

ADMINISTRATIVE PANEL DECISION

Ashworth and Parker Limited v. Fraser Lee, End Label
Case No. D2026-3037

1. The Parties

The Complainant is Ashworth and Parker Limited, United Kingdom, represented by Murgitroyd & Company, United Kingdom.

The Respondent is Fraser Lee, End Label, United Kingdom, self-represented.

2. The Domain Name and Registrar

The disputed domain name <end-label.com> (the “Disputed Domain Name”) is registered with Tucows Domains Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 10, 2026. On July 10, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On July 10, 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 (Contact Privacy Inc. Customer 0177297018) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 17, 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 22, 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 23, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 12, 2026. The Response was filed with the Center on August 9, 2026.

The Center appointed Nick J. Gardner as the sole panelist in this matter on August 25, 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 September 15, 2026, the Panel issued Procedural Order No 1 which provided as follows:

“The Panel has reviewed the case file. The Panel has carried out limited factual research (see WIPO Overview of WIPO Panel Views on Select UDRP Questions (“[WIPO Overview 3.1](#)”), section 4.8)) with the following result. It appears to the Panel that the Complainant’s sub brand “END. LABEL” only officially launched on September 14, 2026 – see for example <https://www.drapersonline.com/news/first-look-end-launches-own-brand-label>.

The Panel asks the Complainant to confirm by September 20, 2026 whether the Panel’s understanding as described above is correct. If not please provide further details of the relevant date with supporting documentation. In any event also please confirm the date when the Complainant’s sub brand “END. LABEL” was announced publicly and provide supporting documentation.

The Respondent may file any comments on the Complainant’s filing it wishes to be considered by September 25, 2026.

The due date for the Decision is extended to September 30, 2026”.

On September 18, 2026, the Complainant filed a further submission pursuant to Procedural Order No 1. It is discussed below. Nothing further was filed by the Respondent

4. Factual Background

The Complainant is a company incorporated in England and Wales, having been incorporated on April 1, 2009. It trades as “END”, a premium fashion and lifestyle retailer founded in 2005 in Newcastle-upon-Tyne. It has grown from a single retail store into a multi-channel retailer operating physical stores in Newcastle-upon-Tyne, London, Manchester, Glasgow and Milan, together with the e-commerce website “www.endclothing.com”, from which approximately 80 percent of its revenue is derived. Its accounts show revenues of GBP 219 million, GBP 221.1 million, GBP 206.5 million and GBP 170 million for the financial years ending in March 2022, March 2023, March 2024 and March 2025 respectively. The Complainant retails a range of internationally recognised third-party fashion, footwear and lifestyle brands, and also sells a range of own-brand apparel under the sub-brand “END. LABEL”. See further below as to when the Complainant first adopted the “END. LABEL” sub-brand.

The Complainant is the proprietor of a number of registered trademarks for the word END - see for example United Kingdom Trade Mark Registration No. UK00912130051 filed on September 11, 2013 and registered on April 12, 2015, in classes 18, 25 and 35. In class 25 it is registered in respect of “Clothing, footwear, headgear” and in class 35 in respect of “Retail services connected with the sale of clothing, footwear and headgear; retail services connected with the sale of clothing accessories; retail store services in the field of clothing, footwear, headgear and clothing accessories; the bringing together for the benefit of others a variety of clothing, footwear, headgear, clothing accessories, beauty products, cosmetics, toiletries, candles, incense, leather goods, luggage, cases for mobile telephones and other electronic devices, furnishings, toys and games, printed matter, jewellery, wallets and purses, sunglasses, watches, horological and chronometric instruments enabling customers to conveniently view and purchase those goods from an Internet web site or by means of other telecommunications”.

