

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

Decision of Independent Specialist

Case Number: 809

1. The Parties:

Complainant:	CIAN ARTHUR MACMAHON
Respondent:	TOOL DOMAINS EOOD

2. The Domain Name(s):

macmahon.ie	("the Domain Name")
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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	9 th December 2025
Complaint validated	9 th December 2025
Notification of complaint sent to Complainant	9 th December 2025
Notification of complaint sent to Respondent	9 th January 2026
Phone calls to respondent	
Letter sent to respondent	
Forum Opened	13 th December 2025
Complaint Form received	15 th December 2025
Response received	15 th January 2026
Forum Closed	30 th January 2026
Adjudication Started	3 rd February 2026
Adjudication Decision Posted	7 th February 2026
Adjudication Decision accepted / rejected	
Specialist Decision published	9 th February 2026

4. Factual Background

The Complainant is an Irish resident whose surname is “Mac Mahon”.

The Respondent is a domain investment and trading company established in Bulgaria.

The Complainant asserts that he is commonly known by his name “Cian Mac Mahon”. He has supplied evidence to confirm that he holds and renews the domain cianmacmahon.ie, including a registrar account screenshot and an invoice for renewal. The Complainant also states that he uses the name “Cian Mac Mahon” online, including on social media and personal sites, and further states that he also holds the domain cianmacmahon.com.

The Complainant has supplied evidence to show that the Domain Name resolves to a “for sale” landing page (via a third-party marketplace) offering the Domain Name for purchase at a listed “Buy Now” price of €1,200, with an additional lease-to-own option. The Complainant has supplied a screenshot in evidence to show that he made an offer of €300 and received an automated response communicating that the merchant would not sell at that price and presenting €1,200 as the “current valid offer”.

The Respondent accepts that it is the registrant and that the Domain Name has been listed for sale in the ordinary course of its domain investment activities.

5. Parties’ Contentions

Complaint

A summary of the Complaint is as follows:

The Complainant submits that the Domain Name consists entirely of his surname “Mac Mahon” and that he has used this name throughout his life. He states that he is commonly known as “Cian Mac Mahon” and that he uses this name in his personal and professional life, including online.

The Complainant contends that he would ordinarily be eligible to register the Domain Name and refers to his ownership of the domain name cianmacmahon.ie in support of this.

The Complainant states that the Respondent is a domain trading company which registers domain names for resale and that the Domain Name has been offered for sale at a price of €1,200. He refers to his own offer of €300 and the subsequent response as evidence of the Respondent’s intention to sell the Domain Name at a profit.

The Complainant submits that the Respondent has no legitimate interest in the Domain Name, that it has no connection to Ireland, and that its registration of the Domain Name has prevented him from registering the surname corresponding to his legal name.

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The Complainant further contends that the registration of the Domain Name affects his personal branding and professional identity and implies a connection between the Domain Name and himself. He does not provide evidence of instances of actual confusion.

Response

A summary of the Response is as follows:

The Respondent accepts that it is the registrant of the Domain Name and that the Domain Name has been offered for sale as part of its ordinary business activities.

The Respondent states that it operates as a domain investment and trading company and that registering and reselling domain names forms part of its legitimate business model.

The Respondent submits that “MacMahon” is a common surname and that the Complainant has not established exclusive rights in that term. It contends that the Complainant holds no registered trademark and has not demonstrated that the term has acquired secondary meaning or reputation uniquely associated with him.

The Respondent argues that the rejection of the Complainant’s €300 offer and the maintenance of a fixed public sale price of €1,200 constitute ordinary commercial conduct and do not amount to abusive or bad-faith behaviour.

The Respondent denies that it registered or used the Domain Name with any intention to target the Complainant. It submits that the Domain Name was offered for sale to the general public and not specifically to the Complainant.

The Respondent further submits that the Complainant already owns and uses the domain name cianmacmahon.ie and is therefore not prevented from maintaining an online presence corresponding to his name.

