

**.ie Alternative Dispute Resolution
NETNEUTRALS DISPUTE RESOLUTION SERVICE**

Decision of Independent Specialist

Case Number: 786

1. The Parties:

Complainant:	Human Appeal Ireland CLG
Registrant:	Human Appeal

2. The Domain Name(s):

humanappeal.ie	(‘the Domain Name’)
----------------	---------------------

3. Procedural History:

I can confirm that I am independent of each of the parties. To the best of my knowledge and belief, there are no facts or circumstances, past or present, or that could arise in the foreseeable future that need be disclosed as they might be of such a nature as to call in to question my independence in the eyes of one or both of the parties.

The procedural history is as follows:

Action	Comment / date
Dispute received	15 th September 2025
Complaint validated	15 th September 2025
Notification of complaint sent to Complainant	16 th September 2025
Notification of complaint sent to Registrant	5 th October 2025
Phone calls to respondent	20 th October 2025
Letter sent to respondent	
Forum Opened	16 th September 2025
Complaint Form received	5 th October 2025
Response received	31 st October 2025
Forum Closed	14 th November 2025
Adjudication Started	17 th November 2025
Adjudication Decision Posted	20 th November 2025
Adjudication Decision accepted / rejected	
Specialist Decision published	20 th November 2025

4. Factual Background

This case arises from a breakdown in the relationship between two charities.

The Complainant, Human Appeal Ireland CLG ('HA Ireland') is a registered charity in Ireland, was incorporated in Ireland in 2008 as a company limited by guarantee and was the initial registrant of humanappeal.ie, which was registered to it on 14 April 2010.

The Registrant, Human Appeal ('HA UK'), is a registered charity in the United Kingdom and is a company limited by guarantee incorporated in the United Kingdom. The Registrant holds UK and Community Trade Mark registrations for a number of marks including the word marks 'Human Appeal' (CTM registration in 2021) and 'Human Appeal International' (CTM registration in 2012).

Prior to 2017 a collaboration agreement was in place between HA Ireland and HA UK. While a copy of that agreement has not been provided by the parties, it appears from their submissions that under this agreement HA UK licensed the Human Appeal brand to HA Ireland, and supplied HA Ireland with information technology systems and services, including website and domain name administration. It appears that HA UK paid for the domain name registration and exercised administrative control over the domain name during this period. HA UK describes itself as having been the owner of the domain name throughout, notwithstanding that it was registered to HA Ireland.

The collaboration agreement between the parties expired in 2017 and was not renewed. Nevertheless the status quo appears to have remained in place until April 2024 when HA UK terminated HA Ireland access to all information technology systems and services, including the HA Ireland website. At this point HA UK amended the HA Ireland website so that donations made through the website would now be paid to HA UK. However the website continued to refer to HA Ireland in some regards, including by referring to the HA Ireland registered Irish charity number.

Notwithstanding these changes, the IEDR records continued to identify the Complainant as registrant. On or around 3 September 2025 HA Ireland contacted the registrar, Marcaria.com, seeking to regain control of the domain. On 8 September 2025 HA UK then amended the IEDR records to reflect itself as the registrant.

HA Ireland lodged this complaint on 15 September 2025.

5. Parties' Contentions

Complaint

A summary of the Complaint is as follows:

The Complainant argues that:

- The Complainant was at all times the owner of the domain name and did not execute any agreement/licence giving the Registrant rights in the name.
- The Registrant unilaterally took control of the domain without the Complainant's authorisation.
- The Registrant is using the domain name in a way which leads to donor confusion. The Complainant notes that the About Us page on the website contains phrases such as 'We are an Irish non-profit organisation', 'At Human Appeal Ireland', 'Helping at home here in Ireland', 'Homelessness is a social injustice affecting far too many of our citizens. Our Irish projects feed, clothe and also advise homeless people in Ireland on how they can avail state services' and concludes with 'Human Appeal International Ireland Limited is registered as an Irish charity under Charity Number: 20071080, CHY No 18505'.
- By processing donations intended for HA Ireland the Registrant has engaged in unauthorised charitable solicitation.
- By amending the IEDR records to change the registrant, and by terminating HA Ireland access to all information technology systems, the Registrant interfered with and disrupted the operations of HA Ireland.
- The Registrant has no connection with Ireland and would not itself be eligible to register the domain name under IEDR criteria as it does not have a real and substantive connection to Ireland. HA UK does not have Irish charitable status, physical establishment, or regulatory presence in Ireland. Registration of the domain name contravenes IEDR policy and therefore cannot constitute a legitimate interest of the Registrant.
- The Registrant is not entitled to ownership of a .ie domain by virtue of owning the corresponding name under another top-level domain.
- The Registrant's continued use and retention of the domain name constitutes bad faith under the ADRP.
- The Registrant's change of IEDR records on 8 September 2025, after the Complainant notified this dispute, was opportunistic and undermines any claim of good faith.
- This case does not relate to ownership of the Human Appeal logos or trademarks held by HA UK.

