

ADMINISTRATIVE PANEL DECISION

Fabulive Ltd. v. Sourabh Sinha, Algoholic (OPC) Private Limited
Case No. DIO2025-0050

1. The Parties

Complainant is Fabulive Ltd., Hong Kong, China, represented McKool Smith P.C., United States of America.

Respondent is Sourabh Sinha, Algoholic (OPC) Private Limited, India.

2. The Domain Name and Registrar

The disputed domain name <examtopics.io> (“Disputed Domain Name”) is registered with CloudFlare, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 18, 2025. On November 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On November 20, 2025, the Registrar 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 .IO Domain Name Dispute Resolution Policy (the “Policy”), the Rules for .IO Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for .IO 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 December 2, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 22, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on December 23, 2025.

The Center appointed Marina Perraki, Peter J. Dernbach, and Karen Fong as panelists in this matter on January 20, 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 February 2, 2026, the Panel issued an Administrative Panel Procedural Order No. 1 (“Panel Order”), in which the Panel invited Complainant to submit by February 8, 2026, evidence demonstrating its asserted common law rights in EXAMTOPICS. In particular, the evidence should clarify and substantiate the

relationship between Complainant and the owner of the domain name and the operator of the website at “www.examttopics.com”, which appears to be “Learners Ltd”. The Panel further invited Respondent to submit any comments by February 14, 2026. On February 7, 2026, Complainant submitted its reply to the Panel Order. On February 13, 2026, Respondent submitted its comments.

4. Factual Background

Complainant is a limited company registered in Hong Kong, China and is providing online study materials to individuals preparing for information technology (IT) certification exams. It has operated under the EXAMTOPICS mark since at least 2019. Complainant offers study materials and practice exams for sale under the EXAMTOPICS mark on its website at “www.examttopics.com”. Complainant is the owner of the domain name registration <examttopics.com> registered on January 2, 2018. The ExamTopics brand has become widely recognized in the IT test prep industry. Complainant has spent more than USD 3.3 million promoting the brand and its website has received nearly 10 million visitors in the past 12 months. Visitors to Complainant’s website have made more than 60,000 purchases in the most recent full year.

The Disputed Domain Name was registered on December 2, 2024, and leads to a website (the “Website”) prominently displaying an “ExamTopics” logo on the top left part of the Website, similarly as Complainant’s website, following a similar layout, and also offers for sale test prep materials for IT exams, as does Complainant’s “www.examttopics.com” website. Respondent has created a YouTube channel under the name “examttopics”, where it posted a video entitled “Bypass Examtopics Contributor Access” advertising its “more affordable platform to examtopics”.

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.

B. Respondent

Respondent did not reply to Complainant’s contentions. In Respondent’s comments to the Panel Order, it alleged that “exam topics” functions as a generic term and that “examttopics” has minimal brand recognition. Respondent further stated that it registered the Disputed Domain Name because “exam topics” is a consistently high-volume generic search term and did not target Complainant. Respondent alleged that there is a disconnect between Fabulive Ltd. (Complainant) and Learners Ltd. (the entity identified as operator of the website at “www.examttopics.com”). The explanation provided by Complainant in its response to the Panel Order that this was a “developer implementation error” is “problematic”. Respondent does not deny the common ownership of the two companies but states that this does not establish which company owns the trademark rights. Respondent produced traffic data which as Respondent states show that it chose a “consistently popular generic term” – “exam topics” – rather than targeting “a relatively unknown brand”. Furthermore, Respondent claims that by choosing the “.io” extension it is differentiating from Complainant’s “.com general consumer audience”. Respondent claims there was no bad faith in the Disputed Domain Name registration. Respondent operates a different business that does not interfere with Complainant’s operations and the Respondent’s website “clearly identifies separate entity with distinct branding and contact information”.

6. Discussion and Findings

Paragraph 4(a) of the Policy lists three elements, which Complainant must satisfy with respect to the disputed domain name:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

Complainant has established unregistered trademark or service mark rights for EXAMTOPICS for the purposes of the Policy. WIPO Overview of WIPO Panel Views on Select UDRP Questions (“[WIPO Overview 3.1](#)”), section 1.3.¹ Complainant has demonstrated use of the unregistered trademark since at least 2019 on its website.

As regards the allegations of Respondent that the owner of the website is a different company, Complainant has demonstrated in reply to the Panel Order and Respondent does not deny that Complainant and the owner of the website are under common control and are owned and managed by the same person. A trademark owner’s affiliate such as a subsidiary of a parent or of a holding company is considered to have rights in a trademark under the UDRP for purposes of standing to file a complaint. [WIPO Overview 3.1](#), section 1.4.1.

According to the [WIPO Overview 3.1](#), section 1.1.1 the term “trademark or service mark” as used in UDRP paragraph 4(a)(i) encompasses both registered and unregistered (sometimes referred to as common law) marks. Per the Complaint and as not disputed by Respondent, Complainant’s EXAMTOPICS services and website are associated with Complainant’s services such that, as the Panel finds on balance, Complainant has common law rights in EXAMTOPICS for the purposes of the Policy.

The entirety of the mark is reproduced within the Disputed Domain Name. Accordingly, the Disputed Domain Name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

The country code Top-Level Domain (“ccTLD”) “.io” is disregarded, as ccTLDs typically do not form part of the comparison on the grounds that they are required for technical reasons only. [WIPO Overview 3.1](#), section 1.11.1.

Complainant has established the first element of the Policy, paragraph 4(a)(i).

