

ADMINISTRATIVE PANEL DECISION

Virgin Enterprises Limited v. Emersyn Mason, MasonBytes, Lara Maddox, LaraTechnology, and Magnolia Ryan, NetworkRyan
Case No. D2024-2052

1. The Parties

The Complainant is Virgin Enterprises Limited, United Kingdom, represented by A. A. Thornton & Co., United Kingdom.

The Respondents are Emersyn Mason, MasonBytes, United States of America (“United States”), Lara Maddox, LaraTechnology, United States, and Magnolia Ryan, NetworkRyan, United States.

2. The Domain Names and Registrar

The disputed domain names <virginmoneyib.com>, <virginmoneylivechat.com>, and <virginmoneysupportchat.com> are registered with Nicenic International Group Co., Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 16, 2024. On May 20 and June 6, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On May 21 and June 8, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (REDACTED FOR PRIVACY, MasonBytes, REDACTED FOR PRIVACY, LaraTechnology, and REDACTED FOR PRIVACY, NetworkRyan) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 10, 2024, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on June 14, 2024.

The Center verified that the Complaint 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 June 18, 2024. In accordance with the Rules, paragraph 5, the due date for Response was July 8, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 11, 2024.

The Center appointed Elise Dufour as the sole panelist in this matter on July 22, 2024. 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 a company organized under the laws of the United Kingdom, that is active, inter alia, in the music and entertainment, media and travel as well as in the financial industry.

The Complainant holds more than 3,500 registrations for the trademark VIRGIN and variations of it in more than 150 countries, including, for example:

- United Kingdom Registration No. UK00003163121 VIRGIN in classes 3, 5, 9, 11, 12, 14, 16, 31, 32, 33, 35, 36, 38, 39 and 41, 42, 43, 44, and 45. Registered on July 29, 2016.
- United Kingdom Registration No. UK00915404841 (the "Virgin Signature Logo") in classes 3, 5, 9, 11, 12, 14, 16, 31, 32, 33, 35, 36, 38, 39, 41, 42, 43, 44, and 45. Registered on December 2, 2024.
- European Union Registration No. 1146047 (also the Virgin Signature Logo) in classes 9, 35, 36, 38, and 41. Registered on May 21, 2012.
- United Kingdom Registration No. UK00002177329 VIRGIN MONEY in class 36. Registered on May 21, 1999.
- United Kingdom Registration No. UK00914032247 VIRGIN MONEY in classes 9, 35, 36, 38, and 42. Registered on December 3, 2025.

Moreover, the Complainant has evidenced to own numerous domain names relating to its VIRGIN trademark, including since 2000 the domain names <virgin.com> to promote the activities of the VIRGIN Group and its businesses, ventures and foundations (the "Virgin.com Website").

The trademark VIRGIN MONEY was first used in 2002 when virginmoney.com merged with Virgin Direct, a financial service provider launched by the Virgin Group in 1992 which offered a range of financial services such as pensions and insurance policies. The Virgin Money business has won numerous awards in the field of financial and banking services.

The Respondents, according to the disclosed Whois information for the disputed domain names, are residents of the United States who registered the disputed domain names on April 20, 2024, and May 15, 2024.

By the time of the rendering of this decision, the disputed domain names do not redirect to any content on the Internet.

The Complainant, however, has demonstrated that, at some point before the filing of the Complaint, all three disputed domain names resolved to identical websites which copied text, images, and layout of Complainant's website at "www.virginmoney.com", including Complainant's VIRGIN trademark and official logo, thereby deceiving Internet users into installing a certain software commonly used by scammers to get hold of personal and confidential information.

The Complainant requests that the disputed domain names be transferred to the Complainant.

5. Parties' Contentions

A. Complainant

The Complainant contends that with more than 40 VIRGIN branded businesses having over 50 million customers worldwide and employing more than 60,000 people across five business sectors in five continents, the VIRGIN name and VIRGIN signature logo have all been consistently and intensively used across all VIRGIN operations since the company was founded.

The Complainant submits that the disputed domain names are confusingly similar to the Complainant's VIRGIN trademark. For the Complainant, the additional components "livechat" and "supportchat" refer to online real-time communication platforms used to interact with customers or website visitors. As per the additional term "ib" in the disputed domain name <virginmoneyib.com>, it would be understood by consumers to refer to "Investment Banking" in the context of financial services. Consequently, for the Complainant, the components "livechat", "supportchat" and "ib" would therefore not be sufficient to distinguish the disputed domain names from the Complainant's registered trademarks.

