ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Sequent (Schweiz) AG v. james booth
Case No. D2025-1565

1. The Parties

The Complainant is Sequent (Schweiz) AG, Switzerland, represented by Walder Wyss AG, Switzerland.

The Respondent is james booth, Singapore, represented by Muscovitch Law P.C., Canada.

2. The Domain Name and Registrar

The disputed domain name <sequent.com> (the "Domain Name") is registered with Dynadot Inc (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 17, 2025. On April 22, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On the same day, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name, which differed from the named Respondent (Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 28, 2025, 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 April 29, 2025.

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 April 30, 2025. In accordance with the Rules, paragraph 5, the initial due date for Response was May 20, 2025. Upon the request of the Respondent, this due date was extended to May 24, 2025 under paragraph 5(b) of the Rules. The Response was filed with the Center on May 21, 2025.

On May 26, 2025, the Complainant submitted a request to the Center seeking to withdraw the Complaint. On the same date, the Respondent informed the Center that it did not consent to the withdrawal and requested that the Complainant submit written reasons in support of its request, which the Respondent would consider prior to determining its position.

On May 27, 2025, the Center notified the Parties that, in light of the Respondent's opposition to the termination of the proceedings, the case would continue.

The Center appointed Piotr Nowaczyk, Warwick A. Rothnie, and John Swinson as the panelists in this matter on June 27, 2025. 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.

On May 30, June 2, and June 6, 2025, the Center received supplemental filings from the Parties.

4. Factual Background

The Complainant is a Swiss company providing wealth planning, fiduciary, and administration services to entrepreneurs and family offices. Formerly known as Rothschild Trust (Schweiz) AG, it became independent following a 2019 management buyout from Rothschild & Co.

The Complainant asserts common law rights in the SEQUENT trademark. According to the Complainant, it has used the SEQUENT trademark in connection with its services since 2019, following its spin-off from Rothschild & Co. and rebranding as Sequent (Schweiz) AG. The Complainant claims that SEQUENT trademark has become a distinctive identifier of its services through sustained and substantial use in commerce.

The Complainant states that it operates its official website at "www.sequent.limited, where the SEQUENT mark is prominently displayed, and that the brand has been continuously used across various channels, including marketing materials, corporate presentations, client proposals, and invoices. The Complainant also points to a rebranding campaign launched in early 2019, involving media coverage, promotional events in multiple international locations, and a comprehensive design effort undertaken with a professional branding agency.

Additionally, the Complainant claims to serve approximately 5,000 active clients globally and to maintain a network of over 900 professional intermediaries, such as law firms, banks, and asset managers. It further asserts that its brand has received media exposure in relation to its expansion into the foreign markets and that its operations have generated substantial annual revenues under the SEQUENT trademark. As evidence of the mark's distinctiveness and commercial recognition, the Complainant cites press coverage, marketing materials, invoices, and a co-existence agreement concluded in 2019. On this basis, the Complainant maintains that it has acquired common law rights in the SEQUENT trademark.

The Respondent is the sole owner and principal of DomainBooth, FZE LLC, a domain name investment and brokerage firm based in Dubai ("DomainBooth"). Although the Domain Name is registered under the Respondent's personal name, he asserts that it is, in fact, owned by DomainBooth and was inadvertently registered in his name. The Respondent specializes in the acquisition, investment, and brokerage of generic and descriptive domain names. DomainBooth's portfolio reportedly includes numerous high-value domain name transactions.

The Domain Name was originally registered on May 22, 1990. On or about January 23, 2025, DomainBooth acquired the Domain Name from its previous owner, Sequent Software Inc., with the intention of reselling it to a third party who recognizes the value and appeal of the Domain Name for a new business venture.

At the time the Complaint was submitted, the Domain Name resolved to a domain marketplace page at <atom.com>, where it was offered for sale for USD 1,995,000. As of the date of this Decision, the Domain Name no longer resolves to a dedicated sales or parking page but instead redirects to the main homepage of <atom.com>.

The Complainant states that during the course of these proceedings, it approached the Respondent to explore the possibility of acquiring the Domain Name. However, no agreement was reached, as the Parties' respective price expectations differed significantly.

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 Domain Name.