B. Rights or Legitimate Interests

Pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the disputed domain name, among other circumstances, by showing any of the following elements:

- (i) before any notice to Respondent of the dispute, Respondent’s use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services; or
- (ii) Respondent (as an individual, business, or other organization) has been commonly known by the disputed domain name, even if it has acquired no trademark or service mark rights; or
- (iii) Respondent is making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

¹ The Panel, noting the similarities between the Policy and the Uniform Domain Name Dispute Resolution Policy (the “UDRP”), follows prior decisions under the UDRP and refers to UDRP jurisprudence, including reference to the [WIPO Overview 3.1](#).

The Panel concludes that Respondent lacks rights or legitimate interests in respect of the Disputed Domain Name.

Respondent has not submitted any formal response to the Complaint, and the Center has notified Respondent of its default on December 23, 2025. Respondent later invoked legitimate interests in its comments to Complainant's response to the Panel Order, stating that the Disputed Domain Name consists of generic terms. Panels have held that mere arguments that a domain name corresponds to a dictionary term/phrase will not suffice. In order to find rights or legitimate interests in a domain name based on its dictionary meaning, the domain name should not target Complainant. [WIPO Overview 3.1](#), section 2.10.1. However in the case at hand it is clear that the Website targets Complainant. It prominently displays an "ExamTopics" logo on the top left part of the Website, similarly as Complainant's website, it follows a similar layout, offers for sale test prep materials for IT exams, exactly as does Complainant's "www.examttopics.com" website. Furthermore, as Complainant demonstrated Respondent has created a YouTube channel under the name "examttopics", where it posted a video entitled "Bypass Examtopics Contributor Access" advertising its "more affordable platform to examttopics".

As per Complainant, Respondent was not authorized to register the Disputed Domain Name.

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

On the contrary, as Complainant demonstrated, the Disputed Domain Name resolves to the Website, which suggests falsely that it is of Complainant or of an affiliated entity or of an authorized partner of Complainant.

Per Complainant, no agreement, express or otherwise, exists allowing the use of Complainant's unregistered trademark on the Website and the use of the Disputed Domain Name by Respondent. Respondent has not provided any evidence to rebut this claim.

The Panel finds that these circumstances do not confer upon Respondent any rights or legitimate interests in respect of the disputed domain name.

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

C. Registered or Used in Bad Faith

Paragraph 4(b) of the Policy provides that the following circumstances, "in particular but without limitation", are evidence of the registration and use of the disputed domain name in "bad faith":

(i) circumstances indicating that Respondent has registered or has acquired the disputed domain name primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the disputed domain name; or

(ii) Respondent has registered the disputed domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding disputed domain name, provided that Respondent has engaged in a pattern of such conduct; or

(iii) Respondent has registered the disputed domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the disputed domain name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent's website or other on line location, by creating a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation, or endorsement of Respondent's website or location or of a product or service on Respondent's website or location.

Noting that Complainant had used the EXAMTOPICS mark at the time of the Disputed Domain Name's registration by Respondent and enjoyed recognition in the relevant sector and noting the use described herein, the Panel finds that Respondent had Complainant's mark in mind when registering the Disputed Domain Name (*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](#); and *Parfums Christian Dior v. Javier Garcia Quintas and Christiandior.net*, WIPO Case No. [D2000-0226](#)).

As regards bad faith use, Complainant has demonstrated that the Disputed Domain Name is used to resolve to the Website, which prominently displays an "ExamTopics" logo on the top left part of the Website, similarly as Complainant's website, it follows a similar layout, offers for sale test prep materials for IT exams, exactly as does Complainant's "www.examtotics.com" website. The Website therefore gives the false impression that it is operated by Complainant, or a company affiliated with the Complainant or an authorised partner of the Complainant. The Disputed Domain Name is therefore used to intentionally create a likelihood of confusion with Complainant as to the source, sponsorship, affiliation, or endorsement of the Website it resolves 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 3.1](#), section 3.1.4).

The allegations of Respondent that it chose the common words "exam topics" and not the unknown brand "examtotics" are pretextual. The fact that users search for "exam topics" with a space does not mean that they are not looking for Complainant. Furthermore, the Disputed Domain Name is "examtotics" and not "exam topics", while no difference exists between them. The Website clearly targets the website of Complainant, prominently displaying a similar logo in the same position, following a similar layout and offering identical goods and services. The alleged differentiation through the choice of ".io" instead of ".com" on the one hand confirms the full knowledge by Respondent of Complainant's prior rights and business and on the other hand does not change the identity of the Disputed Domain Name to Complainant's unregistered trademark rights as explained under the analysis of the first element.

Furthermore, as Complainant demonstrated Respondent has created a YouTube channel under the name "examtotics", where it posted a video entitled "Bypass Examtopics Contributor Access" advertising its "more affordable platform to examtopics". Therefore, Respondent clearly knew of Complainant and targeted the same.

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 illegal activity here, claimed impersonation/passing off, constitutes bad faith. [WIPO Overview 3.1](#), section 3.4. Having reviewed the record, the Panel finds Respondent's registration and use of the Disputed Domain Name constitutes bad faith under the Policy.

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

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 <examtopics.io> be transferred to Complainant.

/Marina Perraki/

Marina Perraki

Presiding Panelist

/Peter J. Dernbach/

Peter J. Dernbach

Panelist

/Karen Fong/

Karen Fong

Panelist

Date: February 27, 2026