



DISPUTE RESOLUTION SERVICE DECISION

Monty Trading Ltd T/A Furniturebox v. Iva McKenzie

Case No. DUK2026-0053

1. The Parties

- 1.1. The Complainant is Monty Trading Ltd T/A Furniturebox, United Kingdom ("UK"), represented internally.
- 1.2. The Respondent is Iva McKenzie, United States of America.

2. The Domain Name and Registry

- 2.1. The Registry of the disputed domain name <furniturebox.uk> ("the Domain Name") 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 18 August 2026. On 19 August 2026, the Center transmitted by email to the Registry a request for registry verification in connection with the disputed domain name. On 20 August 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 (Key-Systems GmbH) and contact information in the Complaint. The Center sent an email communication to the Complainant on 20 August 2026, inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint on 20 August 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 24 August 2026. In accordance with the Policy, paragraph 7, the due date for Response was 15 September 2026. The Respondent did not submit any response. Accordingly, the Center notified the Parties that no Response had been received on 16 September 2026, and advised the Complainant to pay the fee for an expert decision.
- 3.4. The Complainant paid the fee for an expert decision on 22 September 2026.

- 3.5. The Center appointed Nick Phillips as the Expert in this matter on 12 October 2026. The Expert finds that he was properly constituted. 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. The Complainant is Monty Trading Ltd, which trades as Furniturebox, a UK retailer of furniture, lighting and related homeware products.
- 4.2. The Complainant is the registered proprietor of the following UK trade marks:
- 4.3. FURNITUREBOX (registration No. UK00004326128), filed on 19 January 2026 and entered on the register on 19 June 2026, registered in classes 11, 20, 27 and 35 for, amongst other things, lighting, furniture, floor and wall coverings, and related retail and wholesale services; and
- 4.4. Furniturebox UK (registration No. UK00003169774), filed on 15 June 2016 and entered on the register on 23 September 2016, registered in class 20 for furniture.
- 4.5. The Domain Name was registered on 5 July 2026 in the name of the Respondent through the registrar Key-Systems GmbH.
- 4.6. Typing the Domain Name into an internet browser leads to the Complainant's website at "www.furniturebox.co.uk".

5. Parties' Contentions

Complainant's Submissions

The Complainant's submissions in its Complaint can be summarised as follows:

Rights

- 5.1. The Complainant submits that it has rights in a name or mark which is identical or similar to the disputed Domain Name because:
- (a) the Complainant is the registered proprietor of UK trade mark registration No. UK00004326128 for FURNITUREBOX, filed on 19 January 2026 and registered in classes 11, 20, 27 and 35, and United Kingdom trade mark registration No. UK00003169774 for Furniturebox UK, filed on 15 June 2016 and registered in class 20, both of which pre-date the registration of the Domain Name; and
 - (b) the Complainant also owns and operates the domain names <furniturebox.co.uk>, <furniturebox.com>, <furniturebox.ai>, <furniture-box.co.uk> and <furniture-box.uk>, through which it conducts its online retail business.

Abusive Registration

- 5.2. The Complainant submits that the Domain Name constitutes an Abusive Registration within the meaning of the Policy because:
- (a) the Domain Name is being used as a vehicle to impersonate the Complainant's business for the purposes of phishing and likely fraud. An email account at the Domain Name has been used to send unsolicited commercial correspondence to a third party purporting to

be from “Jessica Foster, Head of Marketing” at Furniturebox, a person who is not employed by, or associated with, the Complainant;

- (b) that correspondence reproduces the Complainant’s distinctive “furniturebox” logo in the email signature, and lists the Domain Name as the sender’s website and the associated email address as the sender’s contact details, creating the false impression that the sender is a genuine employee of the Complainant;
 - (c) the website listed in the signature of the email is the Domain Name, but when clicked on appears to resolve to the Complainant’s domain, in an attempt to ensure the email appears legitimate; and
 - (d) the email contains a link and the Complainant believes the Respondent is attempting to create the impression that the email is legitimate from the Complainant and to encourage them to use the link for fraud and phishing purposes.
- 5.3. For all of the reasons set out above, the Complainant submits that the Domain Name should be found to be an Abusive Registration under the Policy.

Respondent’s Submissions

- 5.4. The Respondent has not provided a response.

6. Discussion and Findings

- 6.1. Paragraph 2 of the DRS Policy requires that the Complainant prove, on the balance of probabilities, that:

“2.1.1 The Complainant has Rights in respect of a name or mark which is identical or similar to the Domain Name; and

2.1.2 The Domain Name, in the hands of the Respondent, is an Abusive Registration.”

Rights

- 6.2. As a first step, I must decide whether the Complainant has Rights in respect of a name or mark which is identical or similar to the Domain Name.

- 6.3. The definition of Rights in the DRS Policy is as follows:

“Rights means rights enforceable by the Complainant, whether under English law or otherwise, and may include rights in descriptive terms which have acquired a secondary meaning.”

