

ADMINISTRATIVE PANEL DECISION

Stark Future S.L. v. Thomas Burgess, Jay Morley, Jay Morley
Case No. D2026-3993

1. The Parties

The Complainant is Stark Future S.L., Spain, internally represented.

The Respondents are Thomas Burgess, United States of America ("United States"), and Jay Morley, Jay Morley, United States.

2. The Domain Names and Registrars

The disputed domain name <starkfutures.com> is registered with Mat Bao Corporation. The disputed domain name <starkfutureus.com> is registered with NameSilo, LLC.

The disputed domain names are further collectively referred to as the "Disputed Domain Names" and Mat Bao Corporation and NameSilo, LLC are further collectively referred to as the "Registrars".

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 5, 2026. On September 7, 2026, the Center transmitted by email to the Registrars a request for registrar verification in connection with the Disputed Domain Names. On September 7, 2026, and September 9, 2026, the Registrars transmitted by email to the Center its verification response disclosing registrant and contact information for the Disputed Domain Names which differed from the named Respondent (Burgess Thomas and Domain Admin) and contact information in the Complaint.

The Center sent an email communication to the Complainant on September 9, 2026, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaints for the Disputed Domain Names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on September 14, 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 16, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 6, 2026. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on October 7, 2026.

The Center appointed Marilena Comanescu as the sole panelist in this matter on October 9, 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 2020, is a Spanish company which designs and manufactures electric off-road motorcycles. The Complainant sells its products through a network of authorised dealers in Europe, North America, Australia and other markets, as well as directly through its official website at the domain name <starkfuture.com>, registered on June 8, 2021.

The Complainant's motorcycles are sold in the United States exclusively through its authorised dealer network and its official website. The Complainant has no affiliate, licensee or distributor trading as "Stark Future USA".

The Complainant holds trademark rights for or including STARK FUTURE, such as the following:

- the European Union Trademark Registration number 018664812 for STARK FUTURE (word) filed on March 1, 2022, registered on July 28, 2022, covering services in International Class 35; and
- the International Trademark Registration number 1674460 for STARK FUTURE (word), registered on June 14, 2022, designating numerous jurisdictions worldwide and covering services in International Class 35.

The Disputed Domain Names were registered by individuals apparently located in the United States as follows: <starkfutures.com> on April 4, 2026, and <starkfutureus.com> on August 4, 2026.

At the time of filing the Complaint, the Disputed Domain Names were used in relation to commercial websites, titled "Stark Future USA", respectively "Stark Future", prominently displaying the STARK FUTURE trademark, copyrighted images of the Complainant's products and their description, and promoting for sale the Complainant's products substantially below the recommended retail price. Neither website under the Disputed Domain Names contains a disclaimer, nor identifies its operator and its relationship with the Complainant.

The Complainant identified a number of at least six domain names, along with the Disputed Domain Names, that were registered between 2025-2026 and were used to impersonate the Complainant. Following the Complainant's notices to the corresponding registrars and hosting providers, most of such domain names were taken down or suspended, except for the Disputed Domain Names.

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 Names.

Notably, the Complainant contends that:

- the STARK FUTURE mark enjoys substantial goodwill and reputation among motorcycle enthusiasts having received extensive press coverage in the specialist and general press since 2021. The Complainant's motorcycles are used in national and international motocross, enduro and supermoto competition;
- the Disputed Domain Names are confusingly similar to the STARK FUTURE mark since they incorporate it in its entirety, with the addition of one single letter "s" - a classic typosquatting variations, respectively the addition of the letters "us" - a common abbreviation for the United States which reinforces the impression that the Disputed Domain Name <starkfutureus.com> is the Complainant's official United States website;
- the Respondents have no rights or legitimate interests in the Disputed Domain Names mainly because: (i) the Respondents are not licensees of the Complainant, are not authorised dealers, have never been authorised to use the STARK FUTURE mark or to register any domain name incorporating it, and have no business relationship of any kind with the Complainant; (ii) there is no evidence that the Respondents are commonly known by the Disputed Domain Names; (iii) the Disputed Domain Names are used in connection to websites purporting to sell the Complainant's motorcycles, which the Respondents do not possess and cannot supply, using the Complainant's copyright photographs and product descriptions, at prices designed to attract victims, with payment demanded in cryptocurrency to an address disclosed only after ordering. Panels have consistently held that use of a domain name for fraudulent or deceptive purposes, including the operation of a fake online shop impersonating the trademark owner, can never confer rights or legitimate interests;
- the Respondents registered and are using the Disputed Domain Names in bad faith mainly because: (i) the composition of the Disputed Domain Names; (ii) the Complainant's trademark predates the registration of the Disputed Domain Names by approximately four years; (iii) the Complainant's product promoted on the websites under the Disputed Domain Names had been the subject of extensive worldwide media coverage and international racing success; (iv) by using the Disputed Domain Names to operate websites that impersonate the Complainant and purport to sell the Complainant's motorcycles, the Respondents have intentionally attempted to attract, for commercial gain, Internet users to their websites by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation or endorsement of the websites and of the products offered on them; (v) the Disputed Domain Names were used for illegal activities, the corresponding websites being fraudulent storefronts used to collect payment in cryptocurrency and by wire for motorcycles that the Respondents do not have and cannot deliver; (vi) the Disputed Domain Names are the latest of at least six domain names incorporating the Complainant's marks registered in 2025 and 2026 and used for the same fraudulent storefront, and this is a pattern of registering domain names to prevent the Complainant from reflecting its mark and, more importantly, of serially targeting a single brand owner, the Complainant; and (vii) the Respondents used privacy services and provided inaccurate contact details in the WhoIs.