The Disputed Domain Name was created on January 27, 2026. It resolves to an active e-commerce website, built on the Shopify platform, trading under the name “End Label” and describing itself as “a streetwear brand focused on bold simplicity, premium quality, and considered design”, offering caps and T-

shirts for sale, priced in pounds sterling. The registrant of the Disputed Domain Name is recorded as Fraser Lee, with registrant organisation “End Label”, of an address in Maidstone, Kent, United Kingdom.

The Respondent has filed a Response asserting that he is the founder and operator of an independent clothing brand trading as “End Label”, and that he independently conceived the brand, including its name and a lightning bolt logo, around a creative theme of storms, finality and dark atmosphere. In support, the Respondent has produced (as Annex A to the Response) an email he sent to himself in April 2023, to which are attached twelve branding and logo concepts including versions of the “End Label” name and the lightning bolt device. The Respondent states that he subsequently launched the brand publicly on Instagram and TikTok in January 2026 using the handles “@endlabel.clo” and “@end.label.clothin” respectively, with posts captioned “A storm is coming”, before registering the Disputed Domain Name and launching the associated website. A timeline in Annex B to the Response records “February 2026” as the date the Disputed Domain Name was purchased; this is inconsistent with the Registrar-verified Creation Date of January 27, 2026, referred to above but nothing turns on this discrepancy. The Respondent has also produced evidence of trading, including a redacted extract of orders from his Shopify account, and website analytics said to show that approximately 90 percent of the website’s traffic in the relevant period arrived by direct navigation or via the Respondent’s own social media channels, rather than through search engines.

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 its END trade mark, which is reproduced in its entirety, the addition of a hyphen and the descriptive word “label” being insufficient to avoid a finding of confusing similarity.

The Complainant contends that the Respondent has no rights or legitimate interests in the Disputed Domain Name. It relies on the printouts at Annex 9 to the Complaint, said to show an active streetwear website trading under the name “End Label, and submits that it has not authorised or consented to any such use, that the Respondent is not commonly known by the Disputed Domain Name, and that the Respondent is using the Disputed Domain Name with the intent of misleading consumers and/or harming the Complainant’s reputation, such that the use cannot be regarded as bona fide, noncommercial or fair.

The Complainant contends that the Disputed Domain Name was registered and is being used in bad faith. It submits that it is “hard to believe” the Disputed Domain Name was registered without the Respondent being aware of the Complainant and its END trade mark, given the goodwill the Complainant enjoys in that mark and in the associated END. LABEL sub-brand; that members of the public would believe any website at the Disputed Domain Name to be operated by, or associated or affiliated with, the Complainant; that use of the Disputed Domain Name amounts to a misrepresentation and infringement of the Complainant’s trade mark rights; that such use will disrupt the Complainant’s business by creating an unauthorised association for the Respondent’s commercial gain; and that the Respondent’s failure to publish legal or consumer-protection policies on the website evidences a deliberate attempt to conceal his identity.

The Complainant requests that the Disputed Domain Name be transferred to it.

In response to Procedural Order No. 1 the Complainant’s further submission can be summarised as follows. The Complainant disputes the Panel’s understanding that the END. LABEL brand began on September 14, 2026. It says the September 2026 activity was a wider public launch and “elevation” of a brand that already existed, not the creation of a new one. It relies on the following chronology: Trading under END since 2005, with substantial goodwill. Own-label products sold under END since at least October 2023. Strategic development of END. LABEL under way by January 2026. Public online use of END. LABEL in July 2026, relying on Annex 7 to the Complaint. A broader public launch and marketing campaign on or around September 14, 2026. On discovery of the Disputed Domain Name, it says it came across it during routine

clearance and due diligence for the September launch. It denies that it found the Disputed Domain Name first and then built a brand around it. On the Policy, it says the Complaint rests mainly on its longstanding rights in END, not on END. LABEL alone. It argues that “label” is a common fashion-sector term for a clothing brand, so it reinforces the association with the Complainant rather than distinguishing the domain name. It maintains that all three elements are made out.

