ADMINISTRATIVE PANEL DECISION
Macmillan Publishers International Limited v. Greg Bell
Case No. D2026-2761

1. The Parties

The Complainant is Macmillan Publishers International Limited, United Kingdom, represented by Nordemann Czychowski & Partner mbB, Germany.

The Respondent is Greg Bell, United States of America.

2. The Domain Name and Registrar

The disputed domain name <macmillan-publisher.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 24, 2026. On June 25, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 26, 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, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 1, 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 July 1, 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 July 7, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 27, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 3, 2026.

The Center appointed Rachel Tan as the sole panelist in this matter on August 6, 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, founded in 1843, is a global publishing company headquartered in London, United Kingdom. It has prominent imprints worldwide and publishes a wide range of award-winning books for children and adults across all categories and formats. The Complainant is part of the Holtzbrinck Publishing Group, a large family-owned media company headquartered in Stuttgart, Germany.

The Complainant is the owner of the trademark registrations below:

- Germany Trademark MACMILLAN Registration No. 924226, registered on October 28, 1974, in class 9;

- European Union Trademark MACMILLAN Registration No. 000066225, registered on March 18, 1998, in classes 9, 16, and 41;

- European Union Trademark Registration No. 000066167, registered on March 18, 1998, in classes 9, 16, and 41.

The Complainant owns domain name <macmillan.com> and publishes, presents, advertises and sells online books through its website at "www.us.macmillan.com".

The Respondent is reportedly based in the United States of America. The disputed domain name was registered on April 10, 2026. Presently, the disputed domain name resolves to an inactive website. According to the Complainant's evidence, the disputed domain name previously resolved to a website that mimicked the Complainant's official website, displayed the Complainant's MACMILLAN and trademarks, as well as the "macmillan Publisher" logo and book images taken from the Complainant's official website, and allegedly offered the Complainant's books.

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 is confusingly similar to the Complainant's MACMILLAN trademark because it incorporates the MACMILLAN trademark in its entirety. The addition of the generic and descriptive term "publisher" is insufficient to prevent the similarity between the disputed domain name and the Complainant's MACMILLAN trademark. On the contrary, the added term directly relates to the goods and services offered under the Complainant's MACMILLAN trademark and reinforces the confusing similarity by suggesting that the disputed domain name refers to the Complainant's business. The generic Top-Level Domain ("gTLD") ".com" is a standard registration requirement and is therefore disregarded for purposes of the first element test. Therefore, the disputed domain name is confusingly similar to the Complainant's MACMILLAN trademark.

The Complainant further contends that the Complainant has not authorized, licensed, or otherwise permitted the Respondent to use the MACMILLAN trademark or to register any domain name incorporating this trademark. To the best of the Complainant's knowledge, the Respondent does not have trademark rights corresponding to the disputed domain name. There is no evidence indicating that the Respondent has been commonly known by the disputed domain name. The Respondent is not making a legitimate noncommercial or fair use of the disputed domain name as the Respondent has used the disputed domain name to advertise publishing and related services connected with the Complainant's business. Therefore, the Respondent has no rights or legitimate interests in the disputed domain name.

The Complainant finally contends that the Complainant's MACMILLAN trademark is a distinctive trademark. The longevity and reputation of the MACMILLAN trademark create a strong presumption that the Respondent had actual or constructive knowledge of the Complainant at the time of registering the disputed domain name. The website associated with the disputed domain name appears to be a direct imitation of the Complainant's website and business, which gives the false impression that the disputed domain name is operated by the Complainant. The Respondent is using the Complainant's MACMILLAN and trademarks and imitating the Complainant's website with the sole purpose of fraudulently getting consumers into thinking that they are visiting an official website of the Complainant, in order to obtain unfair advantage from the Complainant's trademarks and reputation. Therefore, the disputed domain name was registered and is being used in bad faith.

