



DISPUTE RESOLUTION SERVICE DECISION

Digital Ventures Services Limited v. Matthew Davis

Case No. DUK2026-0047

1. The Parties

- 1.1. The Complainant is Digital Ventures Services Limited, United Kingdom (or “UK”), represented by Buckworths Limited, United Kingdom.
- 1.2. The Respondent is Matthew Davis, United Kingdom.

2. The Domain Name and Registry

- 2.1. The Registry of the disputed domain name <divastreet.co.uk> is Nominet UK (“Nominet” or the “Registry”).

3. Procedural History

- 3.1. The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 14, 2026. On August 17, 2026, the Center transmitted by email to the Registry a request for registry verification in connection with the disputed domain name. On August 18, 2026, the Registry 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 (Unknown Party) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 19, 2026, inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on August 24, 2026.
- 3.2. The Center verified that the Complaint satisfied the formal requirements of the Dispute Resolution Service (the “Policy” or “DRS Policy”).
- 3.3. In accordance with the Policy, paragraphs 3 and 6, the Center formally notified the Respondent of the Complaint on August 25, 2026. In accordance with the Policy, paragraph 7, the due date for Response was September 16, 2026. The Respondent sent email communications to the Center on August 25, 26, 27, 31, September 4, 2026.
- 3.4. In accordance with the Policy, paragraph 9, the due date for the Complainant’s Reply was September 4, 2026. The Complainant confirmed they did not wish to reply.
- 3.5. The Parties were sent to mediation on September 4, 2026. The Registry confirmed the mediation was unsuccessful on September 8, 2026.
- 3.6. The Complainant paid the fee for an expert decision on September 17, 2026.
- 3.7. The Center appointed Dawn Osborne as the Expert in this matter on September 21, 2026. The Expert finds that all formal requirements relating to her appointment have been satisfied. The

Expert has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Policy, paragraph 15.

4. Factual Background

- 4.1. Digital Ventures Malta Limited is the owner of trade mark VIVASTREET, registered as trade mark number UK00003034923 in the UK since April 4, 2014, for, inter alia, services relating to online interactive bulletin boards. The Complainant has been the exclusive licensee of this mark in the UK operating as “www.vivastreet.co.uk” since November 1, 2018, using the mark VIVASTREET in its logo form as a masthead for the Complainant’s site offering bulletin board services. Images on the Complainant’s site feature a ‘V’ logo watermark in the bottom right-hand corner.
- 4.2. The Respondent has used the disputed domain name registered September 11, 2025, for competing bulletin board services under the designation “Divagirl”, which is presented in an appreciably similar logo to the Complainant’s logo, including highly similar typefaces to that used by the Complainant in the same order and split across the two words with a highly similar pebble-shaped colour feature behind only the first word. The Respondent has copied listings from the Complainant’s site, including images bearing the Complainant’s ‘V’ logo watermark in the bottom right-hand corner.
- 4.3. The Respondent has taken down the original version of the website complained of by the Complainant. The disputed domain name now redirects to a site “vivagirl.co.uk” but still makes prominent use of the same “Divagirl” logo which is appreciably similar to the Complainant’s logo. The site advertises “divagirl.co.uk” inviting users to download it on the App Store or Google Play, however the associated links do not work.

5. Parties’ Contentions

A Complainant

- 5.1. The disputed domain name is similar to the prior VIVASTREET trade mark for which the Complainant is the exclusive licensee in the UK, differing from it by only one letter and the necessary generic “.co.uk” element of a domain name.
- 5.2. The disputed domain name is abusive because:
 - a) it is a typosquatting registration differing from the Complainant’s vivastreet.co.uk URL by only one letter;
 - b) the Respondent is using it to cause confusion that the site is connected to the Complainant:
 - (i) by offering competing services to the Complainant, on a web site structured in a similar way to the Complainant’s site;
 - (ii) under a logo highly similar to the logo used by the Complainant;
 - (iii) having copied material from the Complainant’s site including images featuring the Complainant’s ‘V’ watermark in the bottom right-hand corner.

Accordingly, the Respondent’s use is confusing and takes unfair advantage of the Complainant’s rights (also constituting unfair competition, copyright and trade mark infringement, passing off and database rights infringement) and causes disruption to the Complainant by diverting business and causing detriment by association, taking the Complainant’s reputation out of the Complainant’s control. Because the Respondent’s site is confusing and taking advantage of the Complainant’s rights, it is not a bona fide offering of goods or services. The similar logo used by the Respondent and the material copied from the Complainant’s site shows the Respondent had knowledge of and targeted the Complainant. The Respondent is not commonly known by the disputed domain name, there being no use of “Divastreet” other than in the disputed domain name. The Respondent’s site is commercial and so is not non-commercial fair use.

