

ADMINISTRATIVE PANEL DECISION

Australian Press Council Incorporated v. GetUp Limited
Case No. DAU2026-0018

1. The Parties

The Complainant is Australian Press Council Incorporated, Australia, internally represented.

The Respondent is GetUp Limited, Australia represented by Rachel Pascall, Australia.

2. The Domain Name and Registrar

The disputed domain name <presscouncil.com.au> is registered with Domain Directors Pty Ltd.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 16, 2026. On July 16, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 29, 2026, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. The Center sent an email communication to the Complainant on July 29, 2026, 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 amended Complaint on July 30, 2026.

The Center verified that the Complaint together with the amended 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 August 4, 2026. In accordance with the Rules, paragraph 5(a), the due date for Response was August 24, 2026. The Response was filed with the Center on August 21, 2026.

The Center appointed Rebecca Slater as the sole panelist in this matter on August 31, 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 incorporated association registered in Australia since 26 April 2000. It was established in 1976 and is a nation-wide organisation responsible for promoting high standards of media practice, community access to information of public interest, and freedom of expression through the media. The Complainant is the principal body with responsibility for responding to complaints about published material other than advertisements in Australian newspapers, magazines and digital sites.

The Complainant is the registered owner of Australian Trade Mark No. 2353508 for the word mark "Australian Press Council" (registered May 26, 2025) (the "Trade Mark"). The Complainant also claims common law rights in the name "Press Council", which it says has been used to refer to the Complainant since 1976. The Complainant is also the registrant of the domain name <presscouncil.org.au>, which it uses to promote its goods and services.

The Respondent is an Australian not-for-profit civic advocacy organisation. The Respondent primarily focuses on advocacy in the areas of the environment, economy, human rights, and democracy.

The disputed domain name was registered on March 26, 2026. The disputed domain name redirects to a page on the Respondent's website (at "www.getup.org.au") which hosts a campaign calling for reform of media regulation in Australia, including reform of the Complainant. The page contains commentary on the Complainant, a petition, and an open letter to the Prime Minister of Australia.

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 confusingly similar to the Trade Mark and the Complainant's name. The disputed domain name incorporates the dominant elements of the Trade Mark and the Complainant's name, being the words "Press" and "Council" and differs from the Trade Mark only in the omission of geographical descriptor "Australian".
- The Respondent has no rights or legitimate interests in respect of the disputed domain name, specifically:
- The Respondent is not affiliated with the Complainant and has never been licensed or authorised to use the Trade Mark or the Complainant's name, or to register the disputed domain name. The Respondent's registration and use of the disputed domain name carries a risk of implied affiliation with the Complainant.
- The Respondent is an advocacy organisation with no connection to the Complainant's goods and services and is not commonly known by the disputed domain name. The Complainant is unaware of any rights the Respondent may have in the Trade Mark or the Complainant's name.

- The Respondent does not meet the eligibility criteria for registration of the disputed domain name under clause 2.4.4 of the .au Domain Administration Rules: Licensing, as “presscouncil” is not a match or acronym of the Respondent’s name, trade mark, or a match or synonym for the Respondent’s goods, services, events, activities, or premises.
- The disputed domain name has been registered or subsequently used in bad faith, specifically:
- The Complainant operates the domain name <presscouncil.org.au>, which is identical to the disputed domain name when the namespace identifiers are disregarded. The disputed domain name redirects to a page on the Respondent’s website containing criticisms of the Complainant, a petition, and an open letter to the Prime Minister of Australia.
- The Respondent is not making a legitimate non-commercial or fair use of the disputed domain name. The Respondent was aware of the Complainant’s rights at the time of registering the disputed domain name and registered the disputed domain name in order to redirect it to content targeting the Complainant.
- The Respondent acquired the disputed domain name primarily for the purposes of preventing the Complainant from reflecting its name and the Trade Mark in a corresponding .com.au domain name and disrupting the Complainant’s business or activities. By using the disputed domain name to drive traffic to the Respondent’s website, the Respondent is intentionally attempting to attract Internet users by creating confusion with the Trade Mark.
- On 20 May 2026, the Complainant sent a cease-and-desist letter to the Respondent. On 21 May 2026, the Respondent rejected the Complainant’s allegations and refused to comply with the Complainant’s demands.

B. Respondent

The Respondent contends that the Complainant has not satisfied all the elements required under the Policy for a transfer of the disputed domain name.

