ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Hancock Prospecting Pty Limited v. Domain Invest Pty Ltd
Case No. DAU2026-0004

1. The Parties

The Complainant is Hancock Prospecting Pty Limited, Australia, represented by McCullough Robertson Lawyers, Australia.

The Respondent is Domain Invest Pty Ltd, Australia, represented by Cooper Mills Lawyers, Australia.

2. The Domain Name and Registrar

The disputed domain name <hancock.com.au> ("Domain Name") is registered with Drop.com.au Pty Ltd.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 27, 2026. On January 28, 2026, the Center transmitted by e-mail to Drop.com.au Pty Ltd a request for registrar verification in connection with the Domain Name. On February 3, 2026, Drop.com.au Pty Ltd transmitted by e-mail to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the Complaint satisfied the formal requirements of the .au Dispute Resolution Policy (the "Policy" or ".auDRP"), the Rules for .au Dispute Resolution Policy (the "Rules"), and the WIPO Supplemental Rules for .au Domain Name Dispute Resolution Policy (the "Supplemental Rules").

In accordance with the Rules, paragraphs 2(a) and 4(a), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on February 9, 2026. In accordance with the Rules, paragraph 5(a), the due date for Response was March 1, 2026. On February 24, 2026, the Respondent requested an extension to file a Response by March 3, 2026, which the Center granted on the same day. The Response was filed with the Center on March 3, 2026.

The Center appointed Nicholas Smith, Nicholas Weston, and Alan L. Limbury as panellists in this matter on March 17, 2026. The Panel finds that it was properly constituted. Each member of 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 March 23, 2026, the Complainant filed an unsolicited supplemental filling with the Center. This supplemental filing consists of 7 separate documents including various e-mail chains that the Panel is invited to consider. In summary the documents fall into two categories:

a) a set of emails including an email from the Registrar indicating that as of March 16, 2026, the Respondent had not yet paid the renewal fee for the Domain Name;[1] and
b) a set of emails relating to the ongoing settlement negotiations between the Parties and a public article by the Respondent rejecting the Complainant's settlement offer.

The Panel has considered whether to have regard to the Complainant's supplemental filing. The auDA Overview of Panel Views on Selected auDRP Questions, Second Edition ("auDA auDRP Overview 2.0"), section 4.6 states relevantly that:

"Paragraph 10 of the auDRP Rules vests the panel with the authority to determine the admissibility, relevance, materiality and weight of the evidence, and requires the panel to ensure that the proceeding takes place with due expedition. Paragraph 12 of the auDRP Rules provides that, in addition to the complaint and the response, the panel may request or permit, in its sole discretion, further statements or documents from either of the parties […]

In exercising its discretion whether to accept an unsolicited supplemental filing from either party, panels bear in mind the need for procedural efficiency, the obligation to ensure that each party has a fair opportunity to present its case, and the obligation to treat each party with equality. Generally, panels will only accept an unsolicited supplementary filing in 'exceptional' circumstances – such as where the information or evidence was unanticipated as relevant, or was unavailable, at the time of the original filing. The party submitting a supplemental filing would normally need to show its relevance to the case and why the circumstances are exceptional."

The Panel in accordance with paragraph 10 of the Rules has chosen not to accept this unsolicited filing and notes that the content of the supplemental filing does not and would not affect the substantive outcome of the proceeding. The fact that as of March 16, 2026, the Respondent had not yet paid the renewal fee for the Domain Name is an administrative issue and does not support any conclusion the Complainant wishes the Panel to draw. Furthermore, the fact that the Parties are presently in negotiation for the settlement of the proceeding also does not impact the Panel's consideration; the Complaint already contains evidence that the Parties have been in negotiations for over 12 months and the specifics of the current state of the negotiations do not materially change the considerations before the Panel.

On March 26, 2026, the Respondent filed an unsolicited response to the Complainant's supplemental filing. As the Panel has not considered the Complainant's supplemental filing, it is not necessary to consider the Respondent's response to the Complainant's supplemental filing.

4. Factual Background

The Complainant is a well-known Australian mining and agricultural company that has provided various mining and agricultural services for over 70 years under marks containing or consisting of the term "hancock", derived from the founder of the Complainant, Lang Hancock. The mark HANCOCK continues to be the Complainant's house brand and all company marks consist of the term "hancock" and a descriptive term.