First, the Complainant contends that the Domain Name is identical to an unregistered trademark in which it has rights. In this regard, the Complainant submits that the SEQUENT trademark has become a distinctive identifier that consumers associate with its financial services.

Second, the Complainant argues that the Respondent has neither rights nor legitimate interests in the Domain Name. On the contrary, according to the Complainant, the Respondent appears to hold the Domain Name purely for speculative purposes, as evidenced by the fact that it is offered for sale at a price of USD 1,995,000.

Third, the Complainant submits that the Domain Name was registered and is being used in bad faith.

The Complainant states that following the alleged transfer of the Domain Name in May 2024 and/or February 2025, the associated website ceased to be used for any legitimate purpose and instead, the Domain Name was listed for sale at an inflated price through a third-party platform.

B. Respondent

The Respondent contends that the Complainant has not satisfied the elements required under the Policy for a transfer of the Domain Name.

First, while the Respondent acknowledges that the Complainant has established common law trademark rights for the purposes of the Policy, it argues that the term "sequent" is used by numerous other parties and is not uniquely associated with the Complainant, who operates in a highly niche industry.

Second, the Respondent contends that it has rights and legitimate interests in the Domain Name. The Respondent states that the Domain Name is owned by DomainBooth, a professional domain name investment and brokerage firm that operates similarly to a naming agency. The Respondent argues that registering descriptive or dictionary-word domain names, such as the Domain Name in question, for the purpose of resale is a well-established and legitimate business practice.

Third, the Respondent denies that the Domain Name was registered and is being used in bad faith. The Respondent states that the Domain Name was registered in good faith, without knowledge of the Complainant, and in connection with its domain investment activities. The Respondent asserts that the acquisition and resale of domain names, particularly where the domain name consists of a common or descriptive term, does not constitute a bad faith. The Respondent also notes that the Complainant operates in a narrow and niche market, and that there is no evidence the Complainant's mark was well known at the time of registration of the Domain Name.

C. Parties' supplemental fillings

In its supplemental submission dated May 30, 2025, the Complainant explained that it initiated the Complaint based on a suspicion that the Domain Name had been acquired by the same party controlling the domain name <sequent.limited>, a domain associated with a former executive and subject of parallel proceedings. The suspicion arose from similar registrar history between the two domain names and concerns about potential disruption to the Complainant's operations. For strategic and time-sensitive reasons, the Complainant filed the Complaint without first contacting the Respondent. Upon reviewing the Response, the Complainant determined the ownership of the Domain Name was unrelated and sought to purchase the Domain Name instead. When negotiations failed due to pricing differences, the Complainant requested withdrawal of the Complaint, asserting that the filing of the Complainant was made in good faith under the circumstances.

In response, in its supplemental filing of June 6, 2025, the Respondent objected to the Complainant's unilateral withdrawal of the Complaint, arguing that it provided no adequate justification and that the proceeding should continue to allow for a determination on the merits and a finding of Reverse Domain Name Hijacking. The Respondent contends that the Complaint was baseless, filed without proper evidence, and driven by the Complainant's internal business pressures. It asserts that the Complainant misrepresented key facts in the Complainant, failed to amend its claims even after learning the Respondent's identity, and strategically withheld its true suspicions. The Respondent argues that this conduct constitutes an abuse of the UDRP process and requests a finding of Reverse Domain Name Hijacking to preserve the integrity of the proceedings and deter similar future misuse.

6. Discussion and Findings

6.1. Preliminary Matters – Supplemental Filings

On May 30, 2025, the Complainant filed an unsolicited submission explaining the reasons for initiating the Complaint and for subsequently seeking its withdrawal following receipt of the Response. On June 6, 2025, the Respondent submitted a reply stating that it had reviewed the Complainant's submission and found it did not provide a sufficient basis to warrant termination of the proceedings.

The Panel notes that the Rules provide for the submission of the Complaint by the Complainant and the Response by the Respondent. No express provision is made for supplemental filings by either Party, except in response to a deficiency notification or if requested by the Center or the Administrative Panel.

Paragraphs 10 and 12 of the Rules in effect grant the Panel discretion to determine the admissibility of supplemental filings (including further statements or documents) received from either Party. Thus, it is in the discretion of the Panel to determine whether to consider and/or admit any supplemental filing in rendering its decision.

