

ADMINISTRATIVE PANEL DECISION

Soho House & Co (Soho House Ltd.) v. Athena Technology Consulting Ltd,
Nicholas Oliver

Case No. DCO2026-0011

1. The Parties

The Complainant is Soho House & Co (Soho House Ltd.), United Kingdom (“UK”), represented by Protakedown Pte. Ltd d/b/a PhishFort, Singapore.

The Respondents are Athena Technology Consulting Ltd, UK, and Nicholas Oliver, UK.

2. The Domain Name and Registrar

The disputed domain name <sohohouse.co> (the “Domain Name”) is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 29, 2026. On January 30, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On January 30, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Nicholas O.) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 2, 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 February 4, 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 Respondent of the Complaint, and the proceedings commenced on February 9, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 1, 2026. The Response due date was extended until March 16, 2026. The Response was filed with the Center on March 17, 2026. The Respondent sent email communications to the Center on February 27, March 5, 6, 16, and 19, 2026.

The Center appointed Ian Lowe as the sole panelist in this matter on March 26, 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 Complaint provides minimal background about the activities of the Complainant. However, it appears from the Complainant's website at "www.sohohouse.com" that it is a Club for "creatives", founded in 1995 in London, UK. It now has "Houses" across the world with spaces for drinking, dining, relaxing, working and exercising. Many of the Houses have bedrooms.

The Complainant is the proprietor of a number of registered trademarks for SOHO HOUSE (the "Mark"), including UK trademark number UK00002206659, registered on August 25, 2000; European Union trademark number 006751374 registered on November 13, 2008, and the comparable UK trademark number UK00906751374, created following the UK's exit from the European Union and also treated as registered on November 13, 2008; and United States of America trademark number 3618374, registered on May 12, 2009.

The Domain Name was registered on November 24, 2024. It resolves to a website headed "Soho House Insider" with a disclaimer in the banner of every web page stating "Unofficial and Independent. Not affiliated with Soho House & CO". The home page describes the website as "The independent voice of Soho House culture. News, analysis and legal tools for the creative community. We bring you the insights that official channels won't". The "About" page states "The Unofficial Guide. An independent platform for commentary, analysis, and community discussion regarding the world's most exclusive creative network". The "About" page has further disclaimers stating that it has no affiliation with the Complainant. A link to the Complainant's official website is also provided on the Respondent's website: "The official Soho House website can be found at www.sohohouse.com". Also, the Respondent's automated email reply system includes a non-affiliation disclaimer.

The Respondent is a director of the registrant company that was dissolved in December 2025. He claims to be a data privacy professional and technology entrepreneur and was a member of the Complainant from January 2018 until December 2025 when his membership was terminated. There is a number of disputes between the Respondent and the Complainant.

5. Parties' Contentions

A. Complainant

The Complainant contends that the Domain Name is identical to the Mark, that the Respondent has no rights or legitimate interests in respect of the Domain Name, and that the Respondent registered and is using the Domain Name in bad faith.

Notably, the Complainant states that the Domain Name was registered or acquired primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the Complainant as the owner of the Mark for valuable consideration in excess of the Respondent's out-of-pocket costs directly related to the Domain Name. The Complainant relies on an email from the Respondent dated October 1, 2025, in which he puts forward proposals for an agreement with the Complainant including the following terms:

- "I can facilitate the confidential acquisition/transfer of sohohouse.co and sohohouse.app from the current registrant (a UK Ltd). Both are run non-commercially with clear unofficial non-nominative use disclaimers. I would imagine that for the domains themselves they're seeking a nominal value; what's really needed is proper facilitation to complete the transfer cleanly (title, technical cut over, re directs).

- The current registrant appears to have structured the sites with a robust fair use framework including comprehensive disclaimers, non-commercial operation and genuine editorial content from public sources making any UDRP or similar challenge far from straightforward, as it aligns with established precedents for legitimate informational use.
- Commercials: my consulting day rate is \$2,440 (or £1,800). For domain acquisitions I typically charge £15-30,000 per domain (negotiation, documentation, transfer, risk). In this case, given the registrant's stance, I'd expect the lower end. I'm also open to structuring part of the fee as membership credits on my account (spendable in Houses/hotels), with the balance invoiced."

Additionally, the Complainant submits that the Domain Name has active MX ("Mail Exchange") and SPF ("Sender Policy Framework") records, which might be used to perform a phishing attack against the Complainant via email distribution.

B. Respondent

The Respondent sent email communications to the Center on February 27, March 5, 6, 16, and 19, 2026, and submitted its formal Response on March 17, 2026.

