ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Hamish Ogston v. Dimos Constantinou
Case No. D2026-3429

1. The Parties

The Complainant is Hamish Ogston, United Kingdom, represented by Kingsley Napley LLP, United Kingdom.

The Respondent is Dimos Constantinou, Belize.

2. The Domain Name and Registrar

The disputed domain name <hamishogstonfoundation.org> is registered with Gandi SAS (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 3, 2026. On August 4, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 5, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 7, 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 August 12, 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 September 9, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 29, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 3, 2026.

The Center appointed Rebecca Slater as the sole panelist in this matter on October 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 is an individual located in the United Kingdom. The Complainant is an entrepreneur and philanthropist who supports initiatives in health, heritage, restoration and music. He was appointed a CBE in 2011 for services to business and the community in York, United Kingdom. The Complainant states that over the past decade he has donated more than GBP 50 million to charitable causes.

In October 2019, the Complainant set up the Hamish Ogston Foundation ("Foundation") to carry out his philanthropic activity. On December 11, 2023, the Foundation changed its name to The Vinehill Trust.

The Complainant claims unregistered or common law trade mark rights in his personal name "Hamish Ogston", including through its use in "Hamish Ogston Foundation" to identify his philanthropic activities.

The Respondent is an individual apparently located in Belize. The Respondent did not submit a response, and consequently little information is known about the Respondent.

According to the Complaint, the disputed domain name was previously registered by the Foundation and used to promote the philanthropic activities of the Complainant and the Foundation. After its change of name, the Foundation stopped using the disputed domain name.

The disputed domain name was registered on June 27, 2018. The Complainant contends that the Respondent acquired the disputed domain name around November 2025.

At the time of the Complaint, the disputed domain name resolved to a website that carried content previously hosted by the Foundation. This included reports on the Complainant's philanthropic activities, a link to the Complainant's LinkedIn profile and links to blog articles written by the Complainant. The website also contained links to various casino and gambling websites. The disputed domain name does not currently resolve to an active website.

5. Parties' Contentions

A. Complainant

The Complainant contends that he 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 identical or confusingly similar to a name in which he has rights.
- The Complainant claims unregistered or common law trade mark rights in his personal name "Hamish Ogston", which is a distinctive identifier of his philanthropic work. He has developed sufficient goodwill in that name with the public and relies on evidence of his public recognition and charitable donations.
- The disputed domain name wholly incorporates the Complainant's personal name and is identical to the former name of the Foundation. The addition of "foundation" reinforces, rather than prevents, an association with the Complainant. Given the website's content about the Complainant, Internet users are likely to believe the website is operated by, or associated with, the Complainant.
- The Respondent has no rights or legitimate interests in the disputed domain name.

- The Complainant has never authorized the Respondent to use his name.
- There is no evidence that the Respondent is commonly known by the disputed domain name or holds any corresponding trade mark rights.
- The Respondent is instead using the Complainant's goodwill to promote unconnected third-party gambling websites. This is not a bona fide offering of goods or services or a legitimate noncommercial or fair use. This use is also likely to tarnish the Complainant's reputation, which rests on his philanthropy.
- The disputed domain name was registered and is being used in bad faith.
- The Respondent acquired the disputed domain name shortly after the Foundation stopped using it. The Respondent retained content referring to the Complainant, including links to the Complainant's LinkedIn profile and blog articles and added gambling links. This shows that the Respondent knew of and targeted the Complainant. It also shows an intentional attempt to attract Internet users for commercial gain by creating a likelihood of confusion as to source, sponsorship, affiliation or endorsement.
- This is a clear case of cybersquatting that is highly damaging to the Complainant's reputation.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

1. the disputed domain name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights;
2. the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
3. the disputed domain name has been registered and is being used in bad faith.

The onus of proving these elements is on the Complainant.

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 trade mark and the disputed domain name. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 1.7.

The Complainant does not rely on any registered trade mark. Instead, he claims unregistered or common law trade mark rights in his personal name "Hamish Ogston".

The Policy does not explicitly give standing for personal names that are not registered or otherwise protected as trade marks. Where a personal name is used as a source identifier in trade or commerce, the complainant may be able to establish unregistered rights in it. Merely having a famous name, or making broad unsupported assertions about use of the name in trade or commerce, will not usually be enough. WIPO Overview 3.1, sections 1.3 and 1.5.2. The complainant must show that the name has become a distinctive identifier associated with the complainant or its goods or services. Relevant evidence includes the length and amount of sales, the nature and extent of advertising, and media recognition. See *Adam Anschel v. Domains By Proxy, LLC / Tzvi Milshtein*, WIPO Case No. D2015-1570.

The distinction is well explained in *Philippe Pierre Dauman v. Dinner Business*, WIPO Case No. D2013-1255. The panel there noted that the decisions finding rights in personal names, including *Julia Fiona Roberts v. Russell Boyd*, WIPO Case No. D2000-0210, rested on use of the name as an identifier of goods or services, not on fame alone. An actor, author, performer or sports star whose livelihood turns on personal recognition will meet this criterion "almost by definition".

By contrast, panels have declined to find rights where the complainant's prominence is personal rather than source-identifying. For example, in the Philippe Pierre Dauman decision referred to above, the complainant was the chief executive of a major media company. He held numerous corporate directorships and philanthropic or community positions and had been the subject of hundreds of articles. The panel held that his fame was not by itself enough, because he did not allege use of his name as the identifier of any particular goods or services.

The Panel accepts that the Complainant is a notable philanthropist. However, the evidence provided to support this concerns the Complainant's personal reputation and public standing. It does not show use of "Hamish Ogston" as an identifier of goods or services offered under that name. The record contains no evidence of sales, advertising, or other trade under the name "Hamish Ogston".

The previous existence of the Foundation also does not assist the Complainant. The previous use of "Hamish Ogston Foundation" does not, on the present record, establish rights for the purposes of the first element of the Policy. The Complainant has not provided evidence of prior use of "Hamish Ogston Foundation" as an identifier of goods or services, and currently the Foundation operates under the name "The Vinehill Trust". Nor has the Complainant established a basis upon which he would personally have rights in such, if evidence of a source-identifying nature had been provided.

The Complainant also points to the composition of the disputed domain name and the Respondent's targeting use of the disputed domain name to support its claims of unregistered rights. However, this alone is insufficient to overcome the lack of specific evidence of use of the Complainant's name as a distinctive source identifier. WIPO Overview 3.1, section 1.5.

The Panel finds the first element of the Policy has not been established. It is therefore unnecessary for the Panel to consider the second and third elements.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Rebecca Slater/
Rebecca Slater
Sole Panelist
Date: October 18, 2026