ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Omaze, Inc. v. Mat Dem
Case No. D2026-4263

1. The Parties

Complainant is Omaze, Inc., United States of America ("United States"), represented by Bird & Bird LLP, United Kingdom.

Respondent is Mat Dem, United States.

2. The Domain Name and Registrar

The disputed domain name <omaze-house.com> is registered with Name.com, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 22, 2026. On September 23, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 23, 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 (Domain Protection Services, Inc.) and contact information in the Complaint. The Center sent an email communication to Complainant on September 24, 2026 providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on September 29, 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 Respondent of the Complaint, and the proceedings commenced on October 7, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 27, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on October 28, 2026.

The Center appointed Frederick M. Abbott as the sole panelist in this matter on October 30, 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.

The Complaint initially filed by Complainant was directed toward two domain names. Following notification by the Center on September 24, 2026, of two different registrants for those domain names, Complainant on September 29, 2026, withdrew its Complaint against the registrant of the second domain name (i.e. a "partial withdrawal") and filed an amended Complaint directed solely at Respondent and the single disputed domain name addressed herein.

4. Factual Background

Complainant is a corporation organized under the laws of the State of Delaware, United States. Complainant is a fundraising organization that partners with, and raises money for, charities in the United States and the United Kingdom through house prize draw competitions. Complainant appears to have commenced its operations as early as 2012 in the United States and to have initiated operations in the United Kingdom in 2020. Complainant operates websites at the domain names <omaze.com> and <omaze.co.uk.com>. Complainant's business model is not detailed in its Complaint. But it appears that individuals' contributions to charity-directed sweepstakes make them eligible for the prize of a "luxury home" or other identified prize. Complainant describes itself "As an entertainment company with a social purpose."[1]

Complainant is the owner of registration for the trademark OMAZE on the register of the United Kingdom Intellectual Property Office (UKIPO), registration number UK00801391303, registration dated August 3, 2018, in International Classes (ICs) 9, 25, 35, 36, 38, 41 and 42, covering, inter alia, downloadable mobile applications enabling users to participate in sweepstakes and charitable giving, clothing, promoting charitable services of others, charitable fundraising services, providing an online forum to coordinate fundraising campaigns, entertainment services, and providing a platform service for connecting nonprofit organizations, endorsers and donors, as further specified. Complainant is the owner of registrations for the trademark OMAZE on the Principal Register of the United States Patent and Trademark Office (USPTO), registration number 4320140, registration dated April 16, 2013, in ICs 35, 41, and 42, covering, inter alia, promoting the charitable services of others, providing a website for entertainment purposes, and providing a website that enables users to purchase items online with a portion of funds to be delivered to a specified charity, and: registration number 7,870,710, registration dated July 22, 2025, in IC 9, covering downloadable mobile application for enabling users to participate in sweepstakes, as further specified.

According to the Registrar's verification Respondent is registrant of the disputed domain name. According to the public WhoIs record, the disputed domain name was registered on September 3, 2026.

Respondent has used the disputed domain name to direct Internet users to a website headed with the identifier "OMAZE HOUSE" that promotes a drawing or sweepstakes for winning a United Kingdom GBP 3.4 million Edinburgh townhouse. In addition to providing photos of the "prize" townhouse, the website offers Internet users various options for purchasing "entries" in the drawing. As of the initiation of this proceeding, Respondent's website was no longer operational. There is no evidence on the record of this proceeding as to whether Respondent received payments from Internet users or provided the prize listed on its website.

There is no evidence on the record of this proceeding of any affiliation or association, commercial or otherwise, between Complainant and Respondent.

[1] Panel visit to <omaze.com> of November 7, 2026.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, Complainant contends that it owns rights in the OMAZE trademark and a related design mark and that the disputed domain name is identical or confusingly similar to its trademark.