Moreover, the Complainant asserts that the Respondents have no rights or legitimate interests in respect of the disputed domain names since (i) the disputed domain names all resolve to websites that copy the Virgin Money Website homepage almost identically, including using marks identical to the Complainant's registered trademarks and various images and sections of text from the Virgin Money Website. When the 'open live chat on Windows' button is pressed, an application called 'livechat.exe' is downloaded. The Complainant suspects that once downloaded the 'livechat.exe' program does not install a live chat program but installs an AnyDesk application that would allow the Respondents to remotely take control of the Internet user's computer. In addition, the disputed domain names have not been authorized by the Complainant or the Virgin Money business. There is no evidence that the Respondents have ever been commonly known by, used, or plan to use the disputed domain names in connection with a bona fide offering of goods or services. Given the fact the disputed domain names incorporate the Complainant's registered trademarks VIRGIN and VIRGIN MONEY identically, it is hard to conceive of a legitimate use to which the disputed domain names could be put.

Finally, the Complainant argues that the Respondents have registered and are using the disputed domain names in bad faith since (i) the disputed domain names resolve to websites, which copy the content, look and feel of the Complainant's website at "www.virginmoney.com" and also reproduces the Complainant's registered VIRGIN trademark without authorization to do so, and (ii) the websites under the disputed domain names are being used or intended to be used to obtain sensitive personal details of members of the public for illegitimate commercial gain; (iii) by using the disputed domain names, the Respondents have intentionally attempted to attract, for commercial gain, Internet users to the Virgin Money Chat Websites, by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, or endorsement of the Virgin Money Chat Websites.

B. Respondents

The Respondents did not reply to the Complainant's contentions.

6. Discussion and Findings

Consolidation due to multitude of Respondents and disputed domain names

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain names registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain names registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2.

As regards the multitude of three Respondents and three disputed domain names belonging to them, first it should be noted that there are various similarities in Respondents' Whois contact information (e.g. all three Respondents are allegedly located in residential locations in the United States, the names of the organizations indicated in the Whois details for each of the disputed domain names all follow the same pattern being a common name followed by a word relating to technology being 'technology', 'network' or 'bytes'). Second, it should be recognized that all three domain names belonging to these Respondents, at some point before the filing of the Complaint, resolved to an identical website and have been registered through the same Registrar as well as in a direct temporal link to one another.

Therefore, it is reasonable to argue that the disputed domain names are subject to some kind of common control which is why it is also fair and equitable to all Parties that this Complaint is consolidated against multiple Respondents and disputed domain names at the same time (see [WIPO Overview 3.0](#), section 4.11.2).

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain names registrants (referred to below as "the Respondent") in a single proceeding.

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 VIRGIN trademark and the disputed domain names. [WIPO Overview 3.0](#), section 1.7.

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1

The Panel finds the entirety of the Complainant's VIRGIN MONEY trademark is reproduced within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to this trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

While the addition of other terms (here, "livechat", "supportchat", and "ib") may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names and the Complainant's VIRGIN trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Based on the available record, 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.

While 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 often impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain names.

The Panel considers that the record of this case reflects that:

- before any notice to the Respondent of the dispute, the Respondent did not use, nor have they made demonstrable preparations to use, the disputed domain names or a name corresponding to the disputed domain names in connection with a bona fide offering of goods or services. Paragraph 4(c)(i) of the Policy, and [WIPO Overview 3.0](#), section 2.2.
- the Respondent (as an individual, business, or other organization) has not been commonly known by the disputed domain names. Paragraph 4(c)(ii) of the Policy, and [WIPO Overview 3.0](#), section 2.3.
- the Respondent is not making a legitimate noncommercial or fair use of the disputed domain names, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. Paragraph 4(c)(iii) of the Policy, and [WIPO Overview 3.0](#), section 2.4.
- the record contains no other factors demonstrating rights or legitimate interests of the Respondent in the disputed domain names.

Panels have held that the use of a domain name for illegal activity (e.g., the sale of counterfeit goods or illegal pharmaceuticals, phishing, distributing malware, unauthorized account access/hacking, impersonation/passing off, or other types of fraud, here deceiving Internet users into installing a certain software commonly used by scammers to get hold of personal and confidential information) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Based on the available record, 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 Panel considers that the record of this case reflects that: The Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the Complainant's VIRGIN trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product or service on the Respondent's website or location. Paragraph 4(b)(iv) of the Policy, and [WIPO Overview 3.0](#), section 3.1.4.

Panels have held that the use of a domain name for illegal activity (e.g., the sale of counterfeit goods or illegal pharmaceuticals, phishing, distributing malware, unauthorized account access/hacking, impersonation/passing off, or other types of fraud, here deceiving Internet users into installing a certain software commonly used by scammers to get hold of personal and confidential information) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

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

Based on the available record, the Panel finds 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 names <virginmoneyib.com>, <virginmoneylivechat.com>, and <virginmoneysupportchat.com> be transferred to the Complainant.

/Elise Dufour/

Elise Dufour

Sole Panelist

Date: August 5, 2024