- 6.4. The Complainant has produced evidence that it is the registered proprietor of the following UK trade marks

6.4.1. trade mark registration No. UK00004326128 for FURNITUREBOX, filed on 19 January 2026; and

6.4.2. trade mark registration No. UK00003169774 for Furniturebox UK, filed on 15 June 2016.

- 6.5. Both of the above registrations predate the registration of the Domain Name on 5 July 2026, and I am satisfied that these registrations give the Complainant enforceable Rights in the FURNITUREBOX mark for the purposes of the Policy.

- 6.6. The Domain Name reproduces the Complainant's FURNITUREBOX mark in its entirety, differing only by the addition of the ".uk" country-code suffix, which is a technical requirement of registration and does not serve to distinguish the Domain Name from the mark.
- 6.7. I therefore find that the Complainant has Rights in a name or mark which is identical or similar to the Domain Name.

Abusive Registration

- 6.8. The definition of Abusive Registration in the DRS Policy is as follows:

"Abusive Registration means 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 has taken unfair advantage of or has been unfairly detrimental to the Complainant's Rights."
- 6.9. This definition requires me to consider whether the Domain Name was an Abusive Registration either at the time of registration/acquisition or subsequently through the use that was made of it.
- 6.10. Paragraph 5 of the DRS Policy provides a non-exhaustive list of the factors which may constitute evidence that a Domain Name is an Abusive Registration. I have set out below an extract from Paragraph 5 which contains those factors that I think might be of relevance here:

"5.1. A non-exhaustive list of factors which may be evidence that the Domain Name is an Abusive Registration is as follows:

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

5.1.1.1.....

5.1.1.2. as a blocking registration against a name or mark in which the Complainant has Rights;

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;

5.1.3.....

5.1.4.....

5.1.5.....

5.1.6 The Domain Name is an exact match (within the limitations of the character set permissible in domain names) for the name or mark in which the Complainant has Rights, the Complainant's mark has a reputation and the Respondent has no reasonable justification for having registered the Domain Name."

- 6.11. Further, Paragraph 8 provides a non-exhaustive list of the factors which may constitute evidence that a Domain Name is not an Abusive Registration. The DRS Policy requires the Complainant to prove, on the balance of probabilities, that the Domain Name is an Abusive Registration. The burden of proof is therefore firmly on the Complainant.
- 6.12. In order to make a finding of Abusive Registration it is reasonably common ground amongst Nominet Experts that, in all but a minority of cases, there must be an element of knowledge on the part of the Respondent in the sense that the Respondent must, on some level, be aware of the Complainant's Rights. See for example the decision of the Nominet Appeal Panel in *Verbatim Limited v. Michael Toth*, DRS 04331:
- “...some knowledge of the Complainant and/or its brand/rights is a pre-requisite for a successful complaint under all heads of the DRS Policy other than paragraph [5.1.4] (giving false contact details). The DNS is a first-come-first-served system. The Panel cannot at present conceive of any circumstances under which a domain name registrant, wholly unaware of the Complainant and its Rights, can be said to be taking unfair advantage of or causing unfair detriment to the Complainant's Rights.”
- 6.13. The approach that I intend to take in this case is to look at the overall question of whether the Respondent's registration of the Domain Names constitutes an Abusive Registration. Bound up with that is the central question of the Respondent's knowledge of the Complainant's Rights.
- 6.14. I do not consider that the Complainant has established that its mark enjoys the kind of general public reputation that would, without more, compel the inference that the Respondent had the Complainant in mind simply because the Domain Name reproduces that mark.
- 6.15. However, the question of the Respondent's knowledge must be assessed in light of the use that has actually been made of the Domain Name. On the evidence before me, the Domain Name resolves, when typed into a browser, directly to the Complainant's own website. It is therefore clear that the Respondent must have known of the Complainant and deliberately set up the Domain Name to operate in this way.
- 6.16. That conclusion is reinforced by the Complainant's evidence of actual use of an email account at the Domain Name. The Respondent sent correspondence to a third party under the invented identity of “Jessica Foster, Head of Marketing”, using the Complainant's distinctive “furniturebox” logo in the email signature, listing the Domain Name as the sender's website, and inviting the recipient to engage on marketing matters and to open a linked document. The Complainant has confirmed that no such person is employed by, or connected with, it, and that this correspondence was not authorised. I am satisfied that this material, taken together with the redirection of the Domain Name to the Complainant's own website, demonstrates that the Respondent knew of the Complainant and its FURNITUREBOX mark.
- 6.17. Given all this, it is very difficult to characterise the use of the Domain Name as anything other than unfairly taking unfair advantage and/or causing unfair detriment to the name or mark in which the Complainant has Rights.
- 6.18. I have received no evidence or response from the Respondent and no explanation for the registration or use of the Domain Name. In the absence of that and given what I say above I find that the Domain Name in the hands of the Respondent is an Abusive Registration.

7. Decision

- 7.1. For the foregoing reasons, in accordance with paragraph 18 of the Policy, the Expert orders that Domain Name be transferred to the Complainant.

Nick Phillips

Expert

Date: 21 October 2026