Complainant argues that Respondent lacks rights or legitimate interests in the disputed domain name because: (1) Respondent is not known by the disputed domain name; (2) Complainant has not licensed or otherwise permitted Respondent to register or use the disputed domain name or to operate a website hosted at such domain; (3) the disputed domain name could never be used for any legitimate purpose (whether noncommercial or fair use) by any party other than Complainant.

Complainant alleges that Respondent registered and is using the disputed domain name in bad faith because: (1) Respondent's website fraudulently mimics the content and layout of Complainant's website using the "OMAZE HOUSE" mark, thereby inducing customers to make payments on the false belief they are entering Complainant's official OMAZE house prize draw competition; (2) Respondent registered the disputed domain name intending to benefit from Complainant's reputation and goodwill, and to misappropriate its valuable intellectual property to suggest association with or endorsement by Complainant; (3) Respondent has intentionally attempted to attract, for commercial gain, Internet users to its infringing website by creating a likelihood of confusion with Complainant's registered trademarks and Complainant itself; (4) Respondent will never be able to make a legitimate use of the disputed domain name; (5) Respondent's use of the disputed domain name will at the least create initial interest confusion among Internet users.

Complainant requests the Panel to direct the Registrar to transfer the disputed domain name to Complainant.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

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 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.

Complainant has shown rights in respect of the OMAZE trademark and 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 confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

Although the addition of other terms, here "-house", 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 Complainant, panels have recognized that proving that Respondent lacks rights or legitimate interests in the disputed domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of Respondent. As such, where Complainant, as here, makes out a prima facie case that Respondent lacks rights or legitimate interests, the burden of production on this element shifts to Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the disputed domain name (although the burden of proof always remains on Complainant). If Respondent fails to come forward with such relevant evidence, Complainant is deemed to have satisfied the second element. WIPO Overview 3.1, section 2.1.

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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.

Panels have held that the use of a domain name for illegitimate or illegal activity, here, claimed copycat site, can never confer rights or legitimate interests on Respondent. WIPO Overview 3.1, section 2.13.1.

Respondent has not replied to the Complaint and has not attempted to furnish any justification for its registration and use of the disputed domain name which is confusingly similar to Complainant's distinctive trademark and service mark. Respondent has associated the disputed domain name with a website employing a substantially similar "business model" to that operated by Complainant, promoting Internet user confusion and potential fraudulent solicitation of funds from Internet users. There is no apparent basis for a claim of fair or legitimate noncommercial use. There is no evidence that Respondent has been commonly known by the disputed domain name other than in connection with its copycat website.

Complainant has met its burden of establishing that Respondent lacks rights or legitimate interests in the disputed domain name.

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 Respondent knew or should have known of Complainant's distinctive trademark when it registered the disputed domain name because Complainant's trademark has long been registered at the USPTO, and because a basic Internet search of the disputed domain name would have prominently displayed Complainant's distinctive trademark and website.

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.

Panels have held that the use of a domain name for illegitimate or illegal activity, here claimed copycat site, can constitute bad faith. WIPO Overview 3.1, section 3.4.

Respondent has used the disputed domain name that is confusingly similar to Complainant's distinctive trademark in association with a website promoting substantially similar services to those offered by Complainant under its trademark, including at its website. Such use by Respondent, for its apparent commercial gain, creates a substantial likelihood of confusion among Internet users regarding Complainant acting as the source, sponsor, affiliate or endorser of Respondent's website. Such likelihood of confusion may well have defrauded Internet users of their funds, notwithstanding a lack of direct evidence of fraudulent receipt of funds on the record here. In any event, there remains a substantial risk of such fraudulent activity. Respondent has not attempted to justify its registration and use of the disputed domain name.

Having reviewed the record, the Panel finds Respondent's registration and use of the disputed domain name support a finding of bad faith.

The Panel finds that 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 <omaze-house.com> be transferred to Complainant.

/Frederick M. Abbott/
Frederick M. Abbott
Sole Panelist
Date: November 12, 2026