B Respondent

5.3. The Respondent sent email communications to the Center including on August 25, 26, 27, 31, and September 4, 2026.

5.4. On August 26, 2026, the Respondent informed the Center that the disputed domain name was up for sale, and on August 27, 2026, said it was for sale generally for GBP 12,000 and said “tell vivastreet it would be cheaper to buy the domain”.

5.5. On August 27, 2026, he asked for the following to be treated as his formal Response:

“i am a disabled learning website developer , with no commercial assets or propertie (sic) other than my PC and Chat GPT.

divastreet.co.uk [http://divastreet.co.uk] is an app i made for my own personal use because i visit hookers regular (sic). i have friends who work in the business...

i cannot and would not brand or trade this website and have made Zero (sic) profits from it and have never advertised commercially other than for personal pleasure and interest.

i find the app useful for personal use because i can filter out the fake profiles and keep a record of the girls i visit for myself on my own application)

The database is built from a free API that coveres (sic) many different dating platforms and escort services (Suppsebly Legally) (sic) and i didnt think there was any issue with using it...

vivastreet along with many others are freely available via APis - rapidAPI is one of them as is Adultwork)

Theres No Monetary opportunity on the website..

And if people should decide to use it, then thats upto (sic) them and is legal, im (sic) not sure how many people have used it or signed up.

Due to this matter i have taken down the website as i now see theres (sic) a conflict of interest with vivastreet.

im quite happy to transfer the domain, thats (sic) not a problem..

the API distributing , well you should go talk to them..

im (sic) quite happy to Cease and Desist..

Shane Dee

contact me anytime to formalise this matter

You have my contact number..”

5.6. In a later email on the same day August 27, 2026, the Respondent reconfirmed the disputed domain name was for sale, but said he was happy with the closure of the site formerly attached to the disputed domain name.

5.7. On September 4, 2026, the Respondent told the Center, “The website Divastreet will continue to exist”.

6. Discussion and Findings

A. Identical or Similar

- 6.1 Under paragraph 2 of the DRS Policy, a Complainant must show that the Complainant has Rights in a name or mark which is identical or similar to the domain name in question.
- 6.2 The VIVASTREET mark for which the Complainant has been the exclusive licensee in the UK since 2018 has been registered as a trade mark in the UK for bulletin board services since 2014. The Respondent does not dispute this, or that as an exclusive licensee of the mark the Complainant has Rights in the "Vivastreet" name, and the Expert makes a finding that it does.
- 6.3 The suffix ".co.uk" in the disputed domain name does not serve to distinguish the disputed domain name from the Complainant's mark as ".co.uk" has a generic meaning and is a functional part of a domain name, (not being a part of any trade mark involved in these proceedings).
- 6.4 Otherwise, the disputed domain name only differs by one letter from the Complainant's VIVASTREET mark, specifically the use of a letter 'd' instead of the first letter 'v'. Misspellings by one letter are commonly held not to prevent the recognition of a Complainant's mark in a disputed domain name. The Expert makes a finding that the Complainant's mark remains recognisable in the disputed domain name primarily due to visual and aural similarity.
- 6.5 The Expert notes that the Respondent does not dispute that the disputed domain name is similar to the Complainant's mark.
- 6.6 The Expert therefore finds that the disputed domain name is similar to a mark in which the Complainant has Rights under the Policy.

B. Abusive Registration

- 6.7 This leaves the second limb: Is the Domain Name, in the hands of the Respondent, an Abusive Registration? Paragraph 1 of the Policy defines "Abusive Registration" as: -

"a Domain Name which either:

i. was registered or otherwise acquired in a manner which, at the time when the registration or acquisition took place, took unfair advantage of or was unfairly detrimental to the Complainant's Rights;
OR

ii. is being or has been used in a manner, which took unfair advantage of or was unfairly detrimental to the Complainant's Rights."

- 6.8 A non-exhaustive list of factors, which may be evidence that the disputed domain name is an Abusive Registration is set out in paragraph 5 of the Policy. The Respondent has not been authorised by the Complainant. Whilst the Respondent has admitted that the disputed domain name is for sale this appeared to be a reaction to the Complaint about the disputed domain name. There is no suggestion that the Respondent registered the disputed domain name primarily to sell it for commercial gain, and the Complainant does not allege this. There being no suggestion that the Respondent has offered to use the disputed domain name as a blocking registration, has a pattern of registrations or has a relationship with the Complainant, or has used the disputed domain name for tribute or criticism, and, the disputed domain name not being an exact match to the Complainant's VIVASTREET mark, the only potentially relevant 'factors' in paragraph 5 are to be found in subparagraph 5.1.1, 5.1.2 and 5.1.4 which read as follows:

"5.1.1 Circumstances indicating that the Respondent has registered or otherwise acquired the Domain Name primarily:

5.1.1.1 [intentionally omitted]

5.1.1.2 [intentionally omitted]

5.1.1.3 for the purpose of unfairly disrupting the business of the Complainant.