The Respondent’s contentions are as follows:

- It is accepted that the Complainant has rights in the Trade Mark. However, the words “press council” are ordinary descriptive words denoting the generic concept of a body that oversees the press, and the Complainant overstates the strength of any common law rights in “Press Council” alone.
- In relation to rights or legitimate interests:
- Before any notice of the dispute, the Respondent used the disputed domain name in connection with a legitimate non-commercial and fair use, without intent for commercial gain or to misleadingly divert Internet users or to tarnish the Complainant’s name or the Trade Mark.
- The use is genuine political advocacy. The disputed domain name redirects to a campaign page on the Respondent’s website seeking reform of media regulation in Australia, comprising commentary on the Complainant, a petition, and an open letter to the Prime Minister. Such campaigning is core protected political communication and a recognised basis for a legitimate interest under the Policy.
- There is no misleading diversion. A user reaching the campaign page is immediately presented with content unambiguously identified as a campaign of the Respondent. No reasonable user would conclude that the Complainant endorses, sponsors, or is affiliated with that campaign.
- Eligibility under the .au Domain Administration Rules: Licensing is not decisive of the question of rights or legitimate interests under the Policy.

- In relation to registration or use in bad faith:
- The Respondent has never offered to sell, rent, or transfer the disputed domain name and registered the disputed domain name for the Respondent's campaign, not for gain.
- The Respondent did not register the disputed domain name to prevent the Complainant from reflecting its name in a corresponding domain name. The Complainant already holds and operates <presscouncil.org.au> and remains free to register further variants.
- The Respondent did not register the disputed domain name primarily for the purpose of disrupting the Complainant's business or activities. The Respondent's primary purpose was to conduct a legitimate political campaign. The fact that the campaign is critical of the Complainant, and seeks change to the way it operates, does not take away from the primary purpose of registration.
- The Respondent has not attracted users for commercial gain by creating a likelihood of confusion. A visitor is immediately presented with an unambiguous campaign of the Respondent, and the required link between confusion and commercial gain is absent.
- Registering a domain name that echoes the name of the body a campaign seeks to reform, for a bona fide non-commercial advocacy purpose, is not bad faith. The Respondent's purpose was, and remains, political communication.

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all the elements enumerated in paragraph 4(a) of the Policy have been satisfied:

- (i) the disputed domain name is identical or confusingly similar to a name, trade mark 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 or subsequently used in bad faith.

The onus of proving these elements is on the Complainant.

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 trade mark and the disputed domain name. auDA Overview of Panel Views on Selected auDRP Questions, Second Edition ("auDRP Overview 2.0"), section 1.7.

The Complainant has shown rights in respect of a trade mark or service mark for the purposes of the Policy. auDRP Overview 2.0, section 1.2.1.

The Complainant has also shown rights in respect of a name ("Australian Press Council") in which the Complainant has rights for the purposes of the Policy. auDRP Overview 2.0, section 1.1.6.

A substantial part of the Trade Mark (being "Press" and "Council") is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Trade Mark for the purposes of the Policy. auDRP Overview 2.0, section 1.7.

Additionally, a panel will take account of the higher-level suffixes where the suffixes are relevant to determining how a typical Internet user would likely perceive the domain name. Here, a typical .au ccTLD Internet user would likely consider the disputed domain name as having an Australian connection, and accordingly would generally find it to be confusingly similar to the Trade Mark and the Complainant's name which both contain the word "Australian", even though that word is not present in the disputed domain name. auDRP Overview 2.0, section 1.11.2.

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 .AU 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. auDRP Overview 2.0, section 2.1.1.

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 Complainant has not authorised the Respondent to use the Trade Mark or the Complainant's name and there is no evidence that the Respondent is commonly known by the disputed domain name.

The Respondent contends that it has used the disputed domain name in connection with the legitimate noncommercial and fair use of political advocacy. Panels recognise that use of a domain name by the respondent to engage in free speech can give rise to rights or legitimate interests in the domain name, so long as that use is genuine and noncommercial. However, the right to express one's views is not the same as the right to use another's name to identify oneself as the source of those views. auDRP Overview 2.0, section 2.6.