On March 5, 2026, the Respondent contended that: "the domain sohouse.co is actively used to host an independent, noncommercial editorial publication containing commentary and analysis about the Complainant's business, with prominent disclaimers of non-affiliation on every page, which I believe constitutes a legitimate non-commercial fair use of the domain name within the meaning of Paragraph 4(c)(iii) of the Policy. I also note that a substantially similar complaint brought by Soho House interests concerning the domain sohouse.com.au was dismissed in its entirety by the Panel in 2018, in a proceeding before the Resolution Institute under the auDRP, where the Panel found that all three elements of the Policy had not been satisfied".

The Respondent contends that the Complainant has not satisfied the elements required under the Policy for a transfer of the Domain Name.

He accepts that the Domain Name is identical to the Mark, ignoring the country code Top-Level Domain ("ccTLD") ".co" and that the first element is satisfied.

So far as Rights or Legitimate Interests are concerned, the Respondent argues that the Domain Name is being used for a legitimate noncommercial or fair use, without intent for commercial gain or misleadingly to divert consumers or to tarnish the Mark. Rather, the website at the Domain Name (the "Respondent's Website") hosts original analytical articles and a Data Subject Access Request facilitation tool. There is no advertising, no products for sale, no affiliate links, and no commercial revenue. In addition, prominent non-affiliation disclaimers appear on every page in the site header – not buried in a footer – and are immediately visible on arrival. Every auto-reply email includes a disclaimer, as appears from the email from him annexed to the Complaint.

The Respondent denies that the Domain Name was registered or used in bad faith. He rebuts the allegation that the Domain Name was registered primarily for the purpose of selling it to the Complainant or a competitor of the Complainant. He submits that the consulting proposal set out in his email of October 1, 2025 was sent 11 months after the Domain Name was registered and only after the Chief Legal Officer ("CLO") of the Complainant had invited the Respondent to collaborate with the IT/digital team of the Complainant during a phone call on September 27, 2025. He points out that WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 3.10¹ notes that "panels are mindful that negotiations between domain name registrants and trademark owners ... can serve a legitimate purpose, and are not necessarily indicative of bad faith."

¹ The [WIPO Overview 3.0](#) was superseded with the WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)").

The Respondent also points out that MX and SPF records are standard Domain Name System (“DNS”) configuration and that he notified the Complainant staff 29 times, and the CLO eight times, about misdirected emails, but the Complainant took no action to block Complainant staff addressing emails using the Domain Name in error.

Finally, the Respondent seeks a finding of Reverse Domain Name Hijacking against the Complainant on the grounds that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding within the meaning of Paragraph 15(e) of the Rules. He relies on a number of grounds supporting a finding that the Complainant either knew it could not succeed or clearly ought to have known that it could not succeed under any fair interpretation of facts reasonably available prior to filing.

6. Discussion and Findings

6.1 Procedural Issues

A. Identification of Respondent

The Response was filed by Nicholas Oliver. According to a search of the publicly available records of UK Companies House, the registrant of the Domain Name, Athena Technology Consulting Ltd (“Athena”) was dissolved on December 2, 2025, and Nicholas Oliver is the sole director. A dissolved company has no legal personality and is incapable of carrying on a bona fide business or authorizing a representative to act on its behalf: *Bitrise Limited v. Dalton Kline, Bitrise Trade Ltd*. WIPO Case No. [D2020-0835](#). However, in the circumstances, consistent with the pragmatic approach adopted in that case, the Panel is prepared to proceed on the basis that Nicholas Oliver is a Respondent and he will be referred to as the Respondent.

B. Response

The emails from the Respondent to the Center concerned administrative issues including the time for filing a Response, as well as the possibility of discussions with the Complainant as to settlement.

The Response is around 8,500 words and, accordingly, fails to comply with the 5,000 word limit prescribed by the Rules and Supplemental Rules. The Panel has accordingly determined that it will only have regard to the section of the Response that specifically responds to the Complaint and the first four grounds of the Respondent’s submission that the Complaint amounts to Reverse Domain Name Hijacking. The Panel notes, however, that the Response was filed by Nicholas Oliver and that the Response is detailed, well-evidenced, and directly responsive to the allegations made. The Panel has taken a proportionate approach in identifying which sections of the Response exceed the word limit threshold, and has had regard to all evidence submitted.

6.2 Substantive issues

For this Complaint to succeed in relation to the Domain Name the Complainant must prove that:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the 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.

Ignoring the ccTLD “.co”, the Domain Name is identical to the Mark. Accordingly, the Panel finds that the Domain Name is identical to a trademark in which the Complainant has rights, and 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 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. Accordingly, 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.