UDRP panels have repeatedly affirmed that the party's submission of supplemental filing or its request to submit an unsolicited supplemental filing should clearly show its relevance to the case and why it was unable to provide the information contained therein in its complaint or response (e.g., owing to some "exceptional" circumstance). See section 4.6 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0").

In this case, the Complainant's first supplemental filing was directly related to its May 26, 2025 request to withdraw the Complaint. In response, on the same date, the Respondent informed the Center that it did not consent to the withdrawal and invited the Complainant to provide written reasons in support of its request, which the Respondent would consider prior to determining its position. Accordingly, on May 30, 2025, the Complainant submitted a filing explaining its reasons for initiating the Complaint and subsequently seeking to withdraw it following receipt of the Response.

The subject matter of the Complainant's filing concerns developments that occurred after the filing of the Complaint – namely, the disclosure of the Respondent's identity by the Registrar, the filing of the Response, the Complainant's subsequent withdrawal request, and the Respondent's request for substantiation of that withdrawal. As such, the Complainant's supplemental filing pertains to matters not known at the time the Complaint was filed and is relevant to the procedural and substantive issues in the case. Similarly, the Respondent's supplemental filing of June 6, 2025 responds directly to the Complainant's May 30, 2025 submission regarding the withdrawal request. It likewise pertains to developments that occurred after the filing of the Response and is relevant to the Panel's assessment of this case.

Accordingly, the Panel accepts and has taken into consideration the supplemental filings submitted by both Parties in rendering this Decision.

6.2. Substantive Matters – Three Elements

Paragraph 4(a) of the Policy places a burden on the Complainant to prove the presence of three separate elements, which can be summarized as follows:

(i) the 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 the Domain Name; and

(iii) the Domain Name has been registered and is being used in bad faith.

The requested remedy may only be granted if the above criteria are met. At the outset, the Panel notes that the applicable standard of proof in UDRP cases is the "balance of probabilities" or "preponderance of the evidence". See section 4.2 of the WIPO Overview 3.0.

A. Identical or Confusingly Similar

Under the first element, the Complainant must establish that the Domain Name is identical or confusingly similar to the trademark in which the Complainant has rights.

The Complainant relies on its common law rights in the SEQUENT trademark. It is well-established that the term "trademark or service mark" as used in UDRP paragraph 4(a)(i) encompasses both registered and unregistered trademarks. See section 1.1 of the WIPO Overview 3.0.

To establish unregistered or common law trademark rights for purposes of the UDRP, the Complainant must show that its trademark has become a distinctive identifier which consumers associate with the Complainant's goods and/or services. See section 1.3 of the WIPO Overview 3.0.

The Panel considers that the Complainant has demonstrated such acquired distinctiveness. This is supported by the Complainant's continuous use and promotion of the brand since 2019, including operation of its official website at <sequent.limited> where the SEQUENT mark is prominently displayed, significant revenues, consistent branding in marketing materials, and media exposure. Accordingly, the Panel finds that the Complainant has established common law rights in the SEQUENT mark for purposes of the UDRP.

The Domain Name incorporates the Complainant's SEQUENT unregistered trademark in its entirety. As numerous UDRP panels have held, incorporating a trademark in its entirety is sufficient to establish that a domain name is identical or confusingly similar to that trademark (see *PepsiCo, Inc. v. PEPSI, SRL (a/k/a P.E.P.S.I.) and EMS COMPUTER INDUSTRY (a/k/a EMS)*, WIPO Case No. D2003-0696).

The generic Top Level Domain ".com" in the Domain Names is viewed as a standard registration requirement and as such is typically disregarded under the first element confusing similarity test. See section 1.11.1 of the WIPO Overview 3.0.

Given the above, the Panel finds that the Domain Name is identical to the Complainant's unregistered SEQUENT trademark. Thus, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

In view of the Panel's determination under the third element of the Policy, it is not necessary to make a finding with respect to the second element.

C. Registered and Used in Bad Faith

Under the third element, the Complainant must prove that the Domain Name has been registered and is being used in bad faith.

Bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant's mark. See section 3.1 of the WIPO Overview 3.0.

