ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Focusrite Audio Engineering Limited v. Evgeniy Momaev
Case No. D2026-4100

1. The Parties

The Complainant is Focusrite Audio Engineering Limited, United Kingdom, internally represented.

The Respondent is Evgeniy Momaev, Germany.

2. The Domain Name and Registrar

The disputed domain name <focusrite.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 September 11, 2026. On September 14, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 22, 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 (unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on the same day, 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 amendment to the Complaint on September 22, 2026.

The Center verified that the Complaint together with the amendment to the 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 24, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 14, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 19, 2026.

The Center appointed Anne-Virginie La Spada as the sole panelist in this matter on October 22, 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 audio equipment manufacturer company established in the United Kingdom. Since 1985, it has used the mark FOCUSRITE for a variety of goods and services in the audio industry, including audio interfaces, headphones, microphones, Mic Preamps and software, among others.

The Complainant owns the following trademark registrations throughout the world, among which:

- European Union Trade Mark registration no. 006367452 FOCUSRITE, registered on August 7, 2008 in classes 9 and 15; and
- International trademark registration no. 1316412 FOCUSRITE, registered on May 4, 2016 in classes 9, 15, 25 and 35.

The Complainant operates an official website under the domain name <focusrite.com>.

The disputed domain name was registered on July 12, 2026.

The disputed domain name resolves to a website that is an exact or virtually identical copy of the Complainant's 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 an exact reproduction of its trademark.

The Complainant also contends that the Respondent is not a licensee of the Complainant nor is it otherwise authorized to use the Complainant's trademark for any purpose. According to the Complainant, the use of the Complainant's trademarks and logos, and the offering of the Complainant's products, proves the Respondent's clear intention to mislead Internet users into thinking that the disputed domain name is operated by the Complainant, and that the Respondent has no rights nor legitimate interests on the disputed domain name.

Finally, the Complainant contends that the Respondent registered and is using the disputed domain name primarily to profit from and exploit the Complainant's trademark, as the Respondent is using the disputed domain name to misdirect Internet users to its own website. According to the Complainant, the Respondent knowingly registered the disputed domain name containing an exact reproduction of its well-known FOCUSRITE trademark to capitalize on consumer recognition of such trademark and of the Complainant's products. The Complainant concludes that the disputed domain name was registered and used in bad faith.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, a complainant must assert and prove each of the following:

(i) the domain name registered by the respondent 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 domain name; and

(iii) the domain name registered by the respondent 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 of WIPO Panel Views on Select UDRP Questions ("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 within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

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.

On the contrary, the disputed domain name resolves to a website that is an exact or virtually identical copy of the Complainant's official website operated under the domain name <focusrite.com>. The Respondent even copied the copyright notice naming the Complainant as the owner of the copyright to the website, in a clear attempt at impersonating the Complainant.

Panels have held that the use of a domain name for illegitimate or illegal activity (here, passing off by means of a copycat site), 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

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, given that the trademark of the Complainant is distinctive and that its use began decades before the registration of the disputed domain name, the Panel accepts that the Respondent was more likely than not aware of the existence of the Complainant and of its FOCUSRITE trademark at the time of the registration of the disputed domain name. Therefore, the Panel holds that the disputed domain name was registered in bad faith.

The Respondent has used the disputed domain name in connection with a website impersonating the Complainant and mimicking its website. Such use is apt to create the false impression that the website is operated or endorsed by the Complainant, thus misleading, for commercial gain, consumers looking for the Complainant's website. The Panel finds it therefore likely that the Respondent intentionally attempted to create a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website, for commercial gain. This is a circumstance of use of a domain name in bad faith according to paragraph 4(b)(iv) of the Policy.

Panels have held that the use of a domain name for illegitimate or illegal activity (here passing off by means of a copycat site) 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 <focusrite.mom> be transferred to the Complainant.

/Anne-Virginie La Spada/
Anne-Virginie La Spada
Sole Panelist
Date: November 9, 2026