The Respondent contends that the Complainant has failed to satisfy the burden of proof under the ADRP and that the complaint should therefore be dismissed.

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6. Discussions and Findings

The burden of proving a complaint under the ADRP is on the Complainant.

Matters to be proved:

Complaint Submission

The Complainant has proved in accordance with .ie ADR Policy that...

	<ul style="list-style-type: none">the Complainant would ordinarily be eligible to register the domain name in question if it was not already registered by the Registrant. This means that the complainant must prove its identity and it must prove that it has a substantive connection with the island of Ireland. If the complainant has other .ie domains registered in their own name this requirement is satisfied automatically; and
	<ul style="list-style-type: none">the Complainant has rights in the domain name or in marks or identifiers very similar to it, or that the Complainant's rights have been negatively impacted by the registration, and
	<ul style="list-style-type: none">the registration of the domain should be revoked as it has been registered or used abusively or in bad faith.

General

	<ul style="list-style-type: none">the Complainant would ordinarily be eligible to register the domain name in question if it was not already registered by the Registrant, andthe Complainant has rights in the domain name or in marks or identifiers very similar to it, or that the Complainant's rights have been negatively impacted by the registration, andthe registration of the domain should be revoked as it has been registered or used abusively or in bad faith.
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Complainant's Rights

The meaning of "Rights" is defined in the .ie ADR Policy as follows:

	<ul style="list-style-type: none">the Complainant has rights in the domain name, or in marks or identifiers very similar to it (sufficiently close to the domain that there would be a strong likelihood of confusion), or that the Complainant's rights have been negatively impacted by the registration. Any legal right or entitlement can be considered, including but not limited to:
	<ul style="list-style-type: none">Trade and service marks protected in the island of Ireland, or
	<ul style="list-style-type: none">Personal names (including pseudonyms) by which the Complainant is commonly known or has acquired a reputation in on the island of Ireland, or
	<ul style="list-style-type: none">Geographical indications that can prima facie be protected in the island of Ireland,
	<ul style="list-style-type: none">Unregistered rights acquired through use; and the registration of the domain should be revoked as it has been registered or used abusively or in bad faith.

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Complainant Rights Negatively Impacted

The Complainant rights are negatively impacted by the domain registration or use as shown by:

	<ul style="list-style-type: none">• The domain name registration or use is misleading or confusing to its customers, or
	<ul style="list-style-type: none">• The domain name registration or use is commercially damaging to its business through activities such as passing-off, content scraping or impersonation, or
	<ul style="list-style-type: none">• The domain name is being used to circulate defamatory material relating to the Complainant, or
	<ul style="list-style-type: none">• 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

Domain Used or Registered Abusively or in Bad Faith

.ie ADR Policy defines “Abusively Registered” as:

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;

The domain has been registered or is being used Abusively or in Bad Faith by the Registrant as evidenced by:

	<ul style="list-style-type: none">• The domain name was registered or is being used with the primary purpose of selling or renting it specifically to the Complainant (or a competitor) for more than the Registrant paid for it, or
	<ul style="list-style-type: none">• The domain name was registered or is being used with the primary purpose of preventing the Complainant registering a name or mark in which the Complainant has rights, or
	<ul style="list-style-type: none">• The domain name was registered or is being used with the primary purpose of unfairly disrupting or interfering with the Complainant’s business, or
	<ul style="list-style-type: none">• 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
	<ul style="list-style-type: none">• The domain name was registered or is being used for an unlawful purpose (e.g. it is engaging in suspected fraudulent activity, engaging in other criminal/illegal online activity), or
	<ul style="list-style-type: none">• The domain name is registered to a company which currently has a dissolved company trading status, or
	<ul style="list-style-type: none">• The domain name is being used to facilitate the circulation of defamatory or racist material, or
	<ul style="list-style-type: none">• The domain name is registered to a Registrant which does not have (and never had) a connection to the island of Ireland, or