5.1.2 Circumstances indicating that the Respondent is using or threatening to use the Domain Name in a way which has confused or is likely to confuse people or businesses into believing that the Domain Name is registered to, operated or authorised by, or otherwise connected with the Complainant."

"5.1.4. It is independently verified that the Respondent has given false contact details [to Nominet]".

6.9 Paragraph 8 of the DRS Policy sets out how the Respondent may demonstrate in its response that the disputed domain name is not an Abusive Registration as follows:

“8.1 A non-exhaustive list of factors which may be evidence that the Domain Name is not an Abusive Registration is as follows:

8.1.1 Before being aware of the Complainant's cause for complaint (not necessarily the 'complaint' under the DRS), the Respondent has:

8.1.1.1 used or made demonstrable preparations to use the Domain Name or a domain name which is similar to the Domain Name in connection with a genuine offering of goods or services;

8.1.1.2 been commonly known by the name or legitimately connected with a mark which is identical or similar to the Domain Name; or

8.1.1.3 made legitimate non-commercial or fair use of the Domain Name.

8.1.2 The Domain Name is generic or descriptive and the Respondent is making fair use of it.”

- 6.10 The Expert will tackle the simplest issue to decide on this case on Abusive Registration, namely the use of the disputed domain name, first.
- 6.11 Despite the Respondent's statements that the site is purely for his own personal enjoyment, both the original site and the new site attached to the disputed domain name included direction for customers and the Respondent admits that he allowed Internet users to use his original site as a bulletin board. The evidence shows that the Respondent is not making non-commercial or fair use of the disputed domain name.
- 6.12 The Respondent has used the disputed domain name registered September 11, 2025, which is similar to the Complainant's mark for competing bulletin board services using a “Divagirl” mark and logo which is presented in an appreciably similar way to the way the Complainant's logo is presented, including highly similar typefaces to that used by the Complainant in the same order and split in different fonts across the two words with a highly similar pebble-shaped colour feature behind only the first word. The Respondent has also copied listings from the Complainant's site including images bearing the Complainant's 'V' logo watermark in the bottom right-hand corner. The similarity of the Respondent's logo to the Complainant's logo and the use of images with the Complainant's 'v' watermark on the Respondent's site shows the Respondent knew about and targeted the Complainant. Further, the similarity of the Respondent's logo to the Complainant's logo and the use of the Complainant's 'v' watermark appearing on images on the Respondent's site are both confusing. The Expert finds that the Respondent used the disputed domain name in a way that is likely to confuse people or businesses into believing that the disputed domain name is registered to, operated or authorised by, or otherwise connected with the Complainant and was at least reckless to the disruption it was very likely to cause and demonstrably has caused the Complainant. Because of this confusing use the Respondent's use cannot be a genuine offering of goods and services under the Policy. The Expert notes that the Respondent does not deny that his use of the disputed domain name is confusing or disruptive.
- 6.13 For the reasons set out in 6.11 and 6.12 above, the Expert holds that the disputed domain name has been used in a manner, which took unfair advantage of or was unfairly detrimental to the Complainant's Rights. This is sufficient for a finding of Abusive Registration.
- 6.14 Turning to issues of registration: the Respondent does not appear to be commonly known by the disputed domain name. Indeed, the Respondent seems to be using “Divagirl” and “Vivagirl” as the names for his business. There is no explanation why a different name “DivaStreet” which is closer to the Complainant's mark was registered. “Divastreet” is not a generic or descriptive name for bulletin board services, and the Respondent does not assert this. The Respondent does not deny that he knew of the Complainant when he registered the disputed domain name.
- 6.15 Further, since the disputed domain name differs by only one letter from the Complainant's domain name <vivastreet.co.uk> the disputed domain name appears to be a typosquatting registration indicating Abusive Registration per se. The Expert notes that the Respondent has not denied that the disputed domain name is a typosquatting registration.
- 6.16 Further, by maintaining that his name is Shane Dee or Shane Stark, and that the data registration details given for the disputed domain name are 'fictitious', the Respondent has admitted that he has given false contact details for the data registration details of the disputed domain name, which, by itself, is commonly held to be sufficient for a finding of Abusive Registration.
- 6.17 The Expert also, therefore, holds for reasons set out in 6.14, 6.15 and 6.16 above, that the disputed domain name was registered or otherwise acquired in a manner which, at the time when the registration or acquisition took place, took unfair advantage of or was unfairly detrimental to the

Complainant's Rights. These findings are also sufficient in themselves to result in a finding of Abusive Registration.

7 Decision

7.1 For the foregoing reasons, in accordance with paragraph 18 of the Policy, the Expert finds that the disputed domain name is an Abusive Registration and orders that the disputed domain name <divastreet.co.uk> be transferred to the Complainant.

Dawn Osborne
Expert

Date: October 2, 2026