B. Respondent

The Respondent acknowledges that the Complainant owns registered trade mark rights in END, but submits that the Disputed Domain Name is not simply “END”: it reproduces the distinct two-word phrase “End Label”, which the Respondent says he selected independently as part of a wider creative identity, unconnected with the Complainant, and not using the Complainant’s logos, typography, website appearance or marketing materials.

The Respondent submits that he has rights and legitimate interests in the Disputed Domain Name because it has been used, since registration, exclusively in connection with a genuine clothing business: he has designed original clothing, created original branding, developed an independent website, marketed the brand through social media, and fulfilled customer orders. He states that the Disputed Domain Name has never been offered for sale to the Complainant, nor registered for resale or to prevent the Complainant from reflecting its mark in a domain name, and submits that this constitutes a bona fide offering of goods and services within the meaning of paragraph 4(c)(i) of the Policy.

The Respondent denies that the Disputed Domain Name was registered or is being used in bad faith. He accepts that he was aware of the Complainant as a fashion retailer, but states that he was not aware of the Complainant’s END. LABEL sub-brand when he independently developed the “End Label” concept, and did not register the Disputed Domain Name to exploit the Complainant’s reputation. He relies principally on the dated April 2023 email and attached branding concepts (Annex A to the Response) as contemporaneous evidence of independent creation pre-dating registration of the Disputed Domain Name, and on the website analytics (Annex D to the Response) as evidence that the great majority of the website’s traffic is not attributable to search-driven confusion with the Complainant. The Respondent requests that the Complaint be denied and that he be permitted to retain the registration of the Disputed Domain Name.

6. Discussion and Findings

Paragraph 4(a) of the Policy requires the Complainant to prove each of the following three elements in order to prevail: (i) that the Disputed Domain Name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights; (ii) that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and (iii) that the Disputed Domain Name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has established rights in the trade mark END by virtue of the Complainant’s registered trademarks. The test for confusing similarity under the first element involves a straightforward visual and aural comparison of the trade mark with the disputed domain name (see WIPO Overview of WIPO Panel Views on Select UDRP Questions (“[WIPO Overview 3.1](#)”), section 1.7). The generic Top-Level Domain (“gTLD”) “.com” is disregarded for this purpose as a standard registration requirement ([WIPO Overview 3.1](#), section 1.11).

The Disputed Domain Name incorporates the Complainant’s END mark in its entirety, together with a hyphen and the additional word “label”. It is well established that the addition of other terms (such as here “label”) to the complainant’s mark to form the disputed domain name does not prevent a finding of confusing similarity since the trade mark remains recognisable within the Disputed Domain Name ([WIPO Overview 3.1](#), section 1.8).

Accordingly, the Panel finds that the Disputed Domain Name is confusingly similar to a trade mark in which the Complainant has rights, and the first condition of paragraph 4(a) of the Policy is satisfied.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a non-exhaustive list of circumstances, any of which, if established, is sufficient to demonstrate that a respondent has rights or legitimate interests in a domain name: (i) before any notice of the dispute, use of, or demonstrable preparations to use, the domain name in connection with a bona fide offering of goods or services; (ii) the respondent has been commonly known by the domain name, even without acquiring trade mark rights; or (iii) the respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trade mark at issue.

The Complainant has not authorised, licensed or otherwise permitted the Respondent to use its END trade mark, and the Complainant's trade mark registrations predate the registration of the Disputed Domain Name. The Complainant has accordingly made out a prima facie case that the Respondent lacks rights or legitimate interests, such that the burden of production shifts to the Respondent to come forward with evidence to the contrary ([WIPO Overview 3.1](#), section 2.1; *Do The Hustle, LLC v. Tropic Web*, WIPO Case No. [D2000-0624](#); *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#)).

