

ADMINISTRATIVE PANEL DECISION

Osprey Publishing Limited v. TW Thayer, WyoGames
Case No. D2026-3114

1. The Parties

The Complainant is Osprey Publishing Limited, United Kingdom, represented by Kilburn & Strode LLP, United Kingdom.

The Respondent is TW Thayer, WyoGames, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <ospreypublishing.net> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 15, 2026. On July 16, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 17, 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 (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 21, 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 24, 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 28, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 17, 2026. The Respondent sent two email communications to the Center on August 8 and 9, 2026. On August 10, 2026, the Center sent an email regarding possible settlement. The proceeding was suspended for the Parties' settlement discussions on August 15, 2026, following the Complainant's request. On August 26, 30, and September 10, 2026, the Respondent sent

several email communications, and submitted the settlement form signed by him. On September 10, 2026, the Center sent the end of suspension reminder. On September 10, 11, and 12, 2026, the Parties sent several further communications to the Center. The Complainant requested that the proceeding be reinstituted on September 16, 2026, and the Center reinstituted the proceeding thereafter, and the new Response due date was September 22, 2026. The Respondent sent another communication on September 18, 2026. The Center informed the Parties of the commencement of panel appointment on September 28, 2026.

The Center appointed Kaya Köklü as the sole panelist in this matter on October 2, 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 military history publisher, founded in 1968. Since then, the Complainant has been trading under the brand OSPREY. Among others, the Complainant is the registered owner of the United Kingdom Trademark Registration No. UK00000924493, registered on May 2, 1968, for OSPREY, covering protection for various kinds of publications in class 16, and United States Trademark Registration No. 5706489, registered on March 26, 2019, for OSPREY, covering protection for various goods and services in classes 9, 16 and 41.

The Complainant further operates its official website at the domain name <ospreypublishing.com>.

The Respondent is reportedly located in the United States.

The disputed domain name was registered on April 17, 2023 and resolves to a WordPress sample page, inviting Internet users to get in touch regarding book recommendations.

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.

B. Respondent

The Respondent did not reply to the Complainant's contentions. Instead, the Respondent repeatedly stated that it consents to the remedy requested by the Complainant, while at the same time, explicitly stating that the consent is provided on a "without-prejudice basis for the purpose of settlement only" and "without any admission".

On August 30, 2026, the Respondent submitted a signed Standard Settlement Form to the Center. Nonetheless, the Complainant noted in an email communication to the Center on September 16, 2026, that the Parties were unable to reach an agreement without further reasoning.

In its last communication to the Center on September 18, 2026, the Respondent repeated its consent with the following declaration:

- "1. I consent to the remedy requested by the Complainant: the transfer of the domain name to the Complainant, Osprey Publishing Limited. This consent is unconditional and is given without any admission. I respectfully ask that the Panel order the transfer on the basis of this consent.
2. This restates the consent I filed with the Center on 10 September 2026, during the suspension. I also

signed the Standard Settlement Form and submitted it to the Center on 30 August 2026, which the Center acknowledged on 31 August 2026; it has not been countersigned.

3. I will cooperate promptly with the Registrar, NameCheap, Inc., to implement the transfer.

4. I certify that the information contained in this Response is, to the best of my knowledge, complete and accurate.”

6. Discussion and Findings

6.1. Respondent’s Consent to Transfer

The Panel notes that even without a settlement agreement between the Parties, a consent for the transfer of the disputed domain name by the Respondent can provide sufficient basis for an order for transfer without the need for a decision on the merits of the case. In view of WIPO Overview of WIPO Panel Views on Select UDRP Questions (“[WIPO Overview 3.1](#)”), section 4.10, a panel may “order the requested remedy solely on the basis of such consent”.

In its various email communications to the Center, the Respondent repeatedly expressed its willingness and consent to the transfer of the disputed domain name as requested by the Complainant. However, at the same time, the Respondent expressly emphasized that its consent is provided “without any admission” and on a “without-prejudice basis for the purpose of settlement only”. In doing so, the Respondent indicated that it did not necessarily accept the Complainant’s contentions and, in particular, did not acknowledge having registered or used the disputed domain name in bad faith.

In light of section 4.10 of the [WIPO Overview 3.1](#), a panel may, in its discretion, proceed with a substantive decision on the merits despite a respondent’s consent to transfer, particularly where the respondent, while consenting to the requested remedy, reserves counter arguments or disputes the complainant’s contentions.

Given that in the present case the Respondent expressly qualified its consent as being without prejudice and without any admission of bad faith, and bearing in mind that the Parties were unable to reach a settlement for unknown reasons despite the Respondent having signed a settlement form, the Panel considers it more appropriate to proceed with a decision on the merits rather than rendering a summary decision based solely on the Respondent’s consent.

6.2. Substantive Issues

According to paragraph 15(a) of the Rules, the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights; and
- (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.

It is further noted that the Panel has taken note of the [WIPO Overview 3.1](#), and, where appropriate, will decide consistently with the consensus views captured therein.

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 longstanding rights in respect of the OSPREY trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the OSPREY mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the OSPREY mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms, here "publishing" 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.

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 Complainant submitted in particular that the Respondent has not been authorized by the Complainant to register or use the disputed domain name and that the Respondent is not commonly known by the disputed domain name. In addition, the Complainant stated that the Respondent is not making any bona fide offering of goods or services under 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.

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.

In the present case, the Panel finds it implausible that the Respondent was unaware of the Complainant's OSPREY trademark when registering this disputed domain name. Bearing in mind that the disputed domain name incorporates the Complainant's OSPREY trademark in its entirety and, apart from the generic Top-Level Domain ("gTLD"), is also identical to the domain name used by the Complainant for its official website, the Panel finds it implausible that the Respondent selected the disputed domain name independently of the Complainant and its OSPREY trademark. Rather, the nature of the disputed domain name, together with the circumstances of the case, indicates that the Respondent deliberately targeted the Complainant when registering the disputed domain name.

With regard to bad faith use of the disputed domain name, the Panel notes that the disputed domain name resolves to a WordPress sample page inviting Internet users to get in touch regarding book recommendations. Such use bears no apparent relation to the disputed domain name and does not provide any plausible explanation for the Respondent's choice and use of the disputed domain name incorporating the Complainant's OSPREY trademark and which, apart from the gTLD, fully corresponds to the domain name used by the Complainant for its official website.

In the circumstances of the case, and particularly bearing in mind the Panel's finding that the Respondent registered the disputed domain name with knowledge of the Complainant and its OSPREY trademark, the Panel finds that the Respondent's use of the disputed domain name does not prevent a finding of bad faith. To the contrary, the use of the disputed domain name for a sample page with content apparently unrelated to the Complainant or its OSPREY trademark, without any plausible explanation for the Respondent's continued use of the disputed domain name that apparently targets the Complainant and its OSPREY trademark, reinforces the Panel's finding of bad faith.

Also, the Panel notes that the Respondent has expressly consented to the transfer of the disputed domain name and has not put forward any explanation for its registration or use that would support a finding of good faith. While the Respondent's consent to transfer is not per se indicative of bad faith, in the circumstances of this case it, however, provides support for the Panel's conclusion that the disputed domain name was registered and is being used in bad faith.

Consequently, 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 <ospreypublishing.net> be transferred to the Complainant.

/Kaya Köklü/

Kaya Köklü

Sole Panelist

Date: October 12, 2026