ADMINISTRATIVE PANEL DECISION

Macmillan Publishers International Limited v. Noman Khan, WebSoft Logix
Case No. D2026-3080

1. The Parties

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

The Respondent is Noman Khan, WebSoft Logix, Pakistan, self-represented.

2. The Domain Name and Registrar

The disputed domain name <macmillanpublishers.llc> 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 July 13, 2026. On July 14, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 14, 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 July 15, 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 16, 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 17, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 6, 2026. The Respondent sent an email communication to the Center on July 17, 2026. The Center informed the Parties of the commencement of the panel appointment process on August 7, 2026.

The Center appointed Miguel B. O'Farrell 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 global publishing company headquartered in London, United Kingdom, which was founded in 1843, and is active in multiple jurisdictions. Since many decades, the Complainant publishes award-winning fiction and nonfiction and children's books. It is a part of Holtzbrinck Publishing Group, a large family-owned media company headquartered in Stuttgart, Germany, belonging to the major publishing houses in Germany.

The Complainant is the owner of various trademarks registered around the world protecting the mark MACMILLAN, including the following trademark registrations:

European Union Trademark Registration No. 000066225, word: MACMILLAN**,** filed on April 1, 1996, and registered on March 18, 1998, for classes 9, 16 and 41;

United Kingdom Trademark Registration No. 00900066225, word: MACMILLAN**,** filed on April 1,1996, and registered on March 18, 1998 for classes 9, 16 and 41 and

German Trademark Registration No. 924226, word: MACMILLAN**,** filed on December 27, 1972, and registered on October 28,1974 for classes 9, 16 and 28.

The Complainant's main website is available at the domain name <macmillan.com> which shows a landing page for different business fields offered by the Complainant and affiliated companies, namely Macmillan Publishers, Macmillan Learning and Macmillan Education, under the mark MACMILLAN.

Under "Macmillan Publishers", (which is active since 1994), the Complainant, inter alia, publishes, presents, advertises and sells online books under the name "Macmillan Publishers". The trademark MACMILLAN is used in combination with the Wave-Logo and the term "Publishers" corresponds to the beginning of the Complainant's name (Macmillan Publishers International Limited).

The disputed domain name was registered on May 22, 2026, and resolves to a website used to advertise publishing services and related services. The website shows in its header, a "Macmillan Publishers" logo and uses the same color coding used in the Complainant's website (red, white, black),

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.

The Complainant has not authorized, licensed, or otherwise permitted the Respondent to use the mark MACMILLAN or to register any domain name incorporating this mark. The Respondent is not affiliated with the Complainant in any way.

There is no evidence or even only indication that the Respondent is commonly known by the name "Macmillan Publishers" or any similar name, apart from the fact that this name is displayed on the website the disputed domain name resolves to.

To the best of the Complainant's knowledge, the Respondent does not own trademark rights, trade name rights, or other intellectual property rights in the sign MACMILLAN. Further, the Respondent is not, as an individual, business, or organization, to the best of Complainant's knowledge, known by the disputed domain name or a name corresponding to it.

Neither is the Respondent making a legitimate noncommercial or fair use of the disputed domain name. Therefore, the Respondent has no rights or legitimate interests in respect of the disputed domain name.

The Complainant's trademarks MACMILLAN are distinctive marks used by a publishing company, which has since its foundation in 1843 grown into a globally established enterprise.

The longevity and reputation of the mark create a strong presumption that the Respondent had actual or constructive knowledge of the Complainant at the time of registration of the disputed domain name. In a Wikipedia Article, Macmillan Publishers is considered as belonging to one of the "Big Five" English language publishers.

The website content which the disputed domain name resolves to shows the commercial offering of book publishing, promotion and creative services, such as editing and illustration services. Bearing in mind that the Complainant's trademarks are registered, among others, for books in class 16 and publishing services in class 41, these services presented on the Respondent's website are identical and similar to the Complainant's goods and services.

This places the Respondent in direct competition with the Complainant. The use of the disputed domain name for competitive services inherently creates a likelihood of confusion with the Complainant's MACMILLAN trademarks.
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That said, this competitive use is strong evidence that the disputed domain name was registered with a bad faith intent to profit from the confusion.

The Respondent's website appears as an imitation of the Complainant's website and business which additionally demonstrates that Respondent deliberately seeks to imitate the Complainant's website.

The website under the disputed domain name will be inevitably perceived as a website operated, endorsed or licensed by the Complainant, which factually is not the case.

The Respondent's choice of the Complainant's distinctive trademarks MACMILLAN as part of the disputed domain name, and the fact that the disputed domain name is used to operate a fraudulent misleading website – by using the Complainants marks, its business name and imitating its website – demonstrates a deliberate intent to target the Complainant when registering the disputed domain name.

In conclusion, the Complainant has demonstrated both bad faith registration (due to knowledge and targeting) and bad faith use (due to commercial competition, identical use of the marks, and imitating the Complainant's website),

Therefore, the Complainant requests the Panel to issue a decision ordering the transfer of the disputed domain name to the Complainant.

B. Respondent

The Respondent did not formally reply to the Complainant's contentions. However, the Respondent sent an email to the Center on July 17, 2026, indicating that it was prepared to transfer the disputed domain name to the Complainant and thereafter an email to the Complainant offering to sell the disputed domain name to the Complainant, but the offer was not accepted by the Complainant who requested that the proceeding be continued.

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 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 Panel finds the mark is recognizable 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, "publishers" in the disputed domain name may bear on assessment of the second and third elements, the Panel finds that such difference 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.

Panels have held that the use of a domain name for illegitimate activity here, claimed as applicable to this case: passing off can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1.

The Panel finds that the composition of the disputed domain name carries a risk of implied affiliation with the Complainant. WIPO Overview 3.1, section 2.5.1.

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.

The Panel is satisfied that the Respondent must have been aware of the Complainant's trademark MACMILLAN when it registered the disputed domain name on May 22, 2026. By that time the Complainant had registered and extensively used the trademark MACMILLAN.

In accordance with section 3.1.4 of the WIPO Overview 3.1, the Panel considers that the inclusion of the Complainant's widely known MACMILLAN trademark in the disputed domain name by the Respondent who has no relationship with the Complainant, creates a presumption of bad faith registration. The addition of the word "publishers" which refers to the field of activity of the Complainant only helps to add confusion between the disputed domain name and the Complainant's trademark.

The Panel is satisfied that the Respondent, when registering the disputed domain name, targeted the Complainant's business and its trademark MACMILLAN, with the intention to confuse Internet users and to capitalize on the fame of the Complainant's trademark for its own benefit.

The fact that there is an absence of rights or legitimate interests coupled with no credible explanation for the Respondent's choice of the disputed domain name further contributes to the finding that the disputed domain name was registered in bad faith (as stated in section 3.2.1 of the WIPO Overview 3.1).

The disputed domain name resolves to a webpage offering identical and similar publishing services to those offered by the Complainant. The Panel therefore finds that the disputed domain name is also being used in 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 <macmillanpublishers.llc> be transferred to the Complainant.

/Miguel B. O'Farrell/
Miguel B. O'Farrell
Sole Panelist
Date: August 27, 2026