.ie Alternative Dispute Resolution NETNEUTRALS DISPUTE RESOLUTION SERVICE

Response

A summary of the Response is as follows:

The Registrant argues that:

- It is the proprietor of a number of 'Human Appeal' trademarks in the UK and in the EU.
- The agreement between HA UK and HA Ireland permitted the latter to use the 'Human Appeal' name and related branding/trademarks only under licence.
- The agreement did not confer ownership of any intellectual property rights in those marks or any other materials to HA Ireland.
- The WHOIS record has always reflected the Registrant as owner.
- Humanappeal.ie was 'registered [and] administered' by HA UK, under the 'ownership and oversight of the legitimate IP holder, Human Appeal UK'.
- HA Ireland has never paid renewal for the domain or held any control over DNS, SSL credentials or hosting infrastructure.
- HA Ireland holds no trademark rights, no domain rights, and no surviving licence since expiry of the agreement.
- HA Ireland cannot rely on use of 'Human Appeal' during the period of the licence to establish its reputation in the name.
- Restricting access of HA Ireland to information technology systems was done to comply with trademark and data protection obligations, not to disrupt the operations of HA Ireland.
- A trademark owner cannot act in bad faith by registering or retaining an exact-match domain corresponding to its own mark.

.ie Alternative Dispute Resolution
NETNEUTRALS DISPUTE RESOLUTION SERVICE

6. Discussions and Findings

This is not a typical case of cybersquatting and instead involves a complex dispute resulting from the breakdown of the relationship between the Complainant and Registrant. This makes it a difficult matter to adjudicate in these proceedings which are held on a paper only basis, and in which the parties have submitted little evidence of the relationship between them when the domain name was initially registered.

Under section 4.1 of the Alternative Dispute Resolution Policy ('ADRP') the burden of proof is on the Complainant who must prove three elements, specifically that:

- A. the Complainant would ordinarily be eligible to register the domain name in question if it was not already registered by the Registrant, and
- B. the Complainant
 - (i) has rights in the domain name or in marks or identifiers very similar to it, or
 - (ii) that the Complainant's rights have been negatively impacted by the registration, and
- C. the registration of the domain should be revoked as it has been registered or used abusively or in bad faith.

A. Complainant Eligibility to Register the Domain Name

The Complainant is eligible to register the domain name.

B. Complainant's Rights in the Domain Name

(i) Rights in the domain name or in marks or identifiers very similar to it

The Complainant does not have a trade/service mark reflecting the domain name and does not acquire rights in the name of the company by virtue of its registration as a company. However under Paragraph 4.1.B(i) of the ADRP the term 'right' is defined widely and '[a]ny legal or other enforceable right can be considered, including but not limited to ... Unregistered rights acquired through use'.

To establish an unregistered right, a complainant must show that it would be entitled to bring an action for passing off in relation to the disputed domain name. This requires that the complainant runs a business on the island of Ireland and has goodwill in this business, and that the unregistered trade mark is a distinctive identifier of that business. (See Case No. DIE2013-0002, *Budget Energy Limited (Budget Energy ROI) and Budget Energy Limited (Budget Energy NI) v. Prepay Power Limited.*)

For guidance regarding whether there is the necessary goodwill and whether an unregistered trade mark is a distinctive identifier the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0") can be taken into account except where the .IE policy or Irish law differ (see e.g. Case No. DIE2019-0001, *Puma SE v. Stephen Connell, Puma Transport Ireland Limited.*)

.ie Alternative Dispute Resolution

NETNEUTRALS DISPUTE RESOLUTION SERVICE

Paragraph 1.3 of the WIPO Overview 3.0 provides as follows:

What does a complainant need to show to successfully assert unregistered or common law trademark rights?