[1] The Panel does not accept the submissions by the Complainant, or the statement in the e-mail from the Registrar, that the Respondent's failure as of a particular date to pay the renewal fee amounts to a definitive statement of intent not to renew; such a conclusion is purely speculative.

The Complainant is the owner of trade mark registrations in Australia for various HANCOCK-formative marks including a registration for HANCOCK PROSPECTING ("HANCOCK PROSPECTING Mark") including Australian trade mark registration No. 1852418 registered from 16 June 2017, for various goods and services in classes 4, 5, 6, 16, 18, 29, 30, 31, 35, 40, 41, 42, and 44. The Complainant also owns a large number of domain names (some of which resolve to active websites) that contain the term "hancock".

According to the verification provided by the Registrar as well as the uncontested statements by the Parties, the Domain Name was created on March 19, 2016 and between then and 2021 it was owned by Gladnet Pty Ltd ("Gladnet"), a company incorporated by the Respondent's director, Alan Gladman, in May 2014. From 2016 to 2021 the Domain Name resolved to a website at "www.personalemail.com.au", which was owned by Gladnet or Mr. Gladman. Through this website Gladnet offered a premium email surname business, allowing individuals with surnames corresponding to the domain names owned by Gladnet, including the Domain Name, to acquire their own email address (for example in the form "[…]@hancock.com.au").

In 2021 Mr. Gladman incorporated the Respondent, and on or around April 2021 Mr. Gladman caused the transfer of the domain name portfolio held by Gladnet, including the Domain Name, from Gladnet to the Respondent. At some point between February and December 2021 the Domain Name ceased to redirect to the Gladnet premium email surname business. The Wayback Machine records annexed to the Complaint from December 2021 to 2024 indicate that the Domain Name resolved to what was essentially a blank page with a link saying "buy this domain". The Domain Name was inactive from November 2024 to February 2025 and from April 2025 the Domain Name resolved to a website offering a set of pay-per-click links to websites connected to Hancock as a family name (e.g., "Hancock Family Search", "Hancock Family Heritage"). At some point between April 2025 and the present, the use of the Domain Name changed again, to a new website, which purports to provide information about the surname "hancock" and the use of "hancock" as a business name.

5. Parties' Contentions

A. Complainant

The Complainant makes the following contentions:

(i) that the Domain Name is identical or confusingly similar to the Complainant's HANCOCK and related HANCOCK-formative Marks;

(ii) that the Respondent has no rights nor any legitimate interests in respect of the Domain Name; and

(iii) that the Domain Name has been registered and is subsequently being used in bad faith.

The Complainant has common law rights in the HANCOCK Mark arising through 70 years of use. The Complainant is the owner of the HANCOCK PROSPECTING Mark, having registered this mark in Australia in 2017. The Domain Name is identical to the HANCOCK Mark, since it wholly reproduces the HANCOCK Mark, and confusingly similar to the HANCOCK PROSPECTING Mark since it wholly reproduces the distinctive HANCOCK element of the HANCOCK PROSPECTING Mark and adds the country code Top-Level Domain ("ccTLD") ".com.au".

There are no rights or legitimate interests held by the Respondent in respect of the Domain Name and the Domain Name was registered and is being used in bad faith. The Respondent is not commonly known as the Domain Name. The Respondent has no licence or right to use the Domain Name and has never been granted any permission by the Complainant to register the Domain Name. The Respondent registered the Domain Name in awareness of the Complainant, given the Complainant's substantial reputation, and with the intention of selling the Domain Name to the Complainant for a sum greater than its out-of-pocket costs. This is demonstrated by its lack of use of the Domain Name, other than resolving it to a page prompting offers for sale, for several years after it acquired the Domain Name. As such the Respondent has not made

any demonstrable preparations to use the Domain Name in a legitimate manner.

