

ADMINISTRATIVE PANEL DECISION

Microsoft Corporation v. Frank Yusuph, Excellence Africa Adventures
Case No. D2026-3294

1. The Parties

The Complainant is Microsoft Corporation, United States of America ("United States"), represented by Edward Nathan Sonnenbergs Inc., South Africa.

The Respondent is Frank Yusuph, Excellence Africa Adventures, United Republic of Tanzania.

2. The Domain Name and Registrar

The disputed domain name <microwindowssupport.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 24, 2026. On July 27, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 28, 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 (The RDAP server redacted the value) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 28, 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 31, 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 August 7, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 27, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 28, 2026.

The Center appointed Peter Burgstaller as the sole panelist in this matter on September 7, 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 1975, is a leading developer and provider of personal-computer software systems and applications, cloud computing services, video games and other online services, with global operations through its subsidiaries, affiliates and/or licensees (Annexes 4 and 6 to the Complaint).

The Complainant owns several trademark registrations containing and/or consisting of the marks MICROSOFT or WINDOWS, inter alia:

- International trademark registrations for MICROSOFT (word), Reg No. 1318242, registered on May 27, 2016, and Reg No. 1737949, registered on June 6, 2023, designated for several jurisdictions around the world;
- United States trademark registration for MICROSOFT (word), Reg No. 2198154, registered on October 20, 1998;
- European Union trademark registration for MICROSOFT (word), Reg No. 000330910, registered on May 7, 1999;
- International trademark registrations for WINDOWS (word), Reg No. 1135413, registered on September 5, 2012 and Reg No. 1377547, registered on June 2, 2017, designated for several jurisdictions around the world;
- European Union trademark registration for WINDOWS (word), Reg No. 000079681, registered on November 10, 1998 (Annexes 7, 8.1 and 8.2 to the Complaint).

The Complainant's main website is available under the domain name <microsoft.com>; it also runs a website under the domain name <windows.com> which redirects to the section on the website at "www.microsoft.com" that provides information regarding the Complainant's Windows line of operating systems.

The disputed domain name was registered on April 24, 2026 (Annex 1 to the Complaint). At the time of filing the Complaint the disputed domain name resolved to a website without material content but only displaying "Hmmm... can't reach this page" (Annex 9 to the Complaint). The Complainant has also provided evidence that the disputed domain name previously resolved to a fake support site prominently featuring the Complainant's trademarks.

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 its MICROSOFT and WINDOWS trademarks are well known and famous around the world. The disputed domain name comprises of the words "micro" (clearly in reference to MICROSOFT) and "windows", which exacerbates the reference to the Complainant, its offerings, and its registered trademarks. Thus, the Complainant alleges that it cannot be questioned that the disputed domain

name <microwindowsupport.com> is confusingly similar to the MICROSOFT and WINDOWS trademark registrations of the Complainant. The addition of merely generic, descriptive, or geographical wording to a trademark in a domain name (here: support) would normally be insufficient in itself to avoid a finding of confusing similarity under the first element under the Policy.

The Complainant submits that especially because of the fame of the Complainant and its trademark it is inconceivable that the Respondent would not have been aware of the Complainant's trademarks when registering the disputed domain name, and that there is no evidence of any actual or contemplated good faith use by the Respondent for the disputed domain name. Further, the Respondent is not commonly known by the disputed domain name and the Complainant has never licensed, or in any way authorized the Respondent to use the MICROSOFT or WINDOWS trademark in any manner.

Finally, the Complainant notes that at the time of filing the Complaint the disputed domain name was not linked to an active website and is therefore not used for a bona fide offering of goods or services. However, the passive holding of a domain name does not prevent a finding of bad faith.

Notwithstanding this, the Complainant asserts that before filing the Complaint Internet users who visited the website found at the disputed domain name encountered a fake support site prominently featuring the Complainant's trademarks. It is therefore evident from the Respondent's prior use of the disputed domain name that the Respondent registered and used the disputed domain name with the intention to attract, for commercial gain, Internet users to the website by creating a likelihood of confusion with the Complainant's registered MICROSOFT and/or WINDOWS trademark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location, which constitutes registration and use in bad faith.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, the Complainant must prove that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant have rights;
- (ii) the Respondent has no rights or legitimate interests with respect to the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

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.