To establish unregistered or common law trademark rights for purposes of the UDRP, the complainant must show that its mark has become a distinctive identifier which consumers associate with the complainant's goods and/or services.

Relevant evidence demonstrating such acquired distinctiveness (also referred to as secondary meaning) includes a range of factors such as (i) the duration and nature of use of the mark, (ii) the amount of sales under the mark, (iii) the nature and extent of advertising using the mark, (iv) the degree of actual public (e.g., consumer, industry, media) recognition, and (v) consumer surveys.

(Particularly with regard to brands acquiring relatively rapid recognition due to a significant Internet presence, panels have also been considering factors such as the type and scope of market activities and the nature of the complainant's goods and/or services.)

Specific evidence supporting assertions of acquired distinctiveness should be included in the complaint; conclusory allegations of unregistered or common law rights, even if undisputed in the particular UDRP case, would not normally suffice to show secondary meaning. In cases involving unregistered or common law marks that are comprised solely of descriptive terms which are not inherently distinctive, there is a greater onus on the complainant to present evidence of acquired distinctiveness/secondary meaning.

In this case the Complainant has provided some evidence that the public associates humanappeal.ie with it. It cites the fact that a Google search for 'human appeal' carried out in Ireland presents information associated with HA Ireland in a search box. The individual representing the Complainant (Ibrahim Halawa) has provided evidence that he personally donated through the website in 2024, before he became involved with the Complainant, thinking that he was donating to the Irish charity.

However, that evidence is very limited and does not address the categories of empirical data mentioned in Paragraph 1.3 of the WIPO Overview 3.0. In particular, it does not address the question of whether potential donors would understand HA UK and HA Ireland to be related or distinct entities given that the former provided branding to the latter and that they share a name.

Consequently, I find that the Complainant has not met its burden of showing that it would be entitled to bring an action in passing off in respect of the term Human Appeal and therefore has not shown that it has an unregistered right acquired through use in the term.

(ii) Complainant's rights negatively impacted by registration

I must now consider the alternative ground that the Complainant's rights (in a more general sense) have been negatively impacted by the domain registration.

.ie Alternative Dispute Resolution NETNEUTRALS DISPUTE RESOLUTION SERVICE

“Negatively impacted” is defined in section 1 of the ADRP to mean “an adverse effect on the Complainant or their commercial interests arising from the registration or use of the Domain Name to the existing Registrant”. Section 4.1.B.ii goes on to provide that:

A Complainant may submit a complaint if it can show its rights are negatively impacted by the domain registration or use. It can do this by showing:

- The domain name registration or use is misleading or confusing to its customers, or
- The domain name registration or use is commercially damaging to its business through activities such as passing-off, content scraping or impersonation, or
- The domain name is being used to circulate defamatory material relating to the Complainant, or
- The domain name is being used for the purpose of making unauthorised use of material in which the Complainant has a copyright or another protected interest.

The ADRP is not explicit as to whether the list of examples in section 4.1.B.ii is intended to be exhaustive, and there do not appear to be any ADRP decisions on this point. However on balance I consider that 4.1.B.ii is intended to provide examples of ‘negative impact’ rather than a conclusive definition. On that basis I accept that the Registrant’s registration and use of the domain name has negatively impacted the Complainant by disrupting its own use of the domain name and specifically by redirecting donations made through the site to HA UK.

C. Domain Used or Registered Abusively or in Bad Faith

Under paragraph 4.1 of the ADRP the Complainant must prove that ‘the registration of the domain should be revoked as it has been registered or used abusively or in bad faith’. These terms are defined in paragraph 1 of the ADRP which provides that:

‘Abusively registered’ refers to a domain name which was registered or used to take unfair advantage of or was unfairly detrimental to the Complainant’s Rights; [and]

‘Bad Faith’ means a domain name which was registered or used without legitimate intent, and/or to engage in deceptive conduct [...]

