WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

PANEL DECISION
Playboy Enterprises International, Inc. v. Elena Dontsova
Case No. DEU2025-0033

1. The Parties

Complainant is Playboy Enterprises International, Inc., United States of America, represented by UNIT4 IP Rechtsanwälte, Stolz Stelzenmüller Weiser Grohmann Partnerschaft mbB Rechtsanwälte, Germany.

Respondent is Elena Dontsova, Netherlands (Kingdom of the), self-represented.

2. The Domain Names, Registry and Registrar

The Registry of the disputed domain names <playboybelgium.eu>, <playboyfinland.eu>, and <playboyitaly.eu> is the European Registry for Internet Domains ("EURid" or the "Registry"). The Registrar of the disputed domain names is NameSilo, LLC.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 4, 2025. On December 4, 2025, the Center transmitted by email to the Registry a request for registrar verification in connection with the disputed domain names. On December 5, 2025, the Registry transmitted by email to the Center its verification response confirming that Respondent is listed as the registrant and providing the contact details.

The Center verified that the Complaint satisfied the formal requirements of the .eu Alternative Dispute Resolution Rules (the "ADR Rules") and the World Intellectual Property Organization Supplemental Rules for .eu Alternative Dispute Resolution Rules (the "Supplemental Rules").

In accordance with the ADR Rules, Paragraph B(2), the Center formally notified Respondent of the Complaint, and the proceedings commenced on December 12, 2025. In accordance with the ADR Rules, Paragraph B(3)(a), the due date for Response was January 1, 2026. The Response was filed with the Center on January 1, 2026. In response to a notification of January 6, 2026, by the Center that the Response was administratively deficient, Respondent filed an amended Response on January 11, 2026.

The Center verified that the Response together with the amended Response satisfied the formal requirements of the ADR Rules and the Supplemental Rules.

The Center appointed Marina Perraki as the sole panelist in this matter on January 19, 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 ADR Rules, Paragraph B(5).

On January 21, 2026, Complainant submitted a supplemental filing in response to Respondent's Response. Further, on January 22 and February 3, 2026, Respondent submitted additional supplemental filings addressing Complainant's supplemental filing.

On February 6, 2026, Complainant submitted an additional supplemental filing responding to Respondent's supplemental filings.

4. Procedural Issue: Supplemental Filings

Complainant filed on January 21, 2026, a supplemental filing, in reply to Respondent's Response. Subsequent to that, on January 22 and February 3, 2026, Respondent filed additional supplemental filings in response to Complainant's supplemental filing. Further on, Complainant submitted an additional supplemental filing on February 6, 2026.

Neither the ADR Rules nor the Supplemental Rules make provision for supplemental filings, except at the request of the Panel (see ADR Rules, paragraph 8). Paragraph 7 of the ADR Rules enjoins the Panel to conduct the proceeding "with due expedition". Therefore, panels are typically reluctant to countenance delay through additional rounds of pleading and normally accept supplemental filings only to consider material new evidence or provide a fair opportunity to respond to arguments that could not reasonably have been anticipated. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), section 4.6.[1]

The Panel notes that Complainant's supplemental filing replies to Respondent's Response and to facts and claims mentioned therein. In this case, after consideration of Complainant's supplemental submission the Panel has decided to accept it for the sake of completeness, in particular noting that it does not address topics that Complainant could have addressed in its Complaint given that such facts and claims were made by Respondent in reply to the Complaint (*Delikomat Betriebsverpflegung Gesellschaft m.b.H. v. Alexander Lehner*, WIPO Case No. D2001-1447; *AutoNation Holding Corp. v. Rabea Alawneh*, WIPO Case No. D2002-0058; and *Avaya Inc. v. Ali Parsa / Ali Parsa, AVAYeRASA / Ali Parsa Koosha*, WIPO Case No. D2018-1472).

Furthermore, Respondent filed additional supplemental filings on January 22 and February 3 2026, in reply to Complainant's reply to Response. The Panel notes that Respondent's additional supplemental filing replies to Complainant's reply to the Response and to facts and claims mentioned therein. In this case, after consideration of Respondent's additional supplemental submission the Panel has decided to also accept it for the sake of completeness, in particular noting that it does not address topics that Respondent could have addressed in its Response given that such facts and claims were made by Complainant in reply to the Response.

Further, the Panel will disregard Complainant's supplemental filing of February 6, 2026. In any event, even if the Panel had considered it, they would not have affected the outcome of this proceeding.

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[1]The Panel follows prior decisions under the UDRP and, given the similarities between the ADR Rules and UDRP, finds it appropriate to refer to UDRP jurisprudence, including reference to the WIPO Overview 3.0.

