

ADMINISTRATIVE PANEL DECISION

Jennifer Moncur v. Emma Stewart, Larry's Markets
Case No. D2026-2745

1. The Parties

The Complainant is Jennifer Moncur, United Kingdom, represented by Briffa Legal Limited, United Kingdom ("UK").

The Respondent is Emma Stewart, Larry's Markets, South Africa.

2. The Domain Name and Registrar

The disputed domain name <jenniemoncur.com> 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 June 24, 2026. On June 24, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 24, 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 June 26, 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 June 30, 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 13, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 2, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 11, 2026.

The Center appointed Warwick A. Rothnie as the sole panelist in this matter on August 13, 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 a British artist working principally in tapestry under her name “Jennie Moncur”.

The Complainant graduated with a Bachelor of Arts from Goldsmith College in London, UK in 1984. She completed a Master of Arts at the Royal College of Art (“RCA”) in 1986. Those studies culminated in her tapestries being included in the RCA Degree Show. The *Time Out* report explained that the journalist “particularly liked Jennie Moncur’s Matisse-like heraldic tapestries”. The periodical *Interior Design* also featured a photograph of one of those tapestries.

Since then, exhibitions and commissions of her work under the name JENNIE MONCUR have been regularly featured in the press and attracted awards. For example, the Complainant’s works have been referenced favourably in *The Times* and the *Financial Times* on a number of occasions. In 2004, *The Times* described the Complainant as one of the “greats”. Amongst her numerous commissions, the Complainant was commissioned in 2002 to produce six tapestries for Portcullis House at the Palace of Westminster. There are numerous other examples of commissions, exhibitions and publications referencing the Complainant’s works identified in her witness statement included as an Annex to the Complaint. The images of her works show that the Complainant has consistently “signed” them and been identified as the author as JENNIE MONCUR. In each of the years from 2021 to 2025, the Complainant has received more than GBP 10,000 in sales.

The disputed domain name was registered on February 14, 2000. The Complainant (through a company which she jointly owned with her husband) was the registrant of the disputed domain name from at least December 2003 until in or about 2024. According to the Complaint, in about 2024 the person handling the payment of accounts at the company did not recognize the invoice for the disputed domain name and did not pay it in time. By the time the error was realized, the disputed domain name had been registered by someone else.

On August 7, 2024, the Wayback Machine capture of the website “www.jenniemoncur.com” included the text “About Us One Touch of Nature Makes the Whole World Kin” and then featured a *lorem ipsum* text block with the instruction “Click edit button to change this text”.

The Wayback Machine capture on September 10, 2025, displayed a logo with the words “Jennie Moncur” repeated twice in an arc around a device of a circle with a pictograph of the top half of a human body. There were links to various articles such as “Top Weaving Techniques for Texture” and “Rugs in Different Cultures and Traditions”, and a section “Welcome to Jennie Moncur: Celebrating the Art of Textiles.”

At the time this Decision is being prepared, the disputed domain name does not appear to resolve to an active website.

5. Discussion and Findings

No response has been filed. The Complaint and Written Notice have been sent, however, to the Respondent at the electronic and physical coordinates confirmed as correct by the Registrar in accordance with paragraph 2(a) of the Rules. Bearing in mind the duty of the holder of a domain name to provide and keep up to date correct Whois details, therefore, the Panel finds that the Respondent has been given a fair opportunity to present his or its case.

When a respondent has defaulted, paragraph 14(a) of the Rules requires the Panel to proceed to a decision on the Complaint in the absence of exceptional circumstances. Accordingly, paragraph 15(a) of the Rules requires the Panel to decide the dispute on the basis of the statements and documents that have been submitted and any rules and principles of law deemed applicable.

Paragraph 4(a) of the Policy provides that in order to divest the Respondent of the 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.

A. Identical or Confusingly Similar

The first element that the Complainant must establish 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 of WIPO Panel Views on Select UDRP Questions, ("[WIPO Overview 3.1](#)"), section 1.7.

In this case, the Complainant does not rely on a registered trademark. As the Complainant recognises, however, an individual can have rights in their name as an unregistered trademark if they carry on business (or a profession) under that name which is used in commerce as a distinctive identifier. Freelance artists are of course a paradigmatic example of that as they very often depend on the reputation and recognition of their name to attract further commissions and sales of their work.

In the present case, there is ample evidence that the Complainant both "signs" her works with the name JENNIE MONCUR and of public recognition of that name as identifying the works of a highly regarded professional artist. Accordingly, the Panel finds that the Complainant has demonstrated rights in her name as an unregistered trademark. See [WIPO Overview 3.1](#), sections 1.3 and 1.5.

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" gTLD, therefore, the disputed domain name is identical to the Complainant's trademark.

B. Rights or Legitimate Interests

The second requirement the Complainant must prove is that the Respondent has no rights or legitimate interests in the disputed domain name.

Paragraph 4(c) of the Policy provides that the following circumstances can be situations in which the 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.

The Respondent registered the disputed domain name after the Complainant began using the trademark and also after the Complainant had registered and used the disputed domain name.

The Complainant states that she has not authorised the Respondent to use the disputed domain name. Nor is the Respondent affiliated with the Complainant.

The disputed domain name is not derived from the Respondent's name. Nor is there any suggestion of some other name by which the Respondent is commonly known from which the disputed domain name could be derived. From the available record, the Respondent does not appear to hold any trademarks for the disputed domain name.

It appears from the most recent capture by the Wayback Machine in evidence of the website to which the disputed domain name resolved, that the Respondent was using it to pass herself off as the Complainant. Such conduct falls well short of anything which would qualify as supported by rights or a legitimate interest having regard to the matters set out in the preceding three paragraphs.

These matters, taken together, are sufficient to establish a prima facie case under the Policy that the Respondent has no rights or legitimate interests in the disputed domain name. The basis on which the Respondent has adopted the disputed domain name, therefore, calls for explanation or justification. The Respondent, however, has not sought to rebut that prima facie case or advance any claimed entitlement.

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 name has 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](#).

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the respondent in question has registered and is using the disputed domain name to take advantage of its significance as a trademark owned by (usually) the complainant.

The most recent capture by the Wayback Machine of the Respondent's website occurred some months, possibly 18 months or so, after the Complainant ceased to be the registrant of the disputed domain name. Nonetheless, as the disputed domain name is the Complainant's professional name, and is being used in connection with textiles and tapestry but is not descriptive of tapestry or textiles apart from the Complainant's use of her name in that connection and the Respondent has not offered any justification for adopting the name, the Panel readily infers that the Respondent registered it to use it for the purpose it has been put, as discussed above. That purpose seeks to take advantage of the Complainant's unregistered trademark rights and reputation in her name and constitutes registration in bad faith under the Policy. Use of the disputed domain name to implement that purpose as demonstrated in this case also constitutes use in bad faith in line with paragraph 4(b)(iv) of the Policy.

Accordingly, the Complainant has established all three requirements under the Policy.

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 name <jenniemoncur.com> be transferred to the Complainant.

/Warwick A. Rothnie/

Warwick A. Rothnie

Sole Panelist

Date: August 27, 2026