The Domain Name was registered and is being used in bad faith. The HANCOCK and HANCOCK-formative trade marks are well known and notwithstanding the use of Hancock as a surname, the value of the Domain Name to the Complainant would have immediately been apparent to the Respondent on its registration. The Respondent has not used the Domain Name for any legitimate purpose; rather it has simply offered the Domain Name for sale (both to the public generally as well as making significant offers to the Complainant) or used it to redirect visitors to pay-per-click links. The Respondent has engaged in a pattern of conduct in registering domain names that correspond to well-known marks including <barclay.com.au>, <coates.net.au> and <gormon.net.au>. Finally, the Respondent has no rights to the Domain Name both because it was deregistered on January 5, 2026, and because its ownership is in breach of the Licensing Rules which require an Australian registered entity to hold either an Australian trade mark, company name or business name that matches the domain name it applies for.

B. Respondent

Contrary to the statements in the Complaint, the Respondent is an active, registered Australian company that acquired the Domain Name in April 2021 following a transfer of a portfolio of Domain Names from a related Gladnet, which shares a common director. Through the acquisition of the Gladnet assets, the Respondent acquired a portfolio of 800 domain names to be used for a premium email business; that is a business allowing users to create an email address incorporating their surname (such as "[…]@hancock.com.au"). The Respondent acquired the Domain Name (and the other 800 domain names) because of their value as personal surnames for the purpose of using them as a premium email business, which its related entity offers from its website at "www.personalemail.com.au". Over 13,000 people in Australia are reported as having Hancock as a surname.

The Respondent is an east coast IT business with little awareness of the mining industry and was not aware of the Complainant until February 2025 when it was contacted by the Complainant, following which it engaged in settlement discussions.

The Respondent's use of the Domain Name has always been within the requirements of the Licensing Rules. The Respondent is clearly entitled to the Domain Name as it is a "Match or Synonym of the name of a Service that the Person provides", namely personalized e-mail "[…]@hancock.com.au" e-mail addresses, pursuant to clause 2.4.4(2)(f)(i) of the Licensing Rules. None of the Respondent's representations or warranties as to eligibility or third party rights given on application or renewal are, or have subsequently become, false or misleading in any manner.

6. Discussion and Findings

A. Identical or Confusingly Similar

To prove this element, the Complainant must have a name, trade or service mark rights and the Domain Name must be identical or confusingly similar to the Complainant's name, trade or service mark.

The Complainant is the owner of the HANCOCK PROSPECTING Mark, having registrations for the HANCOCK PROSPECTING Mark as a trade mark in Australia.

The Domain Name reproduces the distinctive HANCOCK portion of the HANCOCK PROSPECTING Mark ("prospecting" being descriptive) and adds the ccTLD ".com.au". The Panel is satisfied that, notwithstanding the absence of the "prospecting" element, the relevant trade mark is recognisable within the Domain Name, see section 1.7.4 of the auDA auDRP Overview 2.0. Disregarding the ccTLD as a standard registration requirement, the Panel finds that the Domain Name is confusingly similar to the HANCOCK PROSPECTING Mark. Consequently, the requirement of paragraph 4(a)(i) of the Policy is satisfied.

B. Rights or Legitimate Interests

To succeed on this element, a complainant must make out a prima facie case that the respondent lacks rights or legitimate interests in the domain name. If such a prima facie case is made out, then the burden of production shifts to the respondent to demonstrate rights or legitimate interests in the domain name.

Paragraph 4(c) of the Policy enumerates several ways in which a respondent may demonstrate rights or legitimate interests in a domain name:

"Any of the following circumstances, in particular but without limitation, if found by the Panel to be proved based on its evaluation of all evidence presented, is to be taken to demonstrate your rights or legitimate interests to the domain name for purposes of paragraph 4(a)(ii):

(i) before any notice to you of the subject matter of the dispute, your bona fide use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with an offering of goods or services (not being the offering of domain names that you have acquired for the purpose of selling, renting or otherwise transferring); or

(ii) you (as an individual, business, or other organisation) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or

(iii) you are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the name, trademark or service mark at issue."

The Panel is satisfied on the balance of probabilities that, notwithstanding the various websites the Domain Name has resolved to since its registration, the Domain Name was registered and is used primarily as part of the premium email surname business operated by a related entity (Gladnet or Mr Gladman) from its website at "www.personalemail.com.au". This premium email surname business has been continuously operating since 2012 and the Respondent holds over 800 domain names corresponding to personal names or geographic addresses for the purposes of the business. Notwithstanding the fame of the Complainant, the Domain Name corresponds to a surname shared by 13,000 Australians and thus it is entirely plausible that the Respondent would seek to register and use it for the personal email business.