Based on the available record, the Panel finds the Complainant has shown rights in respect of the marks MICROSOFT and WINDOWS for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

In the present case, the disputed domain name is confusingly similar to these marks in which the Complainant has rights since it partly reproduces the Complainant's MICROSOFT mark, and reproduces, in its entirety, the WINDOWS mark; the added term "upport", does not prevent a finding of confusing similarity since the trademarks MICROSOFT WINDOWS are recognizable within the disputed domain name. [WIPO Overview 3.1](#), section 1.8.

Finally, it has also long been held that generic Top-Level Domains (“gTLDs”) (in this case “.com”) are generally disregarded when evaluating the confusing similarity of a disputed domain name.

[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 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 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 has asserted, uncontested, that it has not licensed or otherwise permitted the Respondent to use any of its trademarks or to register a domain name incorporating its MICROSOFT and/or WINDOWS trademarks. The Complainant also provided evidence that the disputed domain name is not being used at the time of filing the Complaint, and that it was previously used for a fake support site prominently featuring the Complainant’s trademark. Such conduct constitutes impersonation of, or passing off as, the Complainant rather than a bona fide offering of goods or services, and as such precludes any finding of rights or legitimate interests on the part of the Respondent. [WIPO Overview 3.1](#), section 2.13.1.

The nature of the disputed domain name, comprising, in a combined manner, a part of the Complainant’s MICROSOFT mark, and fully the Complainant’s WINDOWS mark, together with the term “upport” which, placed nearby the WINDOWS mark, reads “support” , cannot support a finding of rights or legitimate interests, as these, in the Panel’s view, signal the Respondent’s intention to confuse users seeking or expecting the Complainant.

The Respondent did not reply to the Complainant’s contentions and hence has not rebutted the Complainant’s prima facie showing.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

As stated in paragraph 4(a)(iii) of the Policy, the Complainant must show registration and use of the disputed domain name in bad faith. These are concurrent requirements.

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 Complainant has rights and is the owner of the globally well-known marks MICROSOFT and WINDOWS, which are registered and used in many jurisdictions around the world long before the registration of the disputed domain name. Moreover, the Complainant registered and is using numerous domain names containing the marks MICROSOFT and WINDOWS to host its company websites.

It is inconceivable for this Panel that the Respondent registered the disputed domain name without knowledge of the Complainant's rights, which leads to the necessary inference of bad faith. This finding is supported by the fact that the disputed domain name incorporates in fact two distinctive trademarks of the Complainant, namely MICROSOFT (partly incorporated) and WINDOWS (incorporated in its entirety), which even strengthens the Panel's finding that the Respondent must have been aware of the Complainant, its marks and company when registering the disputed domain name.

Therefore, the Panel is convinced that the disputed domain name was registered in bad faith by the Respondent.

Although there is no evidence that at the time of filing the Complaint the disputed domain name is being actively used or resolved to a website with substantive content, UDRP panels have found that the non-use of a domain name (including a blank or "coming soon" or "parking" page) would not prevent a finding of bad faith under the doctrine of passive holding.

Having reviewed the available record, the Panel finds the non-use of the disputed domain name at the time of filing the Complaint does not prevent a finding of bad faith in the circumstances of these proceedings. Although panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the implausibility of any good faith use to which the disputed domain name may be put, and (iii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, [WIPO Overview 3.1](#), section 3.3.

On the basis of the evidence and documents put forward in the Complaint the Complainant has a strong online presence worldwide, its trademarks MICROSOFT and WINDOWS are famous and globally well-known, and the Respondent did not submit a Response. Moreover the composition of the disputed domain name (a combination of two famous trademarks of the Complainant) supports the finding that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

The Panel further notes that the disputed domain name was previously used for a fake support website prominently featuring the Complainant's trademark. Such use supports a finding that the Respondent registered and used the disputed domain name with the intent to impersonate, or pass itself off as, the Complainant, and therefore 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 <microwindowssupport.com> be transferred to the Complainant.

/Peter Burgstaller/

Peter Burgstaller

Sole Panelist

Date: September 21, 2026