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| | <ul style="list-style-type: none">• The domain name was registered as a result of a relationship between the Complainant and the Registrant, and the Complainant<ul style="list-style-type: none">a) has been using the Domain Name registration exclusively; andb) paid for the registration and/or renewal of the Domain Name registration; or |
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Failure by the Registrant to use the Domain Name for the purposes of email or a web site, the Registrant offering a domain name for sale, or use of domain parking services that may include advertising related to the keyword content of the domain name are not of themselves conclusive evidence of abuse or bad faith, however the Specialist may consider these issues in combination with other factors when deciding a case.

The Complainant has established:

Under ADRP section 4.1 , the onus is on the Complainant to state and prove that it meets the complaint submission criteria; in the absence of proof, a complaint will not normally be upheld. This is also expressly reiterated in ADRP section 4.2 (“the onus is on the Complainant ... in the absence of this a complaint will not normally be upheld”).

The Complainant has established that he is eligible to register a .ie domain name within the meaning of section 4.1(A) of the ADRP. He has also established that he is the bearer of the surname “Mac Mahon” and that he uses the name “Cian Mac Mahon” in his personal and professional life.

However, the Complainant has not proved that “macmahon” has acquired a reputation or distinctiveness sufficient to constitute enforceable rights within the meaning of the Policy. Moreover, the Complainant has not proved that his rights have been negatively impacted. Further, the Complainant has not proved that the Domain Name was registered or used abusively or in bad faith.

These matters are addressed in detail below.

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Domain Holder Response

Showing that a Registration is not Abusive or in Bad Faith

The Registrant may provide information to counter any statements within the complaint and 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:

	<ul style="list-style-type: none">• 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:
	<ul style="list-style-type: none">○ Trade and service marks protected in the island of Ireland, or
	<ul style="list-style-type: none">○ Personal names (including pseudonyms) by which the Complainant is commonly known or has acquired a reputation in on the island of Ireland, or
	<ul style="list-style-type: none">○ Unregistered rights acquired through use.
	<ul style="list-style-type: none">• 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
	<ul style="list-style-type: none">• 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, or
	<ul style="list-style-type: none">• The domain name is generic or descriptive and the Registrant is making fair use of it, or
	<ul style="list-style-type: none">• The domain name is being used solely for tribute or criticism, or
	<ul style="list-style-type: none">• The domain name contains or references the Complainant’s mark but the Registrant is making fair use of it.

The Registrant has established:

The Registrant has established that it operates a business involving the acquisition and resale of domain names and that, prior to any notice of this dispute, it registered and offered the Domain Name for sale as part of that business.

The Registrant has established that “macmahon” is a common surname which is not inherently distinctive and has not been shown to have acquired secondary meaning.

The Registrant has further established that the Domain Name has been offered for sale to the general public in the ordinary course of its business, and not for the purpose of targeting the Complainant or exploiting any rights of the Complainant.

These matters are considered in detail below.

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I therefore readily conclude:

Burden and matters to be proved.

Under ADRP section 4.1, the onus is on the Complainant to state and prove that it meets the complaint submission criteria; in the absence of proof, a complaint will not normally be upheld. This is also expressly reiterated in ADRP section 4.2.

Accordingly, the Complainant must prove the three elements set out in ADRP section 4.1, namely:

- i) eligibility to register;
- ii) rights in the domain name (or sufficiently similar identifier) or that rights are negatively impacted; and
- iii) that the registration should be revoked because it has been registered or used abusively or in bad faith.

Complainant's eligibility to register.

The Complainant has established that he is eligible to register a .ie domain name. ADRP section 4.1(A) requires a complainant to show it is normally entitled to register a .ie domain name; in practice, this means a substantive connection to the island of Ireland, and the ADRP notes that if a complainant already has other .ie domain names in their own name "this requirement is satisfied automatically."