The Panel does not consider this issue to be straightforward on the facts of this case. Paragraph 4(c)(i) is potentially engaged: the Respondent operates an active clothing business under the name "End Label" and has done so before any notice of this dispute, the registrant organisation for the Disputed Domain Name is itself recorded as "End Label", and the Response is supported by evidence of an operating website, social media activity and actual sales. The Respondent says that he was unaware of the Complainant's END.LABEL sub-brand and that he independently chose to name his brand End Label. He concedes he was aware of the Complainant trading as END. However neither "end" nor "label" is a coined or fanciful term; both are ordinary English words, and "label" is, as the Complainant itself submits in relation to the first element, commonly used generically within the fashion trade to describe a brand or maker of clothing. The combination is accordingly considerably less improbable as an independent coinage than would be the reproduction of a fanciful or invented mark. The Respondent has articulated a coherent thematic rationale for his branding (storms, finality, a lightning bolt device) that is unconnected with the Complainant's business, and his website and visual identity do not reproduce or imitate the Complainant's branding, get-up or marketing materials in any respect (beyond the use of the words "End" and "Label"); there is no allegation, or evidence of impersonation or copying. The Respondent's evidence, taken as a whole – a dated record of an extended design process, a public social media launch, an operating e-commerce business built on the Shopify platform, and analytics said to show that the substantial majority of visitors arrive directly or via the Respondent's own social channels rather than through search engines – depicts a business that has, on its face, been built and promoted under its own steam rather than by trading on confusion with the Complainant.

The Panel, however, also has some genuine reservations. The Respondent operates in precisely the same sector as the Complainant – fashion and streetwear retail – using the "END" element as part of its brand, and the Complainant is a long-established and well-known retailer in the United Kingdom, the jurisdiction in which the Respondent is also based and trades. These are circumstances that give the Panel pause notwithstanding the Respondent's supporting evidence. However on balance and within the available mechanisms that apply to a decision under the Policy, the Panel accepts the Respondent's claim to have independently derived his END LABEL brand.

That is not however the end of this analysis because the Panel considers that the Respondent's activities are, more likely than not, infringing the Complainant's registered trademark rights. The likelihood of trademark infringement gives rise to a consideration of the scope of paragraph 4(c)(i) - the requirement of good faith ("bona fide") requires consideration. The question of whether the Panel should assess questions of trademark infringement is not itself straightforward. See in this regard *Nara Aziza Smith v. Vanessa Clarke*, WIPO Case No. [D2025-1839](#) and the cases therein cited. In that case the panel stated as follows:

“The Panel disagrees that claims for trademark infringement are per se beyond the scope of the Policy and cannot be adjudicated in UDRP proceedings. The Policy is designed to prevent the abusive registration of domain names that ‘infringe upon or otherwise violate the rights of’ trademark owners. See Policy, paragraph 2 (emphasis added). That is why registrants are warned that it is their ‘responsibility to determine whether your domain name registration infringes or violates someone else’s rights.’ Id. (emphasis added). Furthermore, one of the examples provided of ‘evidence of the registration and use of a domain name in bad faith’ is that a respondent has used the domain name to ‘attract, for commercial gain, Internet users to your web site or other on-line location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation or endorsement of your web site or location or of a product or service on your web site or location.’ Id., paragraph 4(b)(iv). That ‘likelihood of confusion’ inquiry is the key issue in cases of alleged trademark infringement. It therefore cannot be said that the question of trademark infringement is per se beyond the scope of the Policy. To the contrary, when a domain name (and its use) is infringing a complainant’s rights, the Policy makes clear that such infringement shows that the registrant has violated its obligations under the Policy. Moreover, because the Policy requires the registrant to ensure that its domain name does not infringe a third party’s rights, a failure to comply with that obligation can constitute willful blindness, which undermines the good faith and honesty that is required for conduct that is bona fide. See <https://thelawdictionary.org/bona-fide/> (defining ‘bona fide’ as ‘[i]n or with good faith; honestly, openly, and sincerely; without deceit or fraud. Truly; actually; without simulation or pretense. Innocently; in the attitude of trust and confidence; without notice of fraud, etc.’).

