

ADMINISTRATIVE PANEL DECISION

Phonographic Digital Limited v. Surendra Nayak
Case No. D2026-3188

1. The Parties

The Complainant is Phonographic Digital Limited, India, represented by Obhan Mason, Advocates and Patent Agents, India.

The Respondent is Surendra Nayak, India.

2. The Domain Name and Registrar

The disputed domain name <phonographicdigital.com> is registered with Hostinger Operations, UAB (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 21, 2026. On July 21, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same date, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 23, 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 28, 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 29, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 18, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 21, 2026.

The Center appointed Shwetasree Majumder 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.

4. Factual Background

The Complainant is an Indian company having its registered office in Mumbai, India, incorporated under the Companies Act, 2013 in March 2017. It carries on business in music licensing, content distribution, digital rights management, and royalty administration, and states that it represents more than 1,400 member music labels and 46,000 sub-label rights holders.

The Complainant does not rely on any registered trademark. It asserts unregistered rights in the name and mark PHONOGRAPHIC DIGITAL, which it has used as its corporate and trading name since its incorporation in March 2017.

The Complainant's official website is "www.pdlindia.org".

The disputed domain name was registered on July 29, 2025. It resolves to a website which identifies itself as "Phonographic Digital Limited" and offers services relating to music distribution and promotion, and which includes an online enquiry form inviting rights holders to submit details of the content they own or control, their YouTube channel information, and the revenue generated from digital exploitation of that content. The registrant details were redacted in the publicly available registration data and were disclosed by the Registrar only in the course of these proceedings. The email address given by the Respondent in its registration data comprises "phonographicdigitalofficial".

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 it has continuously, extensively, and exclusively used the corporate and trading name Phonographic Digital Limited and the mark PHONOGRAPHIC DIGITAL since March 2017 in connection with music licensing, content distribution, digital rights management, and royalty administration, and that through such use it has acquired unregistered trademark rights and substantial goodwill in that name. The Complainant submits that the disputed domain name reproduces the distinctive element of its name in its entirety, that the omission of the corporate identifier "limited" does not dispel confusing similarity, and that the generic Top-Level Domain is disregarded.

The Complainant further contends that the Respondent does not have rights or legitimate interests in the disputed domain name, that it has never authorized the Respondent to use its name or mark, and that the Respondent is not commonly known by the disputed domain name. The Complainant submits that the website at the disputed domain name identifies itself by the Complainant's own corporate name and offers services identical to the Complainant's, which is calculated to impersonate the Complainant and cannot be a bona fide offering of goods or services.

The Complainant submits that the disputed domain name was registered and is being used in bad faith, its rights having been established more than eight years before the disputed domain name was registered. The Complainant contends that the Respondent has intentionally attempted to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's mark, and that the enquiry form on the website may induce rights holders to disclose commercially sensitive information in the mistaken belief that they are dealing with the Complainant.

B. Respondent

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

6. Discussion and Findings

The Respondent's failure to respond does not, of itself, entitle the Complainant to succeed; the Complainant must still establish each of the three elements of paragraph 4(a) of the Policy on the balance of probabilities. The Panel may, however, draw from the Respondent's default such inferences as it considers appropriate. Rules, paragraph 14(b).

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 relies not on a registered trademark but on unregistered rights said to arise from the use of its corporate and trading name. To establish unregistered trademark or service mark rights for the purposes of the Policy, a complainant must show that its mark has become a distinctive identifier which consumers associate with its goods or services; a conclusory allegation of such rights, unsupported by evidence, will not suffice. [WIPO Overview 3.1](#), section 1.3.

Two features of the Complainant's case call for closer scrutiny than the ordinary standing enquiry. The first is that the right asserted is rooted in a corporate name. Incorporation under the Companies Act, 2013 secures to the Complainant the exclusive use of that name on the register of companies, but the registration of a company name is not the registration of a trademark, and the Policy extends only to trademarks and service marks. A corporate name therefore engages the first element only to the extent that it is shown to do the work of a trademark, namely to identify the source of goods or services. The second is that the term relied upon lies close to the descriptive. "Phonographic" is the adjectival form of "phonogram", and "digital" describes the medium in which the Complainant's business is conducted. The more descriptive the term, the heavier the burden of showing that it has come to denote a single trader. [WIPO Overview 3.1](#), section 1.3.