5. Factual Background

Complainant is the publisher of the Playboy magazine, one of the world's best-selling lifestyle magazines. Complainant owns trademark registrations for PLAYBOY including the European Union Trademark Registration No. 000060434 PLAYBOY (word), filed on April 1, 1996, and registered on October 28, 2004, for goods and services in international classes 3, 5, 6, 8, 9, 10, 11, 12, 14, 15, 16, 18, 20, 21, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41 and 42, and the European Union Trademark Registration No. 001728377 PLAYBOY (word), filed on June 28, 2000, and registered on October 9, 2001, for services in international class 41.

Complainant further owns the domain name registration <playboy.com> since 1994, under which it operates its main website, where the Playboy magazine and lifestyle content and services are available and can be purchased.

Furthermore, Complainant owns trademark registrations for PLAYMATE and a rabbit head design logo which are also featured prominently on its website.

The disputed domain names were registered as follows: <playboybelgium.eu> was registered on October 8, 2024, <playboyfinland.eu> was registered on November 17, 2023, and <playboyitaly.eu> was registered on September 21, 2024.

The disputed domain names resolved, at the time of filing of Complaint, to websites which are similar to each other (the "Websites"), prominently displaying Complainant's PLAYBOY trademark but also Complainant's other trademarks such as the PLAYMATE trademark and its rabbit head design logo. The Websites featured "Playboy" branded magazines, namely magazines mimicking Complainant's PLAYBOY trademark on their cover, which were not magazines of Complainant. Furthermore, the Websites featured "Playmate" cover stars and lifestyle content. The featured magazines and content could be purchased through the subpages "cover stars", "playmates" and "issues" by clicking on one of the models featured on the Websites and then on the button "read & watch" or by clicking on a magazine. The user was then redirected to the website at "www.boosty.to".

The Websites contained disclaimers in the "about us" sections and at the bottom of the landing pages. The former disclaimers used language such as "independent initiative" or "independent project", "separate from", "with no connection" or "with no affiliation" to Complainant. The latter disclaimers were written in small letters and were not easily discernible. They stated that each of the Websites is an independent digital magazine with no connection to Complainant's company.

Currently the disputed domain names lead to inactive websites.

6. Parties' Contentions

A. Complainant

Complainant asserts that it has established all elements required under Paragraph B(11)(d)(1) of the ADR Rules for a transfer of the Domain Name.

In its supplemental filing Complainant states that Respondent's allegations in her Response affirming that the "project" of Respondent is primarily free of charge and membership on third-party platforms were not used for limited access-control purposes are inaccurate. In order to access the Websites' content, Internet users had to subscribe to Respondent's magazine, which was subject to a monthly fee, or at least purchase it through the website at "www.boosty.to". Furthermore, per Complainant, contrary to Respondent's allegations, subsequent to the filing of the Complaint, the references to "Playboy" and "Playmate" were not removed and there was no change in the use of the rabbit head design logo on the Websites. The rabbit head design logo and "playmate" were still displayed on the header on the top section of the Websites at the

time of Complainant's supplemental filing on January 21, 2026, however in any case the critical point in time is the date of filing of the Complaint. Per Complainant, Respondent was obviously seeking commercial gain, while the content of the disclaimers was unclear and confusing, the disclaimers were missing on relevant subpages where the goods were purchased, a certain portion of consumers would not perceive them and the extensive use of Complainant's famous mark could not be neutralized by an unclear disclaimer.

B. Respondent

In the Response, Respondent does not deny that the disputed domain names and the trademark of Complainant could be found confusingly similar. However, Respondent asserts legitimate interests and denies bad faith. Respondent operates an independent, digital editorial project, featuring original monthly issues and interviews produced by Respondent and other third parties. The Websites have been hosting these issues, current and past, since 2023/2024. Respondent states that, as she had understood, Complainant was shifting from printed matter to online content since 2020, with local websites for each country, through its licensees. Respondent commissioned content, photographs, web-design and editorial flows for her project, prior to any notice of the dispute. Respondent offers her services primarily free of charge. Respondent does not sell Complainant's goods, does not present herself as authorized licensee of Complainant. Nonetheless, Respondent acknowledges that there were possibilities for "membership" (e.g. to a third party platform) through links to the Websites and states that these were used for "limited access-control purposes (to reduce unauthorised redistribution of third parties' images)". Any amounts received in connection with such access-control measures were incidental, they did not suffice to cover Respondent's costs and did not turn the Websites into commercial ones. Per Respondent, her use was editorial and informational and the use of "Playboy" or "Playmates" were referential and not necessary for the operation of the Websites. Respondent has been removing such uses to deescalate the current dispute. Also, Respondent has been replacing the rabbit head design logo with a new logo. These steps are not to be considered as admission but only as good faith accommodation. The Websites are visually and structurally different to the main page of Complainant. The Websites include disclaimers stating that Respondent does not have any connection to Complainant. Complainant has not shown any interest for the countries appearing in the disputed domain names. Any rabbit head design logo depictions included in the Websites were not prominent and they were a mistake of the web-designer, furthermore they are being replaced.

