

## **ADMINISTRATIVE PANEL DECISION**

Virgin Enterprises Limited v. Alvin Stone, TechnicalAlvin  
Case No. D2024-4331

### **1. The Parties**

The Complainant is Virgin Enterprises Limited, United Kingdom, represented by AA Thornton IP LLP, United Kingdom.

The Respondent is Alvin Stone, TechnicalAlvin, United States of America.

### **2. The Domain Name and Registrar**

The disputed domain name <virginmoneyuklivechat.com> is 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 October 21, 2024. On October 22, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 22, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 23, 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 October 24, 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 October 25, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 14, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 15, 2024.

The Center appointed Daniel Peña as the sole panelist in this matter on November 25, 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:

- European Union Trade Mark No. 1141309 VIRGIN in classes, 9, 35, 36, 38, and 41, registered on May 21, 2012.
- European Union Trade Mark No. 1146047 VIRGIN (figurative) in classes 9, 35, 36, 38, and 41, registered on May 21, 2012;
- United Kingdom Trade Mark 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 Trade Mark No. UK00915404841 VIRGIN (figurative) 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;
- United Kingdom Trade Mark No. UK00002177329 VIRGIN MONEY in class 36, registered on May 21, 1999;
- United Kingdom Trade Mark No. UK00914032247 VIRGIN MONEY in classes 9, 35, 36, 38, and 42, registered on December 3, 2015;
- United Kingdom Trade Mark No. UK00003449484 VIRGIN MONEY (figurative) in classes 9, 16, 35, and 36, registered on March 27, 2020;
- United Kingdom Trade Mark No. UK00918161478 VIRGIN MONEY (figurative) in classes 9, 16, 35, and 36, registered on May 22, 2020;
- United Kingdom Trade Mark No. UK00003610985 VIRGIN RED (figurative) in classes 9, 16, 35, 36, 38, 41, 42, 43, and 45, registered on August 27, 2021;
- United Kingdom Trade Mark No. UK00003449489 M (figurative) in classes 9, 16, 35, and 36, registered on August 8, 2020.

Moreover, the Complainant has evidenced to own numerous domain names relating to its VIRGIN trademark, including since 2000 the domain names, such as <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 disputed domain name was registered on October 4, 2024. It resolves to a website that copies the Complainant's homepage almost identically, including using marks identical to the Complainant's trademarks and various images and sections of text from the Complainant's webpage.

## **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.

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 name is confusingly similar to the Complainant's VIRGIN trademark. For the Complainant, the additional components "uk" and "livechat" refer to online real-time communication platforms used to interact with customers or website visitors in or related to the United Kingdom.

The Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name since (i) the disputed domain name resolves to a website that copies 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 Respondent to remotely take control of the Internet user's computer.

In addition, the disputed domain name has not been authorized by the Complainant or the Virgin Money business. There is no evidence that the Respondent has ever been commonly known by, used, or plans to use the disputed domain name in connection with a bona fide offering of goods or services.

Given the fact the disputed domain name 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 name could be put. Finally, the Complainant argues that the Respondent has registered and is using the disputed domain name in bad faith since (i) the disputed domain name resolves to a website, which copies 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 website under the disputed domain name is 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 name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the disputed domain name website, by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, or endorsement of the Virgin Money chat website.

### **B. Respondent**

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

## **6. Discussion and Findings**

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; (ii) the 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. Considering these requirements, the Panel rules as follows.

## **A. Identical or Confusingly Similar**

Paragraph 4(a)(i) of the Policy requires the Complainant to show that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights. The Complainant has provided evidence of its rights in the trademarks VIRGIN and VIRGIN MONEY, on the basis of its multiple trademark registrations, namely, in United Kingdom and the European Union. A trademark registration provides a clear indication that the rights in the trademark belong to the Complainant (see WIPO Overview on WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), Section 1.2.1).

The mere addition of the geographic term "uk", acronym of the name of a country, the United Kingdom, and the descriptive term "livechat", does not prevent a finding of confusing similarity with the Complainant's marks. As noted in the [WIPO Overview 3.0](#), section 1.8: "[w]here the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. The nature of such additional term(s) may however bear on assessment of the second and third elements." Similarly, the generic Top-Level Domain, '.com', is viewed as a standard registration requirement and as such is disregarded for the purpose of determining whether a domain name is identical or confusingly similar to a trademark (see also [WIPO Overview 3.0](#), Section 1.11.1).

Accordingly, the Panel finds that the disputed domain name is confusingly similar to the trademark in which the Complainant has rights, meaning that the Complainant has satisfied the requirement under paragraph 4(a)(i) of the Policy.

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

In accordance with paragraph 4(a)(ii) of the Policy, the Complainant must prove that the Respondent has no rights or legitimate interests in the disputed domain name. The Panel observes that there is no relationship, disclosed to the Panel or otherwise apparent from the record, between the Respondent and the Complainant. The Panel also finds that there is no indication that the Respondent is commonly known by the disputed domain name because the Respondent's name is "Alvin Stone, Technical Alvin" which has no apparent connection with the VIRGIN and VIRGIN MONEY trademarks. The Complainant claims that the Respondent has no connection or affiliation with the Complainant and has not received any license or consent, express or implied, to use the Complainant's trademarks in a domain name or in any other manner.

Furthermore, the disputed domain name directs to a commercial website that allegedly offers the Complainant's services, without any disclaimer as to the relation with or authorization of the Complainant, exacerbating the user confusion as to the website's affiliation to the Complainant. Such use for deliberately attracting Internet users to its website in the mistaken belief that it is a website of the Complainant, or otherwise linked to or authorized by the Complainant supports a finding that the Respondent lacks rights to or legitimate interests in the disputed domain name. The Respondent did not submit a Response or attempt to demonstrate any rights or legitimate interests in the disputed domain name, and the Panel draws adverse inferences from this failure, where appropriate, in accordance with the Rules, paragraph 14(b). The Panel finds the Respondent has no rights or legitimate interests in respect of the disputed domain name and that paragraph 4(a)(ii) of the Policy is satisfied.

The Panel concludes that the Respondent deliberately chose to include the Complainant's VIRGIN and VIRGIN MONEY trademarks and logos in the disputed domain name website, in order to achieve commercial gain by misleading third parties, and that such use cannot be considered as a legitimate noncommercial or fair use. The Panel finds that the composition of the disputed domain name, incorporating the Complainant's trademarks with the terms "uk" and "livechat", carries a risk of implied affiliation with the Complainant. Further, the Respondent is using the disputed domain name to purportedly impersonate the Complainant with its logos and copyright with the apparent purpose of deceiving consumers and obtaining personal information for fraudulent purposes. Noting the lack of any disclaimer, the disputed domain name's content exacerbates the confusion caused by the incorporation of the Complainant's

trademark in the construction of the disputed domain name and further suggests sponsorship or endorsement by the Complainant. See sections 2.5.1 and 2.8 of the [WIPO Overview 3.0](#). Given the above, the Panel finds that the Complainant has satisfied the requirement under paragraph 4(a)(ii) of the Policy.

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 name <virginmoneyuklivechat.com> be transferred to the Complainant.

*/Daniel Peña/*

**Daniel Peña**

Sole Panelist

Date: December 9, 2024