The Complainant's evidence shows that he holds and renews cianmacmahon.ie.

I therefore find the eligibility limb is satisfied.

Complainant's rights in the domain name

The ADRP defines "rights" in the Definitions section as "any legal or other enforceable right", including (among other categories) personal names "by which the Complainant is commonly known or has acquired a reputation on the island of Ireland" and "unregistered rights acquired through use."

The Complainant's case is that "macmahon" is his surname, that it has been all his life, and that he is commonly known as "Cian Mac Mahon", including through use across social media and personal websites. He also offers to provide identity documents if required.

However, the Complainant supplies no evidence of (i) any trademark registration; (ii) any evidence of trading or other activity, customers, revenue, advertising spend, press coverage, public recognition, or goodwill attached to "macmahon" as an identifier; and (iii) in the complaint form itself, the Complainant answers "N/A" to the questions asking whether the name is recognised for association with goods/services and whether he provides goods/services under the name (beyond employment).

Case 688 (petsinthecity.ie) provides a helpful contrast and statement that to establish an unregistered right a complainant must show goodwill in a business in Ireland and that the asserted identifier is a distinctive identifier of that business. In that case, the specialist

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took account of WIPO Overview 3.0 paragraph 1.3 and emphasised that specific evidence must support acquired distinctiveness / secondary meaning, and that conclusory allegations are normally insufficient. In that case, the complainant produced extensive evidence (flyers, sponsorship), and the specialist found goodwill and distinctiveness.

Similarly, case 620 (jam.ie) supports the proposition that a bare personal name does not automatically establish rights; on the contrary, the specialist recorded as an established matter that the complainant in that case had been trading using the relevant personal name/pseudonym and had an established business under that name, supporting the “personal name / reputation” limb.

In the instant case, the Complainant has produced identity-linked materials and proof of domain ownership/renewal, but no evidence of reputation or goodwill attached to the standalone identifier “macmahon”.

The Policy language requires that a personal name be one by which the complainant is commonly known or has acquired a reputation in Ireland.

The decisions of UDRP panels in this regard are also informative though not binding. UDRP panels have recognised that a personal name can function as a protectable identifier where the complainant proves that the name is used in trade or commerce and has become distinctive through reputation (i.e., common law trademark rights). This is summarised in WIPO jurisprudence on personal names, noting that personal names are not protected “per se” and that proof of trade/commerce use is required for unregistered rights.

In *Julia Fiona Roberts v. Russell Boyd* (WIPO Case No. D2000-0210), the panel ordered transfer of *juliaroberts.com* to the actress. That case is routinely cited as an example of a personal name being treated as an identifier with protectable rights because, on the evidence in that case, the complainant’s name functioned as an indicator associated with her professional output and reputation (and the panel accepted common law rights).

Similarly, in *Jeanette Winterson v. Mark Hogarth* (WIPO Case No. D2000-0235), the panel ordered transfer of domains corresponding to the author’s name. The decision records that the complainant relied on common-law rights in her real name based on international recognition and that the name had become associated with works produced by her.

Those cases differ materially from the present dispute. Here, the Complainant has not produced evidence that “macmahon” alone has acquired reputation or distinctiveness as an identifier of him in trade or commerce in Ireland; indeed, he has indicated “N/A” on the complaint form where the process invites evidence of goods/services recognition and provision.

In the circumstances, and applying the ADRP wording (“commonly known or has acquired a reputation”) and the persuasive UDRP approach (trade/commerce use required for unregistered personal-name rights), I am not satisfied that “macmahon” (as distinct from “Cian Mac Mahon”) has acquired a reputation such that it functions as an enforceable right of the sort contemplated by the ADRP.

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I find therefore that the Complainant has not established enforceable “Rights” in the standalone term “macmahon” within the meaning of the ADRP.

