ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Stark Future S.L. v. Gavin Bruce, Thomas Malcom, everything woodpellets
Case No. D2026-3994

1. The Parties

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

The Respondents are Gavin Bruce, United States of America ("United States") (the "First Respondent"), Thomas Malcom, Denmark (the "Second Respondent"), and everything woodpellets, Cameroon (the "Third Respondent").

2. The Domain Names and Registrars

The disputed domain name <starkfuture-usa.com> (the "First disputed domain name") is registered with Web Commerce Communications Limited dba WebNic.cc.

The disputed domain name <starkfutures-usa.com> (the "Second disputed domain name") is registered with Nicenic International Group Co., Limited.

The disputed domain name <starkvargfuture.com> (the "Third disputed domain name") is registered with Hosting Concepts B.V. d/b/a Registrar.eu. Nicenic International Group Co., Limited, Web Commerce Communications Limited dba WebNic.cc and Hosting Concepts B.V. d/b/a Registrar.eu are hereinafter 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. Between September 7, 2026 and September 11, 2026, the Registrars transmitted by email to the Center their verification responses disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Domain Admin, Whois Privacy Protection Foundation) and contact information in the Complaint.

The Center sent an email communication to the Complainant on September 11, 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 16, 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 Respondents of the Complaint, and the proceedings commenced on September 21, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 11, 2026. The First Respondent sent an email communication to the Center on September 21, 2026.

The Center appointed Wilson Pinheiro Jabur as the sole panelist in this matter on October 13, 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.

On October 15, 2026, the Panel issued the Procedural Order No. 1, inviting the Complainant to submit, within five days of the date of the Procedural Order, further evidence of the content of the websites that used to be available at the disputed domain names; as well as inviting the Respondents to comment on the Complainant's submission. On October 19, 2026, the Complainant submitted further evidence in response to the Procedural Order No. 1. No response or comment was received from the Respondents.

4. Factual Background

The Complainant is a Spanish company founded in 2020, engaged in the design and manufacture of electric off-road motorcycles and trading under the STARK FUTURE name and trademark. The Complainant's first product, the Stark Varg, was launched in 2021 to match and exceed the performance of combustion motocross bikes.

The Complainant's motorcycles are sold through a network of authorized dealers in Europe, North America, Australia, and other markets, as well as directly through its official website available at "www.starkfuture.com".

The Complainant is the owner of the following, amongst other, trademark registrations:

- European Union Trade Mark registration No. 018664812 for the word mark STARK FUTURE, filed on March 1, 2022, registered on July 28, 2022, in class 35;

- International trademark registration No. 1674460 for the word mark STARK FUTURE, registered on June 14, 2022, in class 35;

- European Union Trade Mark registration No. 018627482 for the word mark STARK VARG, filed on December 22, 2021, registered on April 13, 2022, in class 12; and

- International trademark registration No. 1663060 for the word mark STARK VARG, registered on March 25, 2022, in class 12.

The First disputed domain name was registered on June 17, 2025, and presently does not resolve to an active webpage. According to the Internet Archive Wayback Machine captures dated June 6, 2026 (Annex 12.1 to the Complainant's submission in response to Procedural Order No. 1), the First disputed domain name was used in connection with a webpage that identified itself as "the exclusive authorized manufacturer and distributor of Stark VARG Bikes in the USA", displayed the Complainant's trademarks and logos, and purportedly offered the Complainant's motorcycles for sale, offering a 20 percent discount for payment in cryptocurrency.

The Second disputed domain name was registered on January 11, 2026, and presently does not resolve to an active webpage. According to screen captures taken by the Complainant on August 28, 2026 (Annex 6 to the Amended Complaint, supplemented in response to Procedural Order No. 1), the Second disputed domain name was used in connection with a webpage that displayed the Complainant's STARK FUTURE logo and the heading "STARK VARG FOR SALE", stating "BUY STARK VARG FOR SALE FROM OFFICIAL MANUFACTURERS AND DISTRIBUTORS OF STARK VARG ELECTRIC DIRT BIKES IN THE USA", purportedly offering the Complainant's motorcycles for sale, and accepting payment by bank transfer, CashApp, Zelle, or Bitcoin.