In Respondent's additional supplemental filing Respondent states that corrective measures were taken and that the evidence provided in Complainant's supplemental filing consists of previews/announcements from a blocked third party platform account ("www.bootsy.to"). Respondent cannot delete legacy posts on a blocked account. Only the previews/announcements can be hidden and Respondent is taking steps to do that too.

7. Discussion and Findings

Under Paragraph B(11)(d)(1) of the ADR Rules, in order for the Complaint to succeed, it is for Complainant to establish:

(i) that the disputed domain names are identical or confusingly similar to a name in respect of which a right is recognised or established by the national law of a Member State and/or European Union law and;

(ii) that the disputed domain names have been registered by Respondent without rights or legitimate interests in the names; or

(iii) that the disputed domain names have been registered or are being used in bad faith.

A. Identical or Confusingly Similar to a name in respect of which a right or rights are recognized or established by national law of a Member State and/or European Union law

The Panel finds that the disputed domain names are confusingly similar to the PLAYBOY trademark of Complainant.

The disputed domain names incorporate the trademark of Complainant in its entirety. This is sufficient to establish confusing similarity (*Magnum Piering, Inc. v. The Mudjackers and Garwood S. Wilson, Sr.*, WIPO Case No. D2000-1525). The addition of the words "belgium", "finland", or "italy" in the disputed domain names, does not avoid a finding of confusing similarity (WIPO Overview 3.0, section 1.8).

The country code Top-Level Domain ("ccTLD") ".eu" is disregarded, as ccTLDs typically do not form part of the comparison on the grounds that they are required for technical reasons only.

The Panel finds that the disputed domain names are confusingly similar to the PLAYBOY trademark of Complainant.

Complainant has established Paragraph B(11)(d)(1)(i) of the ADR Rules.

B. Rights or Legitimate Interests

Under Paragraph B(11)(e) of the ADR Rules, a respondent may demonstrate its rights or legitimate interests to the domain name for purposes of Paragraph B(11)(d)(1)(ii) by showing any of the following circumstances, in particular but without limitation:

(1) prior to any notice of the dispute, the respondent has used the domain name or a name corresponding to the domain name in connection with the offering of goods or services or has made demonstrable preparation to do so;

(2) the respondent, being an undertaking, organisation or natural person, has been commonly known by the domain name, even in the absence of a right recognised or established by national and/or European Union law;

(3) the respondent is making legitimate and non-commercial or fair use of the domain name, without intent to mislead consumers or harm the reputation of a name in respect of which a right is recognised or established by national law and/or European Union law.

The Panel concludes that Respondent lacks rights or legitimate interests in respect of the disputed domain names.

As per Complainant, Respondent was not authorized to register the disputed domain names.

Complainant established that it has no relation with Respondent and has never authorized Respondent to use the PLAYBOY trademark in any way and that Respondent is not commonly known by the disputed domain names.

Prior to the notice of the dispute, Respondent did not demonstrate any use of the disputed domain names or a trademark corresponding to the disputed domain names in connection with a bona fide offering of goods or services.

On the contrary, as Complainant demonstrated, the disputed domain names were used to host the Websites, which featured Complainant's trademarks and suggested falsely that they were those of Complainant or an affiliated entity or an authorized partner of Complainant.

In view of the above, there is no evidence on record giving rise to any rights or legitimate interests in the disputed domain names on the part of Respondent. Any use prior to the notice of the dispute by Respondent does not appear to be bona fide under the terms of the ADR Rules, as Respondent was, as she acknowledged, aware of Complainant, its trademarks and their use, when she registered the disputed domain names. Respondent did not prove that she was commonly known by the disputed domain names prior to the notice of the dispute. Last, Respondent was not making a legitimate noncommercial or fair use of the disputed domain names but instead, as Complainant demonstrated, used the disputed domain names for her business and the Websites, where goods and services identical to those of Complainant were being offered for sale, under Complainant's trademarks.

Complainant has established Paragraph B(11)(d)(1)(ii) of the ADR Rules.