Rights negatively impacted

ADRP section 4.1(B)(ii) provides that rights may be shown to be “negatively impacted” by domain registration or use, including by demonstrating that the registration/use is misleading or confusing to customers, commercially damaging through passing off, scraping or impersonation, used to circulate defamatory material, or used for unauthorised use of protected material.

The Complainant contends that a surname domain naturally implies a personal/family association and that he is obstructed in using the surname for professional identity and personal branding. The Domain Name resolves to a sales landing page stating the Domain Name is for sale and showing a purchase price. However, there is no evidence that the Domain Name has been used for impersonation, passing off, content scraping, defamatory material, or unlawful activity.

The Complainant has not supplied evidence of actual confusion, such as, for example, misdirected communications or third-party complaints. The Complainant’s claim of negative impact amounts essentially therefore to an argument that he would prefer to own the shorter surname domain corresponding to his name. That is not, without evidence of one of the impacts described in ADRP section 4.1(B)(ii), sufficient to satisfy this limb.

Further, the Complainant’s own evidence shows that he owns and renews cianmacmahon.ie , which he can (and does) use for online identity. While this does not legally bar a complaint, it is a relevant factual counterpoint to the assertion that the Respondent’s registration prevents the Complainant from any meaningful online identification.

Accordingly, I find that the Complainant has not established negative impact within ADRP section 4.1(B)(ii).

Abusive registration / bad faith

Under ADRP 4.1(C) , a complainant may demonstrate that the domain has been registered or is being used abusively or in bad faith by establishing one or more of the listed circumstances; for example: that the primary purpose was to sell specifically to the complainant for more than the registrant paid; to prevent the registrant from registering a name/mark in which it has rights, unfair disruption, confusion as to authorisation, unlawful purpose, dissolved company, defamatory/racist material, no connection to Ireland, or certain relationship cases, etc.

Critically, ADRP section 4.1(C) also provides an express qualification that failure to use, or offering a domain for sale, or use of parking services “are not of themselves evidence of abuse or bad faith” , though they may be considered in combination with other factors.

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The Complainant alleges that a number of the circumstances exist. I shall now address each in turn.

Registered primarily for the purpose of selling to the complainant at a price above registration fees

The Complainant relies on the sales landing page price (€1,200), and the €300 offer and counter-offer, to say the Respondent registered the Domain Name primarily to sell to him at a price above registration fees.

However, the evidence shows a public listing at a fixed price and an automated response.

The Complainant has furnished no evidence which would establish the Respondent approached the Complainant, targeted him, or set a bespoke price because of his identity.

This matters because ADRP section 4.1(C) frames bad-faith resale in targeted terms: selling specifically to the Complainant (or a competitor).

Further, the ADRP expressly states that offering a domain name for sale is not of itself evidence of abuse/bad faith. This is consistent with persuasive UDRP authority - WIPO Case No. D2001-0608 (Micron Technology, Inc. v. Null Int'l Research Center) where it was held that domain speculation/resale can be legitimate, but only where there is no evidence the registrant was targeting the complainant's rights. I treat that as consistent with the ADRP's express "for sale is not of itself" clause.

Accordingly I find that the Complainant has failed to establish bad faith under this limb.

"Registered primarily to stop me registering it"

The Complainant contends he was prevented from registering the surname domain. ADRP section 4.1(C) recognises "blocking" as a circumstance only where the registrant registered primarily to prevent the complainant registering a name/mark in which the complainant has rights. That is a conditional concept which depends on proven rights. For the reasons already given, the Complainant has not proven enforceable rights in "macmahon" alone within the meaning of the ADRP. Accordingly, the "blocking" allegation does not succeed.

Moreover, the Complainant has at any rate failed to furnish any evidence – other than a bald assertion - to demonstrate that the Respondent's purpose in registering the domain name was to block the Complainant from registering the name.

Unsupported assertions cannot sustain a complaint. The Complainant has failed to establish bad faith under this limb.