It is for this reason that this Panelist and others have found in prior cases that an infringing use cannot be bona fide. See, e.g., *On AG, On Clouds GmbH v. Nguyen Luu, Withheld for Privacy Purposes, Privacy service provided by Withheld for Privacy ehf, Vuong Hoang, AN NGUYEN, NEO CORP., and Ngoc Tam Nguyen* WIPO Case No. [D2021-1714](#) (“a use cannot be deemed bona fide if the disputed domain names constitute trademark infringement”); *Sai Machine Tools Private Limited v. Mr. Sudhir Jaiswal, Shree Sai Extrusion Technik Pvt. Ltd.* WIPO Case No. [D2018-2560](#) (“bona fide use is predicated on honest adoption of the name” and respondent failed to show such honest adoption; rather, respondent’s use was infringing and therefore not bona fide”).

The Panel agrees with this approach, and with those prior UDRP panels which have considered that clear cases of trademark infringement may appropriately be addressed under the Policy, and that conduct amounting to such infringement may support a finding that a respondent lacks rights or legitimate interests in a disputed domain name.

The difficulty in the present case is that the Respondent’s position that he independently adopted and used the name “End Label” may well be true but that is likely not a defence to an action for trademark infringement. All of this is of course a matter for a court with appropriate jurisdiction rather than the present Panel. However consistent with the above cited authorities the Panel declines to find that the Respondent has a legitimate interest in circumstances where it seems more likely than not that his activities are infringing the Complainant’s trademarks.

C. Registration and Use in Bad Faith

Paragraph 4(b) of the Policy sets out a non-exhaustive list of circumstances which, if found, are evidence of registration and use in bad faith, including circumstances indicating that the Disputed Domain Name was registered primarily to sell it to the Complainant or a competitor for valuable consideration in excess of documented out-of-pocket costs; to prevent the Complainant from reflecting its mark in a corresponding domain name as part of a pattern of such conduct; primarily to disrupt the business of a competitor; or to intentionally attract, for commercial gain, internet users by creating a likelihood of confusion with the Complainant’s mark as to source, sponsorship, affiliation or endorsement.

The Panel finds the evidence insufficient to support any of the specific circumstances identified in paragraph 4(b) of the Policy. There is no suggestion that the Respondent has offered to sell the Disputed Domain Name to the Complainant or anyone else, no evidence of a pattern of abusive registrations, and no evidence

that the Respondent's website reproduces the Complainant's branding, redirects to a competitor, or otherwise seeks to pass itself off as, or as connected with, the Complainant.

It is, however, the Complainant who bears the burden of proof under paragraph 4(a)(iii) of the Policy, and that burden requires more than establishing that bad faith registration is plausible; it must be shown to be more probable than not. Given the Panel thinks the Respondent's account of independent derivation, without intent to target the Complainant, is more likely than not true, the Panel is not satisfied that the Complainant has discharged that burden.

The Panel recognizes that the Respondent has acknowledged he was aware of the Complainant when he registered the Disputed Domain Name. However, knowledge of the Complainant and/or the Complainant's trademark at the time when he registered the Disputed Domain Name may not be sufficient in itself, particularly if there is lack of bad faith intention targeting the Complainant and/or its trademark. In the present circumstances, the available evidence is not sufficient for the Panel to conclude, to the standard required under the Policy, that the Respondent's aim in registering the Disputed Domain Name was to unfairly profit from or exploit the Complainant's trademark.

The Panel accordingly finds that the Complainant has failed to establish that the Disputed Domain Name was registered and is being used in bad faith, and the third condition of paragraph 4(a) of the Policy is not satisfied.

8. Decision

For the foregoing reasons, the Complaint is denied.

/Nick J. Gardner/

Nick J. Gardner

Sole Panelist

Date: September 30, 2026