In this case, the Complainant states that: (a) the Respondent is not using the Domain Name in connection with a bona fide offering of goods or services related to the Mark; (b) that the Respondent is not commonly known by the Domain Name; and (c) that the Respondent is not making a legitimate noncommercial or fair use of the Domain Name.

The Respondent claims that in light of the purpose to which the Domain Name has been put, to provide information about the Complainant and make available a tool for facilitating a Data Subject Access Request, its use of the Domain Name amounts to legitimate fair use. It emphasizes in terms that in the absence of any commercial use, the clear disclaimers on all pages of the Respondent’s Website, and the presence of all the illustrative factors cited by section 2.5.2 of the [WIPO Overview 3.1](#), the overall facts and circumstances support its claimed fair use.

However, the Panel notes that the Domain Name is identical to the Mark and the consensus amongst UDRP panelists is that, fundamentally, a respondent’s use of a domain name will not be considered “fair if it falsely suggests affiliation with the trademark owner (section 2.5 of the [WIPO Overview 3.1](#)). Generally speaking, UDRP panels have found that domain names identical to a Complainant’s trademark do carry a high risk of implied affiliation (section 2.5.1 of the [WIPO Overview 3.1](#)). In the Panel’s view, the factors relied upon by the Respondent are primarily directed at cases where the domain name comprises the Complainant’s trademark and some additional term. Furthermore, panels have found that even in the case of domain names being used for a website exercising what might be termed a general right to legitimate criticism, this does not extend to registering or using a domain name identical to a trademark since this creates an impermissible risk of user confusion through impersonation (section 2.6.2 of the [WIPO Overview 3.1](#)). The many misdirected emails received by the Respondent but intended for the Complainant are clear evidence of such confusion.

In the circumstances, the Panel finds that the Respondent has not made a legitimate noncommercial or fair use of the Domain Name and has failed otherwise to establish rights or legitimate interests in respect of the 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.

The registration of a domain name identical to a complainant's trademark by an entity with no authorization from the trademark owner can by itself create a presumption of bad faith (section 3.1.4, of the [WIPO Overview 3.1](#)). In the present case, the Panel notes that the Domain Name is identical to the Mark and finds that the presumption of bad faith has not been rebutted by the Respondent. The Respondent has used the Domain Name for a website that has numerous references to the Mark and features largely critical reviews of aspects of the Complainant's activities and processes. The Respondent undoubtedly had the Complainant and its rights in the Mark in mind when it registered the Domain Name.

The tenor of the Respondent's Website is that of criticism of the Complainant. It also provides a facility to make a Data Subject Access Request of the Complainant under the UK General Data Protection Regulation ("UK GDPR") which, by its nature, has an element of confrontation. The Respondent founds his submission that the Domain Name was neither registered nor is being used in bad faith on his assertion of legitimate interests in the Domain Name, the use of the website primarily to publish independent, legitimate editorial content, the absence of any commercial gain and the abundance of disclaimers on the website.

However, the fact remains that the Respondent is using a domain name that is identical to the Mark and that it has registered the Domain Name using the ccTLD ".co", clearly aware that the Complainant is also referred to as "Soho House & Co". As set out in the Panel's above findings in relation to rights or legitimate interests, the registration of a domain name identical to the Complainant's trademark creates an impermissible risk of user confusion through impersonation. Panels have increasingly found that notwithstanding adherence to the factors relied upon by the Respondent, the use of a domain name identical to the Complainant's mark, without any additional descriptive term indicating its purpose independent of the Complainant, does amount to bad faith use. The Panel finds that noting the composition of the Domain Name, the existence of the disclaimers does not change the overall impression created by the Domain Name, which is identical to the Complainant's Mark and likely to lead Internet users to believe that it is operated by, or affiliated with, the Complainant. Section 3.7 of the [WIPO Overview 3.1](#).

The Panel also takes some account of the fact that in his email of October 1, 2025, proposing a fee for the transfer of the Domain Name, the Respondent uses opaque language, apparently distancing himself from the registrant of the Domain Name by speaking of it in the third person, using language such as "I can facilitate the transfer..", "the current registrant appears to have structured..." and "given the registrant's stance...".

Accordingly, the Panel finds that the Domain Name has been registered and is being used in bad faith and that the third element of the Policy has been established.

In light of the outcome, the Panel finds the Complaint does not constitute an attempt at Reverse Domain Name Hijacking.

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 Domain Name <sohohouse.co> be transferred to the Complainant.

/Ian Lowe/

Ian Lowe

Sole Panelist

Date: May 5, 2026