On the record before it, the Panel is satisfied that the heavier burden is discharged. The Panel notes that the Complainant has used the name PHONOGRAPHIC DIGITAL continuously since March 2017, a period of over nine years, that it operates in the music licensing and digital rights management sector - a defined and specialized market - for a membership said to exceed 1,400 labels and 46,000 sub-label rights holders, and that its activities under that name have been the subject of industry and media references. Within that market the composite PHONOGRAPHIC DIGITAL is not merely descriptive of the services offered; it denotes the Complainant. The Panel further notes that the way the Respondent has used the disputed domain name, adopting the Complainant's corporate name and offering services corresponding to the Complainant's own, clearly targeting the Complainant's mark, itself supports the conclusion that the name has acquired significance as a source identifier; a party does not ordinarily trouble to impersonate a name that the relevant public does not recognize. [WIPO Overview 3.1](#), section 1.3. The Panel accordingly finds that the Complainant has shown unregistered rights in the mark PHONOGRAPHIC DIGITAL sufficient for the purposes of the Policy.

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

The applicable generic Top-Level Domain ".com" is viewed as a standard registration requirement and is as such disregarded under the first element confusing similarity test. [WIPO Overview 3.1](#), section 1.11.1.

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.

The Respondent is not affiliated with the Complainant and has not been authorized, licensed, or otherwise permitted to use the Complainant’s PHONOGRAPHIC DIGITAL mark. There is no evidence in the record that the Respondent has been commonly known by the disputed domain name or has acquired any trademark rights in the term “phonographicdigital”. The Respondent has used the disputed domain name to resolve a website which identifies itself by the Complainant’s own corporate name and offers services corresponding to those of the Complainant, which does not amount to a bona fide offering of goods or services, nor to legitimate noncommercial or fair use. The Panel finds that the use of the disputed domain name impersonates, or at the very least suggests sponsorship by the Complainant, and as such cannot constitute fair use. The Respondent’s conduct goes further than the assumption of the Complainant’s identity. The website solicits from rights holders the particulars of the content they own or control, their YouTube channel details, and the revenue derived from digital exploitation of that content - information of evident commercial value, volunteered only because the enquirer believes that it is dealing with the Complainant. Use of a domain name for activity of that kind, whether characterized as impersonation or as the phishing of commercially sensitive data, is manifestly illegitimate and can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

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.

In the present case, the Panel notes that the Complainant had used the name PHONOGRAPHIC DIGITAL for more than eight years before the disputed domain name was registered on July 29, 2025, and that both parties are in India. The disputed domain name reproduces the Complainant’s unregistered mark in full. The Panel further notes that the Respondent’s website identifies itself by the Complainant’s corporate name, including in the copyright notice, and offers services corresponding to the Complainant’s own, and that the email address given by the Respondent in its registration data itself incorporates the Complainant’s name together with the word “official”. In these circumstances the Panel finds that the Respondent was aware of the Complainant when registering the disputed domain name and selecting it to impersonate the Complainant. [WIPO Overview 3.1](#), section 3.2.1.

The Panel finds that by using the disputed domain name in this manner the Respondent intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of that website, within the meaning of paragraph 4(b)(iv) of the Policy. The Panel further accepts the Complainant's submission that the enquiry form on that website, which invites rights holders to disclose the volume of content they control and the revenue derived from it, is liable to induce members of the music industry to part with commercially sensitive information in the belief that they are dealing with the Complainant. Such use of a domain name to procure the disclosure of commercially valuable information by deception, if any such information has been revealed, is a species of phishing. [WIPO Overview 3.1](#), section 3.4.

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 <phonographicdigital.com> be transferred to the Complainant.

/Shwetasree Majumder/

Shwetasree Majumder

Sole Panelist

Date: September 18, 2026