

ADMINISTRATIVE PANEL DECISION

Breedon Group plc v. max sh
Case No. D2026-3778

1. The Parties

The Complainant is Breedon Group plc, United Kingdom, represented by Safenames Ltd, United Kingdom.

The Respondent is max sh, United States of America (or “United States”).

2. The Domain Name and Registrar

The disputed domain name <breedongroup.mom> is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 24, 2026. On August 25, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 25, 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, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 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 amended Complaint on August 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 September 1, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 21, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 22, 2026.

The Center appointed Uwa Ohiku as the sole panelist in this matter on September 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 international construction materials group with operations in the United Kingdom of Great Britain, Ireland and the United States of America. It was founded in 2010 and is currently listed on the London Stock Exchange.

The Complainant is the owner of the following BREEDON trademarks amongst others: United Kingdom trademark registration No. UK00003558021, registered on April 23, 2021; and European Union trademark registration No. 018341835, registered on May 22, 2021. The Complainant also owns the domain name <breedongroup.com> which hosts its main website.

The disputed domain name was registered on May 22, 2026, and does not resolve to an active website. The Complaint contains evidence that the disputed domain name resolved to a copycat website, impersonating the Complainant.

The Respondent appears to be an individual located in the United States.

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 amongst several other contentions, that:

- It (together with its affiliates, subsidiaries and associated companies) has owned and used the BREEDON trademark which it registered in the United Kingdom and other jurisdictions; that the disputed domain name is confusingly similar to the BREEDON mark, which is reproduced in its entirety, and recognizable in the disputed domain name; and that the addition of the term "group" to the disputed domain name reinforces, rather than reduce the connection of the disputed domain name to the Complainant.
- The Respondent does not hold any rights or legitimate interests in the disputed domain name; that the Respondent has not been licensed by the Complainant to use any domain name featuring the BREEDON trademark; that the Respondent is not known or has ever been known as BREEDON or "Breedon Group"; that the BREEDON trademark is distinctive and not used in commerce other than by the Complainant; that there is no plausible reason for the registration of the disputed domain name other than to take advantage of the goodwill and valuable reputation attached to the BREEDON brand; and that none of the circumstances stipulated by paragraph 4(c) of the Policy by which a respondent may demonstrate a right or legitimate interest in a domain name applies in this case.
- The disputed domain name was registered and is being used in bad faith by the Respondent in accordance with paragraph 4(a)(iii) of the Policy; that the Complainant's mark BREEDON predates the disputed domain name and has gained substantial reputation; that the mere registration of a domain name that is identical or confusingly similar to a famous or widely known trademark by an unaffiliated entity can itself create the presumption of bad faith; that the addition of the term "group" to the disputed domain name shows that the Respondent was aware of the Complainant before the disputed domain name was registered and deliberately targeted the Complainant; that the manner of use of the disputed domain name by the Respondent prior to the filing of the Complaint shows bad faith and an intentional attempt to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product or service on the Respondent's website or location, all acts falling particularly within paragraph 4(b)(iv) of the Policy; and that the inactive status of the disputed domain name

does not prevent a finding of bad faith, taking the circumstances of the case into consideration.

The Complainant supports its contentions with copious evidence comprising several annexures and references to previous UDRP panel decisions, including references to applicable provisions of the Rules, the Policy and the WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), respectively.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The first element functions as a standing requirement, and 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 rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the mark is reproduced and recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7. Further, the addition of the term "group" to the disputed domain name does not prevent the 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 generic Top-Level-Domain ".mom" is also disregarded in determining confusing similarity, as it is a standard registration requirement.

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.

Whilst the complainant always bears the overall burden of proof in UDRP proceedings, Panels recognize that proving that a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", which requires information that is often primarily within the knowledge or control of the respondent. Thus, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden shifts to the respondent, who must then come forward to demonstrate that it has rights or legitimate interests in the domain name. If the respondent fails to do so, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.1](#), section 2.1.

Having reviewed the available record, the contentions made by the Complainant, the annexures appended to the Complaint, and the overall preponderance of evidence, 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 or come forward to demonstrate that it has rights or legitimate interests in the disputed domain name, such as those enumerated in the Policy or otherwise.

Panels have held that the use of a domain name for illegitimate activity, as applicable to this case: impersonation, passing off, copycat sites, or other types of fraud, 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

Paragraph 4(b) of the Policy sets out a list of circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may also 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 notes that the configuration of the disputed domain name clearly establishes foreknowledge of the Complainant on the part of the Respondent at the time the disputed domain name was registered and that the Respondent registered the disputed domain name in bad faith. As for bad faith use, the Panel further notes that the use of the disputed domain name (impersonating the Complainant via a copycat website with the Complainant's name, logo and exact-match website imagery, directly copying the layout of the Complainant's official website, etc.) was misleading and gave the false impression of an affiliation with, or endorsement by the Complainant. These acts, in the Panel's view, fall within Paragraph 4(b)(iv) of the Policy, constituting an intentional attempt on the part of the Respondent, 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 the Respondent's website or location or of a product or service on the Respondent's website or location.

Panels have held that the use of a domain name for illegitimate activity, here, claimed: impersonation, passing off, copycat sites, or other types of fraud, constitutes bad faith. [WIPO Overview 3.1](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The disputed domain name is presently inactive. Panels have however found that the non-use of a domain name, including an inactive page, as in this case, does not by itself prevent the finding of bad faith under the doctrine of passive holding, but the totality of the circumstances in each case is considered in determining whether the registration and non-use of a domain name constitute bad faith for purposes of the Policy. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademark, the previous use of the disputed domain name to pass itself for the Complainant, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent the finding of bad faith under the Policy.

The Panel finds that the Complainant has established the third element of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraph 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <breedongroup.mom> be transferred to the Complainant.

/Uwa Ohiku/

Uwa Ohiku

Sole Panelist

Date: September 28, 2026