Disruption of business / professional activities

ADRP section 4.1(C) includes unfair disruption/interference with the complainant's business.

The Complainant expressly states: "While I am not alleging specific targeting, the registration nevertheless disrupts my professional activities." However, the Complainant

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supplies no evidence of operating a business under the name “MacMahon”, and states “N/A” to the goods/services questions in the complaint form.

Unsupported assertions cannot sustain a complaint. The Complainant has failed to establish bad faith under this limb.

Confusion / implied association

ADRP section 4.1(C) concerns confusion where the domain is used in a way likely to make users believe it is authorised/connected with the complainant.

The Complainant argues that a surname domain “naturally implies” an association.

Here the domain resolves to a clear sales page offering the domain for purchase.

There is no evidence of the Respondent presenting itself as the Complainant, no impersonation, no branding, and no content suggesting authorisation. Nor is there evidence of actual confusion.

The complainant cites the decision in Case 620 (jam.ie) in support of the contention that “domains containing a name .. carry an implied personal association, and holding such domains without legitimate interest can be misleading”. That contention does not form any part of the decision in Case 620, however, and moreover the contention is not supported by the fact-specific decision or reasoning in that case.

I therefore find that confusion of the kind contemplated by ADRP section 4.1(C) is not established, and that the Complainant has failed to establish bad faith under this limb.

No connection to Ireland

ADRP section 4.1(C) includes as a possible indicator that a domain is “registered to a Registrant which does not have (and never had) a connection to the island of Ireland.”

The Complainant asserts the Respondent has no connection to Ireland, referring to its address and team details.

The Respondent does not make any attempt to prove a connection with Ireland, nor is it required to do so except when registering. The ADRP recognises that a valid .ie registration is prima facie evidence that the Registrant met the Registry’s eligibility requirements at the time of registration. The Policy states that “the Registrant shall be given the benefit of the doubt, particularly in circumstances which require decisions based on the balance of probabilities. This is because the Registrant’s application has previously been evaluated and adjudged to have met the Registration and Naming Policy requirements of the Registry.”

If the Registry accepted the registration, eligibility – including a connection with Ireland - is presumed unless sufficient evidence is produced to the contrary. The evidence supplied by the Complainant is in my view insufficient. I note, for example, that the Respondent offers domains for sale to Irish customers and may be said therefore to do business in Ireland.

I find that the Complainant has failed to establish bad faith under this limb.

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Pattern of conduct

The Complainant relies on prior ADRP decisions involving the Respondent, in particular Case 616 (seapointleisure.ie), Case 620 (jam.ie); Case 653 (fujifilm.ie) and Case 688 (petsinthecity.ie), to support a submission that the Respondent engages in a pattern of bad-faith registrations. The Complainant asserts that the pattern strongly supports the conclusion that macmahon.ie was not registered for any legitimate purpose.

I have reviewed each of these authorities carefully. In each case the Respondent was found on the individual facts of the case to have registered or used the domain name in question in bad faith. I note however that they each turned on materially different factual findings and evidential records.

In Case 616 (seapointleisure.ie), the complainant was an Irish registered company operating an amusement arcade business under the trading name Seapoint Leisure, and it had previously held the domain until it lapsed. The specialist recorded evidence including that the registrant offered to transfer the domain for €1,600 and (on the complainant's evidence) indicated it would otherwise be offered to competitors; the domain was also used to display advertising (including online casino/bingo links), and the complainant alleged operational disruption and customer loss by reason of that use. The specialist's bad faith analysis was therefore grounded in a proven business identifier, disruption allegations tied to prior ownership and use, and the specific communications/evidence before the specialist in that case.

