

ADMINISTRATIVE PANEL DECISION

Naim Audio Limited v. Adrian Collins
Case No. D2026-3611

1. The Parties

The Complainant is Naim Audio Limited, United Kingdom, represented by IP Twins SAS, France.

The Respondent is Adrian Collins, United States of America.

2. The Domain Name and Registrar

The disputed domain name <naimaudiouk.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 13, 2026. On August 13, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 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 (Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 14, 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 the same date.

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 August 17, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 6, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 7, 2026.

The Center appointed Ganna Prokhorova as the sole panelist in this matter on September 8, 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 British manufacturer of high-fidelity audio equipment, established in 1973 and operating in the United Kingdom. The Complainant's product range includes various components of high-fidelity and audiovisual systems, including CD players, amplifiers, power supplies, speakers, digital-to-analog converters, network players and cables. The Complainant's products are also incorporated into luxury vehicles, including Bentley and Mulliner vehicles, as well as vehicles produced by the Chinese premium electric mobility brand Zeekr, and are used aboard Princess Yachts.

The Complainant is the owner of numerous trademark registrations incorporating the mark NAIM AUDIO, including, inter alia:

- International Trademark Registration NAIM AUDIO (word), No. 758454, registered on May 17, 2001, in class 9;
- United Kingdom Trademark Registration NAIM AUDIO (figurative), No. UK00900344903, registered on September 24, 1998, in classes 9, 16 and 42; and
- European Union Trademark Registration NAIM AUDIO (figurative), No. 000344903, registered on September 24, 1998, in classes 9, 16 and 42.

The Complainant has also operated the domain name <naimaudio.com> registered in 2002.

The disputed domain name was registered on June 30, 2026. The disputed domain name has been used in connection with email communications impersonating the Complainant and defrauding the Complainant's partners and distributors into updating banking details for the payment of invoices. The disputed domain name does not currently resolve to an active website.

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:

The disputed domain name is confusingly similar to the Complainant's trademark, since it incorporates the NAIM AUDIO mark in its entirety, and the addition of the descriptive term "uk" does not prevent a finding of confusing similarity. The geographical term "uk" merely describes the location, reinforcing the association the Complainant who is based in and operates from the United Kingdom. The generic Top-Level Domain ("gTLD") ".com" is not significant in determining the first element confusing similarity test.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent has no license or authorization to use the NAIM AUDIO mark, and is not commonly known by the disputed domain name. The disputed domain name reproduces the Complainant's registered trademarks, which is strong evidence of the lack of rights or legitimate interest. The disputed domain name has been used in connection with email communications impersonating the Complainant and seeking to

induce the Complainant's partners and distributors to amend bank details for the payment of invoices. Such use does not constitute a bona fide offering of goods or services and does not give rise to any rights or legitimate interests in the disputed domain name.

The disputed domain name was registered and is being used in bad faith. The disputed domain name was registered on June 30, 2026. Registering the disputed domain name so obviously connected to a well-known mark without authorization is itself evidence of bad faith. The Respondent used the disputed domain name in connection with fraudulent emails directed at the Complainant's partners and distributors, creating a likelihood of confusion as to the source, affiliation, or endorsement of those communications. Furthermore, the Respondent used a privacy protection service to conceal its identity. Such conduct further reinforces a finding bad faith.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules provides that the Panel is to decide the Complaint on the basis of the statements and documents submitted in accordance with the Policy, the Rules, and any rules and principles of law that it deems applicable.

The onus is on the Complainant to make out its case and it is apparent, both from the terms of the Policy and the decisions of past UDRP panels, that the Complainant must show that all three elements set out in paragraph 4(a) of the Policy have been established before any order can be made to transfer the disputed domain name. In UDRP cases, the standard of proof is the balance of probabilities.

To succeed in a UDRP complaint, the Complainant has to demonstrate that all the elements listed in paragraph 4(a) of the Policy have been satisfied, namely:

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

The Respondent was given proper notice of the Complaint and had the opportunity to respond. Under paragraph 5(a) of the Rules, the Respondent was required to submit its response within 20 days of commencement of the proceeding. The Respondent failed to do so.

Pursuant to paragraph 5(f) of the Rules, in the event of such a default, the Panel shall proceed to a decision based on the Complaint. However, the Respondent's default does not mean that the Complainant automatically prevails; the Complainant continues to bear the burden of proof on each element. The Panel may draw appropriate inferences from the Respondent's silence, and, where appropriate, accept as true the reasonable allegations in the Complaint that are not contradicted by evidence.

The Panel has reviewed the entire case file and the evidence provided. The Panel is also guided, where pertinent, by the WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), which reflects consensus positions of UDRP panels on many common issues. The Panel will make reference to these consensus views in the analysis below as applicable.

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 mark and the disputed domain name. [WIPO Overview 3.1](#), section 1.7.