Paragraph 4.1.C of the ADRP includes a non-exhaustive list of examples of abuse and bad faith, stating that:

A Complainant can demonstrate that the domain has been registered or is being used Abusively or in Bad Faith by the Registrant if it can provide evidence that:

- The domain name was registered or is being used with the primary purpose of unfairly disrupting or interfering with the Complainant’s business, or
- The domain name is being used in a way that is likely to confuse people or businesses into believing that it is registered to, operated or authorised by, or otherwise connected with the Complainant, or

[...]

.ie Alternative Dispute Resolution

NETNEUTRALS DISPUTE RESOLUTION SERVICE

- The domain name is registered to a Registrant which does not have (and never had) a connection to the island of Ireland, or
- The domain name was registered as a result of a relationship between the Complainant and the Registrant, and the Complainant a) has been using the Domain Name registration exclusively; and b) paid for the registration and/or renewal of the Domain Name registration'

The Complainant's case on this point is, in essence, that the Registrant acted in bad faith by taking administrative control of the domain name without its consent, by shutting the Complainant out of control of the website, by redirecting donations made through the website, and ultimately by editing the IEDR registration data to record itself as registrant after this dispute had commenced. The Complainant's case is that this has caused donor confusion. The Complainant places particular stress on the fact that on the website the Registrant portrays itself as an Irish charity, continues to refer to HA Ireland, and is soliciting donations from Irish donors on that basis. The Complainant also stresses that the Registrant does not have a connection to the island of Ireland within the meaning of the IEDR criteria.

The Registrant's position is that it acted in good faith and was, at least *de facto*, the owner and administrator of the domain name from the outset. It claims, in effect, that HA Ireland could only register the domain name by virtue of the licence granted under the cooperation agreement, and that its actions after the termination of the agreement were required and reasonable in order to protect its intellectual property rights and to comply with its data protection obligations. Although not put in so many words, the essence of this claim is that HA Ireland could not operate a website on the disputed domain name without infringing the intellectual property rights of HA UK. The Registrant also argues that a trademark owner cannot act in bad faith by registering or retaining an exact-match domain corresponding to its own mark.

The issues presented by this case reflect wider governance issues on both sides regarding the cooperation agreement between the parties and the failure to clearly resolve the situation following its termination.

However, when reduced to its core this is a case where the domain name was registered to HA Ireland and was transferred by HA UK to itself without the consent of HA Ireland or other legal basis. I do not accept the HA UK assertion that 'the WHOIS record has always reflected the Registrant as owner' as the historic WHOIS data shows HA Ireland as owner until 8 September 2025. Notably, HA UK has not presented any evidence about the content of the cooperation agreement or any other authority it might have to justify its actions in making the transfer.

While HA UK expresses concerns about whether HA Ireland could operate the website or the domain name without infringing its rights, the proper action to take on foot of those concerns would have been to take legal action against HA Ireland – not to unilaterally transfer the domain. I therefore find that the domain name was registered abusively and/or in bad faith insofar as the 8 September 2025 change of ownership was carried out without legal authority and therefore in a manner 'unfairly detrimental to the Complainant's Rights' within the meaning of paragraph 4.1.C of the ADRP.

.ie Alternative Dispute Resolution
NETNEUTRALS DISPUTE RESOLUTION SERVICE

Countervailing factors

Section 4.2.A of the ADRP provides that a Registrant 'can submit its own evidence to show that its registration and/or use of the domain is not unreasonable, including but not limited to demonstrating any of the factors below:

- The Registrant has established rights in the domain name, or in marks or identifiers very similar to the domain name including but not limited to:
 - Trade and service marks protected in the island of Ireland, or
 - Personal names (including pseudonyms) by which the Complainant is commonly known or has acquired a reputation in on the island of Ireland, or
 - Unregistered rights acquired through use.
- Prior to any notice of the dispute, the Registrant used the domain name or a name reasonably corresponding to the Domain Name in connection with a bona fide offering of goods or services or made demonstrable preparations for such use, or
- The Registrant (as an individual, business, or other organization) has been commonly known by the domain name or similar name, even in the absence of a registered trademark. [Irrelevant factors deleted.]

I have considered these factors, and accept that the Registrant has itself established rights in marks very similar to the domain name and is known by a similar name. Nevertheless none of these go to the underlying issue that the Registrant unilaterally transferred the domain name without legal authority.

7. Decision

I direct that the domain name be transferred to the Complainant.

Signed: Dr. TJ McIntyre

Dated: 19 November 2025