The Third disputed domain name was registered on December 27, 2025, and presently resolves to a webpage displaying pay-per-click ("PPC") links relating to the Complainant's products. According to the Complainant's takedown notice of September 1, 2026, to the hosting provider (Annex 12.3 to the Complainant's submission in response to Procedural Order No. 1), the Third disputed domain name appears to have been used in connection with a webpage presenting itself as "Stark VARG Motocross Dirt Ebike", with the footer "© 2026 Copyright Stark Varg", which purportedly offered the Complainant's motorcycles for sale. The hosting provider suspended said website on September 2, 2026, but no screen captures or archived copies of it were submitted by the Complainant.

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 asserts to trade under the STARK FUTURE name and trademark, and that the STARK FUTURE and STARK VARG trademarks have been used continuously and extensively since 2021 in connection with electric motorcycles, parts, accessories, apparel and related services, and presently enjoy substantial goodwill and reputation among motorcycle enthusiasts and in the wider motorsport community, as shown by the extensive press coverage in the specialist and general press since 2021 (Annex 9 to the Complaint), and the presence of the Complainant's motorcycles in international motocross, enduro and supermoto competitions.

The Complainant requests the consolidation of the three disputed domain names in a single proceeding given that all three disputed domain names: (i) resolved to the same "Stark Future USA" WooCommerce storefront, with the same product pages, the same misappropriated photographs, the same pricing structure (the Complainant's motorcycles offered at USD 9,880 to 12,900, invariably "reduced" from a higher list price) and the same cryptocurrency checkout with a discount for payment in Bitcoin; (ii) share a similar naming pattern, building from the Complainant's STARK FUTURE and STARK VARG trademarks with the additions of "usa", "s" and hyphens; (iii) were hosted on the same set of providers, KoDDoS/Amarutu (185.191.124.0/24), UltaHost (192.142.48.98) and Hostinger; (iv) share a uniform pattern of false registrant data (the three disclosed records are all built from a free Gmail account of the form name plus digits, and two of them are internally impossible: a Danish address with a Montana telephone number and a five-digit postal code; a "name" copied from an email address with a dialing code entered as a postal code); and (v) were masked behind privacy services, and none of the websites disclosed any operator, company name, address or tax number.

The Complainant asserts that it has been targeted by a series of domain names, registered between June 2025 and August 2026, which incorporate its STARK FUTURE or STARK VARG trademarks and which, according to the Complainant, were all used for the same fraudulent "Stark Future USA" storefront: <starkfutureusa.us.com> (registered on June 17, 2025), <starkvargfuture.com> (December 27, 2025), <starkfutures-usa.com> (January 11, 2026), <starkfutures.com> (April 4, 2026), <starkfuture.us.com> (May 18, 2026) and <starkfutureus.com> (August 4, 2026).

The Complainant further contends that the three disputed domain names are confusingly similar to its STARK FUTURE trademark. The First and Second disputed domain names reproduce the trademark in its entirety, followed by a hyphen and the geographical term "usa", with the further addition of a letter "s" in the Second disputed domain name. The Third disputed domain name consists of the elements "stark" and "future" separated by the term "varg", which designates the Complainant's electric motorcycle model. According to the Complainant, none of these additions prevents the STARK FUTURE trademark from being recognizable in the disputed domain names.

As to the absence of rights or legitimate interests, the Complainant argues that:

(i) the Respondents are not licensees, dealers, or partners of the Complainant, and have never been authorized to use the Complainant's trademarks;

(ii) the Respondents are not commonly known by the disputed domain names;

(iii) the websites that used to be available at the disputed domain names impersonated the Complainant, used its copyrighted material and offered goods the Respondents did not have against irreversible cryptocurrency payment; and

(iv) the Respondents falsely claimed to be the Complainant's official United States operation, and the composition of the disputed domain names implies an affiliation that does not exist.

In what it relates to the bad faith registration and use of the disputed domain names, the Complainant asserts that the Respondents were fully aware of the Complainant and its trademarks at the time of registration of the disputed domain names as shown by the use made of the disputed domain names in an attempt to impersonate the Complainant and defraud its customers. Furthermore, the registrant information disclosed by the Registrars confirms that the Respondents supplied fictitious contact details which, combined with the prior use of privacy services and the absence of any operator identification on the websites, is a further indicium of bad faith, and the use of varied fabricated identities reinforces the inference that a single operator is deliberately concealing itself.