Based on the evidence submitted by the Complainant, the Panel finds that the Complainant has shown rights in respect of its NAIM AUDIO mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The Panel finds that the Complainant's mark is recognizable within the disputed domain name. The disputed domain name incorporates the Complainant's NAIM AUDIO mark in its entirety, with the addition of the geographical term "uk". In accordance with [WIPO Overview 3.1](#), section 1.8, addition of other terms, whether descriptive, geographical, pejorative, meaningless, or otherwise, do not prevent a finding of confusing similarity under the first element, as the Complainant's mark remains clearly recognizable within the disputed domain name.

The Panel further notes that the gTLD ".com" is required only for technical reasons and is generally disregarded for the purposes of comparison of the Complainant's mark to the disputed domain name. [WIPO Overview 3.1](#), section 1.11.1.

Accordingly, the Panel concludes that the disputed domain name is confusingly similar to the Complainant's mark and that the first element of paragraph 4(a) of the Policy is satisfied.

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 that the Complainant has made a prima facie showing that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not filed a Response and therefore has not rebutted the Complainant's case or provided any evidence demonstrating rights or legitimate interests under the Policy or otherwise.

The evidence shows that the Respondent is not making any bona fide offering of goods or services through the disputed domain name, but instead has used it in connection with email communications impersonating the Complainant, seeking to induce the Complainant's partners and distributors to amend bank details for the payment of invoices. Such use demonstrates that the Respondent lacks any rights or legitimate interests in the disputed domain name and is exploiting it for deceptive and fraudulent purposes rather than any legitimate business activity. Panels have consistently held that the use of a domain name for illegitimate activity can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

The Complainant has established rights in the NAIM AUDIO trademark and confirms that it has no business or other relationship with the Respondent. The Complainant has not authorized, licensed, or otherwise permitted the Respondent to use its mark. The disputed domain name reproduces the Complainant's registered NAIM AUDIO trademark in its entirety, and thus, carry a risk of implied affiliation with the

Complainant which prevents a finding of rights legitimate interests in the disputed domain name on behalf of the Respondent. The Respondent's use of the disputed domain name is inherently misleading as to the source and affiliation of email communications. Furthermore, there is nothing in the record to suggest that the Respondent is commonly known by the disputed domain name or any corresponding name.

Because the Respondent has chosen not to participate in these proceedings, it has failed to rebut the Complainant's prima facie showing.

In view of the above, the Panel concludes that the Respondent has no rights or legitimate interests in the disputed domain name. Accordingly, the Complainant has satisfied the requirement of paragraph 4(a)(ii) of the Policy.

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 finds that the Respondent both registered and is using the disputed domain name in bad faith under paragraph 4(b) of the Policy.

The Complainant is a British manufacturer of high-fidelity audio equipment based in the United Kingdom. It operates under and is widely known by the NAIM AUDIO name and mark, which it uses in connection with its high-fidelity and audiovisual systems, including their incorporation into luxury vehicles.

Given the Complainant's international reputation and the distinctive nature of its NAIM AUDIO mark, the Panel finds it implausible that the Respondent was unaware of the Complainant's rights when registering the disputed domain name. The disputed domain name incorporates the Complainant's NAIM AUDIO mark in its entirety, with the addition of the term "uk". As the Complainant is based in and operates from the United Kingdom, the addition of this term further indicates deliberate targeting of the Complainant and reinforces the impression of an association with it. See [WIPO Overview 3.1](#), section 3.2.1.

This finding is further supported by the Respondent's actual use of the disputed domain name. The disputed domain name has been used for email communications impersonating the Complainant, reproducing the Complainant's NAIM AUDIO mark, and seeking to induce the Complainant's partners and distributors to update banking details for the payment of invoices. Such conduct demonstrates an intent to exploit the Complainant's reputation and the trust of its business partners for fraudulent purposes and falls squarely within paragraph 4(b)(iv) of the Policy.

The fact that the disputed domain name does not currently resolve to an active website does not alter this conclusion. Its use for fraudulent email communications is sufficient in the circumstances to demonstrate bad-faith use.

The Respondent has not provided any explanation for its selection and use of the disputed domain name, is not commonly known by it, and has not been authorized, licensed, or otherwise permitted by the Complainant to use its mark. The absence of any Response further strengthens the inference of bad faith. See [WIPO Overview 3.1](#), section 4.3.

The Panel further notes that the Respondent used a privacy service in connection with the registration of the disputed domain name. While the use of a privacy service is not in itself indicative of bad faith, in the circumstances of this case, taken together with the Respondent's use of the disputed domain name for email communications impersonating the Complainant and defrauding its partners and distributors into updating banking details for the payment of invoices, these circumstances constitute additional factors supporting the Panel's finding of bad faith. See [WIPO Overview 3.1](#), section 3.6.

Considering the totality of the circumstances, including the Complainant's established trademark rights, the Respondent's deceptive use of the disputed domain name, and the clear absence of any rights or legitimate interests, the Panel concludes that the disputed domain name was registered and is being used in bad faith under paragraph 4(a)(iii) of the Policy.

Accordingly, the third element of paragraph 4(a) of the Policy has been established.

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 <naimaudiouk.com> be transferred to the Complainant.

/Ganna Prokhorova/

Ganna Prokhorova

Sole Panelist

Date: September 15, 2026