B. Respondents

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

6. Discussion and Findings

6.1. Preliminary Procedural Issue: Consolidation of Multiple Respondents

The Complaint was filed in relation to nominally different Disputed Domain Name registrants. The Complainant alleges that the Disputed Domain Name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the disputes against the multiple Disputed Domain Name registrants pursuant to paragraph 10(e) of the Rules.

The Disputed Domain Name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the Disputed Domain Names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.11.2.

As regards common control, the Panel notes that the Disputed Domain Names: (i) were created in a similar manner, namely fully incorporating the Complainant's trademark STARK FUTURE, with a minor alteration at the end (one, respectively two letters added) and in the ".com" generic Top-Level Domain; (ii) are used in a very similar manner, to impersonate the Complainant by displaying its trademark, copyrighted images and purporting to sell the Complainant's products at discounted prices; (iii) are registered within a short timeframe of four months; and (iv) the Respondents have not objected to the consolidation claims made by the Complainant despite the notification of the Complaint sent by the Center to them.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different Disputed Domain Name registrants (referred to below as "the Respondent") in a single proceeding.

6.2. Substantive Issue: Three Elements

Under the Policy, the Complainant is required to prove on the balance of probabilities that:

- (i) the Disputed Domain Names are 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 the Disputed Domain Names; and
- (iii) the Disputed Domain Names have been registered and are 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 Names. [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 Panel finds the mark is recognizable within the Disputed Domain Names. Accordingly, the Disputed Domain Names are both confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

While the addition of other terms, here "s" and "us", may bear on assessment of the second and third elements, the Panel finds the addition of such elements does not prevent a finding of confusing similarity between the Disputed Domain Names and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

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 Names. 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 Names such as those enumerated in the Policy or otherwise.

According to the evidence, the Respondent has used the Disputed Domain Names in connection with websites promoting goods identical to those of the Complainant, displaying the Complainant’s trademark and copyrighted product images, presenting itself as being “Stark Future”, without providing any disclaimer regarding the relationship (in fact the lack thereof) between the Respondent and the Complainant. UDRP panels have held that the use of a domain name for illegitimate activity (such as claimed impersonation/passing off, 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 also notes that the composition of the Disputed Domain Names itself carries a risk of implied affiliation given that the Complainant’s trademark has been reproduced in the Disputed Domain Names slightly altered, namely with an additional final letter “s” or with an additional term, “us”, the abbreviation for the United States which falsely may suggest that the respective website is the Complainant’s official United States web address.

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 Disputed Domain Names were registered in bad faith, with knowledge of the Complainant, its trademark and products, particularly because the Disputed Domain Names incorporate the Complainant’s trademark with a minor alteration or a geographical term and is highly similar to the Complainant’s domain name. The Complainant’s trademark predates the registration of the Disputed Domain Names by approximately four years. Further, the use of the Disputed Domain Names reinforces such finding.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may 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.

Paragraph 4(b)(iv) of the Policy provides that the use of a domain name to intentionally attempt “to attract, for commercial gain, Internet users to [the respondent’s] 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” is evidence of registration and use in bad faith.

By creating a website using the Complainant’s mark, displaying the STARK FUTURE trademark, copyrighted photographs, product depictions, offering identical goods to those offered by the Complainant, presenting itself as “Stark Future”, in this Panel’s view, the Respondent intentionally sought to attract Internet users accessing the websites at the Disputed Domain Names who may be confused and believe that the websites are held, controlled by, or somehow affiliated or related to the Complainant, for its commercial gain.

The use of a domain name for illegal activity such as claimed impersonation/passing off, fraud, can never confer rights or legitimate interests on a respondent and it is considered evidence of bad faith. [WIPO Overview 3.1](#), section 3.4.

The Panel therefore 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 Names, <starkfutures.com> and <starkfutureus.com>, be transferred to the Complainant.

/Marilena Comanescu/

Marilena Comanescu

Sole Panelist

Date: October 19, 2026