Furthermore, there is no evidence that the Domain Name has been used at any point to target the Complainant. None of the websites to which the Domain Name has resolved have ever made any reference to the Complainant or sought to take advantage of any confusion between the Domain Name and the Complainant or the HANCOCK PROSPECTING Mark. Furthermore, the fact that the Respondent has responded to an invitation made in February 2025 by the Complainant to negotiate the sale of the Domain Name to the Complainant (and has proposed a significant figure) does not prevent a finding of rights or legitimate interests, noting the use of the Domain Name for the Respondent's existing business and the settlement offer being prompted by the Complainant.

The Panel notes that there is clear precedent under the Uniform Domain Name Dispute Resolution Policy ("UDRP") that the use of domain names for personal e-mail address businesses such as those operated by the Respondent has been recognized as being, in general, a legitimate interest in a domain name for the purposes of paragraph 4(a)(ii) of the Policy (see e.g., *Damstra Technology Pty Ltd (ACN 086 218 742) v. Domain Admin, Tucows.com Co*, WIPO Case No. D2021-0675;[2] *Robert Bosch GmbH v. Domain Admin, Tucows.com Co*, WIPO Case No. D2017-2549 and *Peet Limited v. Domain Admin, Tucows.com Co*, WIPO Case No. D2025-1847. The Complaint provides no reason why the Panel should disregard those authorities. In line with those authorities, the Panel finds that before any notice to the Respondent of the dispute, the Respondent used, or made demonstrable preparations to use, the Domain Name in a bona fide offering of

[2] Noting the substantial substantive similarities between the Policy and the Uniform Domain Name Dispute Resolution Policy ("UDRP"), the Panel has referred to prior UDRP cases, where appropriate.

services as set forth by paragraph 4(c)(i) of the Policy and hence the Respondent has rights or legitimate interests in respect of the Domain Name under paragraph 4(a)(ii) of the Policy.

For completeness the Panel notes that the Complainant makes submissions that the Respondent lacks rights or legitimate interests by reason of its deregistration by Australian Securities and Investments Commission ("ASIC") on January 5, 2026. The Response contains clear evidence that the Respondent remains an active corporation registered with ASIC and hence there is no need to consider these submissions. The Panel also accepts the Respondent's submissions that the Respondent's use of the Domain Name has always been within the requirements of the Licensing Rules.

C. Registered or Subsequently Used in Bad Faith

Given the Panel's finding that the Respondent has rights or legitimate interests in the Domain Name, it is not necessary to make a finding under this element.

D. Reverse Domain Name Hijacking

Paragraph 15(e) of the Rules provides that, if "after considering the submissions the panel finds that the complaint was brought in bad faith, for example in an attempt at Reverse Domain Name Hijacking ('RDNH') or was brought primarily to harass the domain name holder, the panel shall declare in its decision that the complaint was brought in bad faith and constitutes an abuse of the administrative proceeding". The Respondent has requested such a finding here.

RDNH is defined under the Rules as "using the Policy in bad faith to attempt to deprive a registered domain name holder of a domain name". Mere lack of success of a complaint is not sufficient to find RDNH. See auDA auDRP Overview 2.0, section 4.16.3. Rather, section 4.16.2 sets out a number of circumstances that are indicative of a complaint having been brought in bad faith including the following circumstances potentially relevant to this proceeding:

(i) the complainant had, by the time the complaint was filed, been informed of or had otherwise ascertained all the facts necessary to establish that the respondent had legitimate interests in the disputed domain name;
(ii) the complainant had knowledge of the respondent's rights or legitimate interests in the domain name and engaged in harassment or similar conduct in the face of such knowledge (such as repeated cease-and-desist communications, or prolonging the dispute in order to exploit superior financial resources);
(iii) the complainant had known from the beginning that its rights in the domain name were not exclusive, that the domain name was generic, and that the domain name described the activities for which the respondent used it;
(iv) the complaint was silent on key matters, riddled with unexplained inconsistencies, and contained numerous unsubstantiated and potentially false claims; and
(v) the complainant set out to harass the respondent and to procure the domain name "by fair means or foul".

