

## ADMINISTRATIVE PANEL DECISION

Zetland Capital v. Steve King  
Case No. D2024-0264

### 1. The Parties

The Complainant is Zetland Capital, United Kingdom, represented by Soteria LLC, United States of America (“United States”).

The Respondent is Steve King, Australia.

### 2. The Domain Name and Registrar

The disputed domain name <zetland.info> is registered with NameCheap, Inc. (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 22, 2024. On January 23, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 23, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Redacted for Privacy, Privacy service provided by Withheld for Priv) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 31, 2024, 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 January 31, 2024.

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 7, 2024. In accordance with the Rules, paragraph 5, the due date for Response was February 27, 2024. The Respondent sent an email communication to the Center on February 20, 2024.

The Center appointed Jeremy Speres as the sole panelist in this matter on March 12, 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 private equity firm focusing on midmarket opportunities across Europe. The Complainant owns, amongst others, United States Trademark Registration No. 6,549,624 ZETLAND in class 36, having a registration date of November 9, 2021. The Complainant operates its primary website from "www.zetlandcapital.com".

The disputed domain name was registered on December 8, 2023, and currently does not resolve to an active website.

#### **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 its ZETLAND mark is an uncommon word, and it is unlikely that the disputed domain name, being identical to the Complainant's mark, was registered coincidentally without the Complainant in mind.

##### **B. Respondent**

The Respondent did not respond formally to the Complainant's contentions. The Respondent sent an informal communication to the Center, stating as follows:

"Zetland is not a unique, invented name by the organisation that has filed this complaint. Zetland is the name that has a rich history in the UK and long history as a City in Australia, which is currently managed by the City of Sydney. Zetland is the location of a number of building, infrastructure and community projects.

I'm unclear on next steps, or where to direct information. If someone could advise that would be ideal. I'm happy options to resolve this quickly as of course the intent was never to confuse the general public of the City in which they live, with the finance company located overseas."

#### **6. Discussion and Findings**

##### **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 of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. The disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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

## **B. Rights or Legitimate Interests**

In light of the Panel's findings below in relation to bad faith, it is not necessary to consider the issue of rights or legitimate interests.

## **C. Registered and Used in Bad Faith**

Based on its general powers articulated inter alia in paragraphs 10 and 12 of the Rules, the Panel's cursory independent Internet searches reveal that the term "Zetland" is not necessarily unique to the Complainant. The term is used descriptively as a dictionary word, as a geographic place name, and as a trademark by third parties. There are also publicly-available trademark registrations incorporating the word "Zetland" in various jurisdictions owned by third parties unconnected with the Complainant.

The Complainant's evidence does not establish that the ZETLAND mark is well-known in the Complainant's hands; the Complainant provided no evidence in this regard. There is also no indication that the Complainant's mark is known or even used in the Respondent's jurisdiction of Australia.

The Respondent's informal response aligns with the geographic meaning and use of "Zetland". This is particularly so in light of the Respondent's residence, per the Whois record for the disputed domain name, in New South Wales, Australia – the same state containing the Zetland suburb of Sydney. Given the Respondent's proximity to the suburb as well as the Top-Level Domain of the disputed domain name (.info), which suggests a site focussing on the provision of information about the suburb, it is quite plausible that the Respondent had the suburb in mind when registering the disputed domain name and not the Complainant, as the informal response suggests.

The disputed domain name does not resolve to an active website and the Complainant has presented no direct evidence of targeting of the Complainant. The doctrine of passive holding is potentially relevant, however, in light of the discussion above, the four well-known passive holding factors do not favour the Complainant. [WIPO Overview 3.0](#), section 3.3.

Without more, it is at least equally as likely that the Respondent's intentions for the disputed domain name related to any of the other meanings of "Zetland" discussed above as it is for those intentions to have related to the Complainant. Given that the onus is on the Complainant to prove its case on balance of probabilities, the Panel finds that there is insufficient evidence of bad faith targeting of the Complainant.

The Panel finds the third element of the Policy has not been established.

## **7. Decision**

For the foregoing reasons, the Complaint is denied.

*/Jeremy Speres/*

**Jeremy Speres**

Sole Panelist

Date: March 26, 2024