In reply to the Procedural Order No. 1, the Complainant submitted the original, full-resolution screen captures of the webpage that used to be available at the Second disputed domain name, taken on August 28, 2026, as well as Internet Archive Wayback Machine captures of the website previously available at the First disputed domain name, dated June 6, 2026. No screen captures or archived copies of the website that used to be available at the Third disputed domain name were submitted by the Complainant.

B. Respondents

The Respondents did not formally reply to the Complainant's contentions. The First Respondent sent an email communication to the Center on September 21, 2026, stating that "the only domain name I have among them is <starkfuture-usa.com>" (which the Panel understands to refer to the First disputed domain name), that it is in no way associated with the complaints and that a "counter complaint" would be filed.

6. Discussion and Findings

6.1 Procedural matter – Consolidation of Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the 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 Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The First Respondent's informal communication denies any association with the other disputed domain names but provides no evidence or explanation in support. The Second and Third Respondents 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:

a. the registrant details disclosed by the Registrars share no common element beyond the use of free email accounts;
b. the disputed domain names were registered several months apart;
c. the disputed domain names were registered with different registrars;
d. the disputed domain names were hosted with different providers;
e. the record does not support the Complainant's assertion that all disputed domain names resolved to one and the same storefront;
f. the First Respondent denies any association with the other disputed domain names.

While the similarities in naming and in the manner of use suggest that the Complainant has been targeted by a common type of fraudulent scheme, the Panel is not satisfied on the present record that the disputed domain names are under common control.

The Panel therefore declines to consolidate the proceeding. It will proceed in respect of the disputed domain name <starkfuture-usa.com>, whose registrant has participated in this proceeding, and dismisses the Complaint in respect of <starkfutures-usa.com> and <starkvargfuture.com> without prejudice to the Complainant's right to file new complaints concerning them.

6.2 Substantive matter

Paragraph 4(a) of the Policy sets forth the following three requirements which the Complainant must meet in order for the Panel to order the transfer of the disputed domain name:

(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.

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 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 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.

Although the addition of the term "usa" and a hyphen may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a 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 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 that 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 available 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 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 name such as those enumerated in the Policy or otherwise.

In that sense, the Complainant indeed affirms that the Respondent is not a licensee, dealer or partner of the Complainant, having never been authorized to use the Complainant's trademarks. Also, the lack of evidence of the Respondent being commonly known by the disputed domain name and the absence of any trademarks registered by the Respondent corresponding to the disputed domain name, corroborate the indication of an absence of rights or legitimate interests in the disputed domain name.

Furthermore, the composition of the disputed domain name carries a risk of implied affiliation with the Complainant. WIPO Overview 3.1, section 2.5.1. Lastly, according to the evidence submitted by the Complainant, the disputed domain name was used in connection with a previous website purportedly offering the Complainant's products and attempting to pass off as the Complainant's distributor in the United States, which is not true.

Therefore, the Panel finds that the Respondent lacks rights or legitimate interests in the disputed domain name. The second element of the Policy has also been met.

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.

The registration and use of the disputed domain name in bad faith can be found in the present case in view of the following circumstances:

(i) the Respondent has provided no evidence whatsoever of any actual or contemplated good faith use of the disputed domain name, not having submitted a formal response;

(ii) the website that used to be available at the disputed domain name impersonated the Complainant, reproduced the Complainant's trademark logo and purportedly offered the Complainant's products with a discount for payment in cryptocurrency, a payment which, if made, would be irreversible;

(iii) the Respondent falsely claimed to be the Complainant's official United States distributor, and the composition of the disputed domain name implies an affiliation that does not exist; and

(iv) the fact that the disputed domain name currently does not resolve to an active website, following its suspension by the Registrar, does not prevent a finding of bad faith in view of the circumstances of this case.

Panels have held that the use of a domain name for illegitimate activity, here claimed passing off, 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 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 <starkfuture-usa.com> be transferred to the Complainant. The Complaint is dismissed, without prejudice, in respect of the domain names <starkfutures-usa.com> and <starkvargfuture.com>.

/Wilson Pinheiro Jabur/
Wilson Pinheiro Jabur
Sole Panelist
Date: November 4, 2026