

ADMINISTRATIVE PANEL DECISION

CONSTANCE ASSOCIES v. Mike Eastwood, Yellowgem
Case No. D2026-2659

1. The Parties

The Complainant is CONSTANCE ASSOCIES, France, represented by Office Freylinger S.A., Luxembourg.

The Respondent is Mike Eastwood, Yellowgem, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <constancepam.com> is registered with Easyspace Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 18, 2026. On June 18, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 8, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 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 July 10, 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 July 14, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 3, 2026. On July 19 and 23, 2026, a third party sent communications to the Center asking for an extension of the Response due date as per Paragraph 5(b) of the Rules, which was granted. The Response was then due by August 7, 2026. This third party sent a Response on July 29, 2026.

The Center appointed Jeremy Speres as the sole panelist in this matter on August 5, 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 August 6, 2026, the Complainant sent the Center corrections of typographical errors in the Complaint.

4. Factual Background

The Complainant, trading under the mark CONSTANCE and variants of it, is a French portfolio management firm founded in 2013, specializing in international equities.

The Complainant owns, amongst others, United Kingdom Trademark Registration No. UK00915566177 CONSTANCE in classes 35, 36, and 45, having a registration date of July 16, 2017.

The Complainant's primary web presence is hosted at its domain name <constance-associes.fr>, which was registered in 2013.

The disputed domain name was registered on January 7, 2017, and presently resolves to a website entitled "Constance – Private Asset Management" advertising investment management services.

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 was registered and has been used in bad faith in order to capitalize on confusion with the Complainant's reputed mark in the same industry.

B. Respondent

The Respondent contends that the Complainant has not satisfied the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Respondent contends that the Complainant's own evidence shows its trademark rights postdate the Respondent's registration of the disputed domain name so that bad faith registration cannot be established. It further contends that its choice of the disputed domain name was driven entirely by independent factors, specifically historic family "Constance" names, and longstanding bona fide prior use of the CONSTANCE mark in relation to investment services since at least 2008.

6. Discussion and Findings

A. Preliminary Issue – Respondent Identity

The Response was filed by Robert Millington, claiming to operate the investment business - Constance Private Asset Management - advertised on the website to which the disputed domain name resolves. Mr Millington claims that the named Respondent was a former website designer of Constance Private Asset Management who registered the disputed domain name on behalf of that business. Mr Millington has provided substantial evidence showing that it is likely that a) he is the founding portfolio manager of Constance Private Asset Management; and b) that the named Respondent registered the disputed domain name on behalf of Constance Private Asset Management.

The Panel notes that paragraph 1 of the Rules defines “Respondent” as “the holder of a domain-name registration against which a complaint is initiated” and that the Panel retains a discretion to determine the respondent against which the case should proceed. WIPO Overview of WIPO Panel Views on Select UDRP Questions (“[WIPO Overview 3.1](#)”), section 4.4.5.

In exercising their discretion in similar circumstances, previous UDRP panels have generally considered, among others, (i) whether the identity of the beneficial holder is disclosed, (ii) whether the beneficial holder submits arguments explaining its position, or (iii) whether the relationship between the registrant of the domain name and the beneficial holder is clear. *Bryan Cave Leighton Paisner LLP v. Job*, WIPO Case No. [D2020-0592](#).

In the present case, the beneficial holder has been disclosed and the relationship with the named Respondent has been made clear. The named Respondent has not come forward to contradict this, and the record, in particular the evidence showing usage of the disputed domain name, corroborates Mr Millington’s claims to have been the beneficial holder of the disputed domain name since its registration.

The Panel therefore accepts that Mr Millington is the beneficial holder of the disputed domain name, and references to the “Respondent” should hereinafter be read accordingly.

B. 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 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 “pam”, 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.

C. Rights or Legitimate Interests

In light of the Panel’s findings in relation to the third element, there is no need to consider the second.

D. Registered and Used in Bad Faith

The Panel finds that the Complainant has not met its burden of proving bad faith on the balance of probabilities.

The Respondent’s Internet Archive and other evidence shows that he operated an investment management business using the domain name <constancepw.com> from at least as early as 2008, trading under the name “Constance Private Wealth Management”, before transitioning to “Constance Private Asset Management” and the disputed domain name (which corresponds to that name). As such, the Respondent’s adoption of the shared element “Constance” could not possibly have been informed by the Complainant’s mark, given that the Complainant was, on its own version, only formed in 2013.

The disputed domain name was also registered before the earliest of the Complainant's trademark rights accrued. Where a respondent registers a domain name before the complainant's trademark rights accrue, panels will not normally find bad faith on the part of the respondent, subject to the nascent (typically as yet unregistered) trademark rights exception. There is no evidence in the record establishing that the Respondent's intent in registering the disputed domain name was to unfairly capitalize on any Complainant nascent trademark rights. [WIPO Overview 3.1](#), section 3.8.1.

The Panel finds the third element of the Policy has not been established.

E. Reverse Domain Name Hijacking

The Respondent reserved its right to invite the Panel to consider Reverse Domain Name Hijacking ("RDNH"), which the Panel takes as a request to consider RDNH.

Paragraph 15(e) of the Rules provides that, if after considering the submissions, the Panel finds that the Complaint was brought in bad faith, for example in an attempt at Reverse Domain Name Hijacking or to harass the domain-name holder, the Panel shall declare in its decision that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding. The mere lack of success of the complaint is not, on its own, sufficient to constitute reverse domain name hijacking. [WIPO Overview 3.1](#), section 4.16.

Here, the Complainant is represented by counsel, and panels typically hold represented parties to a higher standard. [WIPO Overview 3.1](#), section 4.16.

The disputed domain name was registered before the Complainant's trademark rights accrued, and this would or should have been readily apparent to the Complainant before filing the Complaint.

However, the evidence establishes that the Complainant was incorporated in 2013 and, although largely unsubstantiated by the evidence in the record, it is plausible that the Complainant may have acquired common law rights in its mark prior to registration of the disputed domain name. Additionally, the Complainant could not reasonably have anticipated the Respondent's earlier trading as "Constance Private Wealth Management", especially given that the Respondent's earlier corresponding domain name appears to have lapsed prior to filing of the Complaint.

As such, it was not wholly unreasonable of the Complainant to have filed the Complaint in the circumstances.

The Panel declines to find RDNH.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Jeremy Speres/

Jeremy Speres

Sole Panelist

Date: August 14, 2026