In Case 620 (jam.ie), the complainant was an individual who had established a professional and commercial identity under the personal name or pseudonym "Jamie" and had used that name in trade and business activities. The specialist accepted that the complainant had acquired unregistered rights and reputation in that name. The disputed domain name "jam.ie" functioned as a close "domain hack" corresponding to "Jamie". The evidence before the specialist indicated that the respondent had acquired the domain through drop-catching and that the overwhelming evidence showed an intention to sell the domain to persons with legitimate interests in the name, including the complainant, at a price exceeding registration costs. The specialist's findings on bad faith were therefore grounded in proven personal-name reputation, the close correspondence between the domain and that identifier, and evidence of targeted resale to rights-holders.

In Case 653 (fujifilm.ie), the complainant was Fujifilm Corporation, a multinational company with long-established registered trademark rights in the FUJIFILM mark in Ireland and internationally. The complainant produced extensive evidence of trademark registrations, commercial use, and global brand recognition. The disputed domain name incorporated the complainant's distinctive trademark in its entirety and was used to display pay-per-click advertising links, some of which related to photographic products and competing services. The specialist found that the respondent had no independent rights in the FUJIFILM mark and that the registration and use of the domain name sought to take unfair advantage of the complainant's reputation for commercial gain. The finding of bad faith was therefore grounded in strong registered trademark rights, misleading commercial use, and exploitation of a well-known brand.

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In Case 688 (petsinthecity.ie), the complainant was a public relations agency which had organised an annual festival in Dublin since 2014, had registered the business name “Pets in the City” and the domain name in 2014, and had hosted an associated website for multiple years. The specialist’s findings on rights expressly proceeded on that established trading history and evidence of goodwill, and the decision also notes that the respondent did not submit a substantive response on the merits.

By contrast, in the present case the Complainant has not produced evidence that “macmahon” (standing alone) is a business identifier with goodwill or reputation, and the evidence of use is limited to a straightforward public “for sale” landing page and an automated offer/counter-offer exchange.

While prior findings may be part of the factual context in an appropriate case, a pattern cannot replace missing proof on the core questions: whether the Complainant has relevant Rights and whether the Domain Name was registered or used abusively or in bad faith towards those Rights.

Accordingly, while the prior decisions cited by the Complainant demonstrate that the Respondent has lost disputes where trademark or business rights were established and where evidence supported targeting or misleading conduct, they do not compel the conclusion that the Respondent’s registration of a common surname domain is, without more, abusively registered or in bad faith against this Complainant.

The only plausible commercial value is connection to individuals or businesses with that surname

The Complainant asserts that the “only plausible commercial value” of macmahon.ie is its association with people or businesses bearing the surname.

I agree that the domain name has commercial value to people and businesses called macmahon, or wishing to establish an identity under that name. The Respondent it appears, must also agree – after all, it is in the business of selling domain names.

I fail to see how, however, how this establishes bad faith.

The Respondent has provided a coherent explanation that it operates a domain investment business and that the Domain Name was held and offered for sale in the ordinary course of that business, at a publicly stated fixed price. The Complainant’s own evidence supports that the offer/counteroffer interaction was automated and does not evidence personalised targeting.

While domain trading does not give a registrant immunity where a complainant proves rights and proves targeting or deceptive use, the ADRP expressly states that offering a domain name for sale is not of itself evidence of abuse or bad faith and must be evaluated with other factors. In the instant case, the other necessary factors—particularly proven Rights and evidence of targeting or misleading conduct—are not established.

In the absence of proven rights and absent evidence of targeted abuse, I do not accept the Complainant’s assertion as establishing bad faith, and the Complainant accordingly fails to prove bad faith under this limb.

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Conclusion

While the Complainant has established his eligibility to register a .ie domain name, he failed to supply sufficient proof to establish that “macmahon” is inherently distinctive or has acquired secondary meaning such as to confer him with enforceable rights to the name, nor that any such rights have been negatively impacted, nor that the Domain Name was registered or used abusively or in bad faith.

7. Decision

The Complaint fails.
The Domain Name shall remain registered in the name of the Respondent.

Signed:



Dated: **5th November 2026**