In this case, it appears that the Respondent's criticism is noncommercial (i.e., the Respondent does not appear to be seeking financial gain from its activities) and genuine (i.e., criticism appears to be the true purpose of the website and not a pretext for an ulterior purpose). The Panel takes no issue with the use of website for the purposes of (noncommercial) criticism in general and does not make any finding regarding whether the criticism on the website at the disputed domain name is accurate or not. These matters are beyond the scope of this proceeding.

The disputed domain name is confusingly similar to the Trade Mark and the Complainant's name (consisting of substantial part of the Trade Mark/name and a suffix that captures the remainder of the Trade Mark/name). The disputed domain name does not include an additional term that would indicate a lack of affiliation between the Complainant and the Respondent. The Panel in *Miltenyi Biotec GmbH v. Rachel A. Liu-Williams*, WIPO Case No. [DAU2015-0033](#) addressed a similar situation. In that case, the Panel stated:

"The Panel recognizes that the personal and public values that support an entitlement to speak freely ('free speech') are found, in varying degrees, in most countries. Without a doubt, an entitlement to free speech exists in, and is highly valued by citizens and residents of, Australia – the country in which the Respondent appears to reside. In the Panel's opinion, resolution of a perceived conflict between an entitlement to free speech and an entitlement to a domain name registered in a gTLD is one of the few instances in which

considerations specific to the nation in which each party resides should be taken into account in making decisions under the Policy. Thus, the Panel has given careful consideration to the Respondent's contention that she has a right or legitimate interest in the disputed domain name by virtue of using it to resolve to a website at which she ventilates her criticisms of the Complainant.

Having given careful consideration to the matter, the Panel concludes that use of a domain name that consists solely of the complainant's trademark (i.e., <trademark.2LD.au>) for the purposes of engaging in criticism of the complainant does not, of itself, give rise to rights or legitimate interests in the domain name. The reason for this conclusion is that, as was said in *Monty and Pat Roberts, Inc. v. Bill Keith*, WIPO Case No. [D2000-0299](#), 'the right to express one's views is not the same as the right to use another's name to identify one's self as the source of those views'. While it is true, as the Respondent says, that it is unlikely that a visitor to the website to which the disputed domain name resolves would think that it is a website belonging to the Complainant once the content has been read, the fact is that prior to landing at the website a visitor would not know that it is not a website belonging to the Complainant. Indeed, the fact that the disputed domain name consists solely of the Complainant's trademark may lead a potential visitor to the website to think otherwise. This use of the Complainant's trademark is not, therefore, a legitimate use."

The Panel finds that an inherently misleading domain name (effectively identical to the relevant mark) which falsely conveys the appearance of a non-existent association with the Complainant (or indeed, being a URL of the Complainant) cannot give rise to rights or legitimate interests on the part of the Respondent, even in a case where the disputed domain name is genuinely being used for the purpose of a criticism site.

Additionally, the Respondent does not meet the eligibility criteria for registration of the disputed domain name under clause 2.4.4 of the .au Domain Administration Rules: Licensing. A respondent who does not, and never did, satisfy the eligibility and allocation requirements for a domain name cannot have rights or legitimate interests in that domain name for the purposes of paragraph 4(a)(ii) of the Policy. auDRP Overview 2.0, section 2.1.7.

The Panel finds the second element of the Policy has been established.

C. Registered or Subsequently 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 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 or subsequent use of a domain name is in bad faith. auDRP Overview 2.0, section 3.2.

The Panel notes that the obvious purpose of the Respondent's website is to criticize the Complainant. The Respondent was clearly aware of the Complainant when the Respondent registered the disputed domain name.

Paragraph 4(b)(iii) deals with the situation where the Respondent has registered the domain name primarily for the purpose of disrupting the business or activities of another person. Based on the matters set out in relation to the second element above, the Panel finds that this has occurred here. The Panel considers that the disputed domain name was registered so that Internet users seeking information about the Complainant and its activities would be diverted from the Complainant's website to the Respondent's website which serves a different purpose to the Complainant's website. This activity amounts to disrupting the business or activities of the Complainant. See *Mount Wellington Cableway Company Pty Limited v. The Trustee for the Dive Trust*, Resolution Institute Case No. auDRP_18_04 (2018).

The Panel finds that the Complainant has established the third element of the Policy.

7. Decision

For all 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 <presscouncil.com.au> be transferred to the Complainant.

/Rebecca Slater/

Rebecca Slater

Sole Panelist

Date: September 14, 2026