tobias Malte Müller/

Tobias Malte Müller

Sole Panelist

Date: July 7, 2026