B. Respondent

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

6. Discussion and Findings

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 the MACMILLAN trademark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The gTLD ".com" as a standard registration requirement should be disregarded in the assessment of confusing similarity under the Policy. WIPO Overview 3.1, section 1.11.1.

The entirety of the Complainant's MACMILLAN trademark is reproduced within the disputed domain name. While the hyphen "-" and the term "publisher" are included, the Complainant's MACMILLAN trademark remains clearly recognizable in the disputed domain name. The Panel finds that the extra hyphen and term do not prevent a finding of confusing similarity between the disputed domain name and the Complainant's MACMILLAN trademark. Accordingly, the disputed domain name is confusingly similar to the Complainant's MACMILLAN trademark for the purposes of the Policy. WIPO Overview 3.1, sections 1.7 and 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.

The information in the case file shows that:

- the Respondent is not affiliated with the Complainant and has not been authorized to use the Complainant’s MACMILLAN trademark in any form;

- there is no evidence proving that the Respondent holds any trademark rights corresponding to the disputed domain name, or has been commonly known by the disputed domain name;

- the disputed domain name currently resolves to an inactive website. However, the disputed domain name previously resolved to a website that mimicked the Complainant’s official website, displayed the Complainant’s MACMILLAN and trademarks, as well as the “ macmillan Publisher ” logo and book images taken from the Complainant’s official website, and allegedly offered the Complainant’s books, without any prominent and accurate explanation of the relationship (or lack thereof) between the Parties. Such use of the disputed domain name indicates the Respondent’s intention to divert Internet traffic to the website associated with the disputed domain name by misleading Internet users into believing that the website associated with the disputed domain name is operated or endorsed by the Complainant, which cannot be deemed as a bona fide offering of goods or services or a legitimate noncommercial or fair use;

- the nature of the disputed domain name, incorporating the entirety of the Complainant’s MACMILLAN trademark together with the term “publisher” which closely relates to the Complainant’s business, carries a risk of implied affiliation with the Complainant. When considered together with the Respondent’s use of the disputed domain name, it supports to affirm the Respondent’s intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant as to the origin or affiliation of the website associated with the dispute domain name; and

- no other factors demonstrate any rights or legitimate interests of the Respondent in the disputed domain name.

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.

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 Complainant obtained trademark registration for MACMILLAN as early as October 28, 1974, which significantly predates the registration date of the disputed domain name (April 10, 2026). According to the Complainant’s evidence, the Panel accepts that the Complainant and its MACMILLAN trademark has gained a certain degree of reputation and recognition worldwide through its extensive use and advertising. The Respondent registered the disputed domain name that fully incorporates the Complainant’s MACMILLAN trademark and resolved the disputed domain name to a website that mimicked the Complainant’s official website, displayed the Complainant’s MACMILLAN and trademarks, as well as the “macmillan Publisher” logo and book images taken from the Complainant’s official website, and allegedly offered the Complainant’s books. Given these circumstances, the Panel determines that the

Respondent had actual knowledge of the Complainant and its MACMILLAN trademark at the time of registering the disputed domain name, and bad faith is found.

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.

The disputed domain name resolves to an inactive website at the time of the Decision but was used to host a website that mimicked the Complainant's official website, displayed the Complainant's MACMILLAN and trademarks, as well as the " " logo and book images taken from the Complainant's official website, and allegedly offered the Complainant's books. The Panel holds that by selecting a domain name confusingly similar to the Complainant's MACMILLAN trademark, and using it in the manner as described, the Respondent obviously has intended to attract, for commercial gain, Internet users to the disputed domain name and the associated website by creating a likelihood of confusion with the Complainant's MACMILLAN trademark as to the source, sponsorship, affiliation, or endorsement of the website associated with the disputed domain name, which constitutes bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

Given the circumstances above, the current non-use of the disputed domain name does not prevent the Panel's finding of the Respondent's 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 <macmillan-publisher.com> be transferred to the Complainant.

/Rachel Tan/
Rachel Tan
Sole Panelist
Date: August 19, 2026