C. Registered or Used in Bad Faith

There is no need to separately address bad faith registration or use, in view of Panel's finding that Respondent has no rights or legitimate interests in the disputed domain names. However, in this case the Panel briefly considers that the disputed domain names have also been registered and used in bad faith.

Because the PLAYBOY mark had been widely used and registered by Complainant before the disputed domain names registrations and enjoyed reputation, as repeatedly recognized (e.g. *Playboy Enterprises International, Inc v. Frederico Concas*, WIPO Case No. D2002-0074), the Panel finds it more likely than not that Respondent had Complainant's mark in mind when registering the disputed domain names (*Tudor Games, Inc. v. Domain Hostmaster, Customer ID No. 09382953107339 dba Whois Privacy Services Pty Ltd / Domain Administrator, Vertical Axis Inc.*, WIPO Case No. D2014-1754). This also takes into account the content of the Websites which displayed Complainant's registered trademarks.

As regards bad faith use of the disputed domain names, Complainant has demonstrated that the disputed domain names were used to resolve to the Websites, which prominently displayed Complainant's registered trademarks, thereby giving the false impression that they were operated by Complainant, or a company affiliated to Complainant or an authorised partner or licensee of Complainant. The disputed domain names were therefore used to intentionally create a likelihood of confusion with Complainant's trademarks and business as to the source, sponsorship, affiliation, or endorsement of the website they resolved to. This can be used in support of bad faith registration and use *(Booking.com BV v. Chen Guo Long*, WIPO Case No. D2017-0311; *Ebel International Limited v. Alan Brashear*, WIPO Case No. D2017-0001; *Walgreen Co. v. Muhammad Azeem / Wang Zheng, Nicenic International Group Co., Limited*, WIPO Case No. D2016-1607; *Oculus VR, LLC v. Sean Lin*, WIPO Case No. DCO2016-0034; and WIPO Overview 3.0, section 3.1.4).

Having reviewed the record, the Panel finds Respondent's registration and use of the disputed domain names constitutes bad faith under the ADR Rules.

As regards the disclaimers, Respondent stated that she believed disclaimers were enough to establish good faith. This misconceives the ADR Rules. Panels have found that where the overall circumstances point to the respondent's bad faith, disclaimers do not cure it. On the contrary, panels may consider the respondent's use of a disclaimer as an admission by the respondent that users may be confused (WIPO Overview 3.0, section 3.7). In the case at hand, the Panel finds that the overall circumstances point to Respondent's bad faith and that the disclaimers do not cure it. Respondent acknowledged that she was aware of Complainant's rights when she registered the disputed domain names. Respondent also acknowledged that the "Playboy" magazines displayed on the Websites were not magazines of Complainant. Furthermore, Respondent acknowledged that she understood that Complainant planned to focus on digital magazines and she used the disputed domain names for the Websites which included digital magazines branded as "Playboy" magazines. Last, Respondent stated that she knew Complainant was not active in the countries of the disputed domain names' country combinations, therefore Respondent knew of Complainant, its business and its trademarks, at the time of registration of the disputed domain names.

The Websites prominently displayed Complainant’s trademarks on the top section of the Websites for identical goods, namely “Playboy” magazines, that were not however magazines of Complainant. Furthermore, in the view of the Panel, the disclaimers were not sufficiently clear (using the word “project” which could mean the project of a Complainant’s licensee) and/or sufficiently prominent. The identical use of Complainant’s trademarks and its rabbit head design logo for identical products (e.g. magazines) that looked like Complainant’s magazines, by an entity presenting itself as “Playboy” plus the relevant country (e.g. Playboy Italy), gave the impression that the Websites were operated by Complainant or a Complainant’s licensee.

The corrective steps that Respondent took do not alter the above findings and do not establish good faith, as the critical time is that of the registration of the disputed domain names and the filing of the Complaint.

Last, in the circumstances of this case the current passive holding of the disputed domain names does not prevent a finding of bad faith under the ADR Rules.

Under these circumstances and on this record, the Panel finds that Respondent registered and used the disputed domain names in bad faith.

Complainant has established Paragraph B(11)(d)(1)(iii) of the ADR Rules.

8. Decision

For the foregoing reasons, in accordance with Paragraph B(11) of the ADR Rules, the Panel orders that the disputed domain names, <playboybelgium.eu>, <playboyfinland.eu> and <playboyitaly.eu> be revoked.[2]

/Marina Perraki/
Marina Perraki
Sole Panelist
Date: February 6, 2026

[2]The decision shall be implemented by the Registry within thirty (30) days after the notification of the decision to the Parties, unless Respondent initiates court proceedings in a Mutual Jurisdiction, as defined in Paragraph A(1) of the ADR Rules.