The Respondent submits that the Complaint was aware that the Respondent registered the Domain Name for the Respondent's personal e-mail address business as the relevant material establishing this is included in Annexure 8 to the Complaint. Notwithstanding this, the Complainant brought the Complaint and omitted to mention or address the well-known decisions (set out in section 6B above) that are directly relevant and directly against the Complainant that establish such a use gives rise to rights or legitimate interests. Furthermore, on the Complainant's initiative, it sought to negotiate to purchase the Domain Name for approximately 12 months prior to filing the Complaint and only commenced proceedings following the failure of the negotiations. The filing of a Complaint (without a plausible legal basis) after an unsuccessful attempt to purchase justifies and necessitates a finding of RDNH; see *Poshpod, LLC v. Mark Golden*, WIPO Case No. D2026-0171.

A majority of the Panel (Panelists Weston and Limbury) find that the Complainant brought the Complaint in bad faith, in an attempt at RDNH for the reasons set out in the paragraph above. The Complainant was aware of the Respondent's use of the Domain Name and yet chose to omit relevant precedent that directly establishes that such conduct gives rise to rights or legitimate interests. The Panel also notes that at the end of page 10 of the Complaint, the Complainant misstates the effect of paragraph 4(c)(i) of the Policy; this provision provides that the registration of domain names for the purposes of selling them **to the Complainant or competitors of the Complaint** (emphasis added; these words were omitted from the Complaint) can amount to registration or use in bad faith; the question of whether offering domain names acquired for the purpose of resale is a bona fide offering is unrelated entirely to 4(c)(i).

A minority of the Panel (Panelist Smith), while agreeing that the Complainant has failed to establish that the Respondent lacks rights or legitimate interests in the Domain Name, would not make a finding that the Complaint has brought the Complaint in bad faith, in an attempt at RDNH. Panelist Smith notes that the Panel's conclusion that the Domain Name was registered and is used for the premium email surname business is a conclusion made on the balance of probabilities and there are significant gaps in evidence that the Respondent has chosen not address in the Response. Specifically, the Response does not contain:

a) any documentary evidence that the Domain Name has ever resolved to the premium email surname business since the Respondent acquired the Domain Name in April 2021 (the redirection ceased at some point between February and December 2021);

b) any documentary evidence that since the Respondent acquired the Domain Name in April 2021 the Domain Name has been listed as being available on the premium email surname business (the Response states "The Disputed Domain Name was listed as one of the domain names available for the Premium Surname Email Business" but this is neither supported by documentary evidence nor is it clear whether this listing was before or after the Domain Name was acquired by the Respondent in April 2021); and

c) any coherent explanation as to why, if the premium email surname business was ongoing after the April 2021 transfer, the Respondent chose to cease the redirection and have the Domain Name redirect, for several years, to an essentially blank page with a link saying "buy this domain". The Respondent's explanation that it was used for a monetisation service and the Respondent was not aware that it was for sale is not plausible since, on the evidence before the Panel, from 2021 to 2024 the Domain Name did not display any advertising and the content of the link from the Domain Name states "This domain has been listed by the owner for sale through Fabulous.com You may use the form below to submit an offer on this domain to the owner".

As noted above, the Panel unanimously accepts the conclusion that on the balance of probabilities the Domain Name was registered and is used for the premium email surname business operated by the Respondent's related entity but Panelist Smith considers the fact that there are sufficient unexplained evidentiary gaps necessitating a finding on the balance of probabilities means that the Complainant's case was not hopeless or brought in bad faith. The majority, on the other hand, does not accept the RDNH finding should turn on how well the Respondent subsequently made out its case in the Response, as determination of the issue is an assessment as at the point of filing the Complaint.

7. Decision

For all the foregoing reasons, the Complaint is denied.

/Nicholas Smith/
Nicholas Smith
Presiding Panellist

/Nicholas Weston/
Nicholas Weston
Panellist

/Alan L. Limbury/
Alan L. Limbury
Panellist
Date: March 30, 2026