Under paragraph 4(b) of the Policy, evidence of bad faith registration and use includes, without limitation:

(i) circumstances indicating the domain name was registered or acquired primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the owner of a trademark or to a competitor of the trademark owner, for valuable consideration in excess of the documented out-of-pocket costs directly related to the domain name; or

(ii) circumstances indicating that the domain name was registered in order to prevent the owner of a trademark from reflecting the mark in a corresponding domain name, provided it is a pattern of such conduct; or

(iii) circumstances indicating that the domain name was registered primarily for the purpose of disrupting the business of a competitor; or

(iv) circumstances indicating that the domain name has intentionally been used in an attempt to attract, for commercial gain, Internet users to a website or other online location, by creating a likelihood of confusion with a trademark as to the source, sponsorship, affiliation, or endorsement of the website or location or of a product or service on a website or location.

The core of the Complainant's case, as formulated in the Complainant, is that the Respondent acquired the Domain Name with the primary intent to capitalize on the Complainant's SEQUENT trademark. The Complainant contends that the surrounding circumstances, including the timing of the acquisition following the establishment of its rights, the use of a privacy service to obscure ownership, the lack of any bona fide use, and the excessive sale price, collectively point to bad faith registration and use under the Policy.

In turn, the essence of the Respondent's case is that the Domain Name is a common English dictionary word with widespread third-party use, acquired in good faith as part of a legitimate domain investment business. The Respondent maintains it had no knowledge of the Complainant, who operates in a niche market without a registered trademark, and that the Domain Name's value arises from its generic character, not any association with the Complainant. The listed price is consistent with standard market rates for premium dictionary-word domains.

The Panel is inclined to favor the Respondent's case. It is well established that to demonstrate bad faith, the Complainant must prove that the Respondent must have known of, and targeted, the trademark in issue at the time of the Domain Name's registration. In the present case, the Respondent denies any such knowledge or intent. In the opinion of the Panel, the record supports this claim for various reasons.

First, the Panel accepts that the Domain Name corresponds to the English dictionary word "sequent," which has an inherent descriptive meaning, functioning as an adjective to mean "that follows or comes after," or as a noun referring to something that follows in a sequence; it is less clear that it is however a "common" word. The term seemingly has appeal across diverse industries. The Respondent has presented credible evidence of widespread third-party use of the term in company names, trademarks, and domain names, including in the Complainant's own jurisdiction. For completeness, the Panel does not consider that a respondent can merely rely on third party uses or rights as a basis for its own claim to a right or legitimate interest to a domain name which must be independently derived [; the fact of such third party rights/uses may however lend support to a claim that a domain name was acquired without intent to target the complainant].

Thus, the Domain Name consists solely of a dictionary word, and the Respondent is engaged in the acquisition, investment, and brokerage of generic and descriptive domain names. In the Panel's view, it cannot be concluded on the balance of probabilities or with sufficient confidence that the Respondent, whose business model involves trading in generic domain names, would have been aware of a financial services company such as the Complainant, or that it would have found the Complainant's brand a likely target for cybersquatting. The Respondent denies such knowledge and intent, and the Panel finds no sufficient basis in the record to disbelieve that assertion.

Second, the Panel finds that the case record does not support a conclusion that the Respondent registered the Domain Name primarily for the purpose of selling it to the Complainant or to a competitor of the Complainant. There is no evidence that the Respondent intentionally sought to sell the Domain Name to the Complainant in order to take advantage of the Complainant's trademark rights. Nor is there any indication that the Respondent's acquisition of the Domain Name in 2025 was motivated by an intent to target the Complainant.

In particular, there is nothing in the record to suggest that the Respondent solicited, contacted, or otherwise directed any action toward the Complainant prior to these proceedings. That the Parties reportedly entered into negotiations during the course of this case, which ultimately failed due to a disagreement over price, does not alter this finding. Furthermore, the Respondent's use of a privacy service, without more, is not indicative of bad faith.

Consistent with established UDRP case practice, the Panel considers that offering a domain name for sale, when it has been registered for its value as a generic or descriptive term and without any intent to target a specific trademark, would not in itself constitute evidence of bad faith. This is particularly the case where the registrant has used (or offered) the domain name in accordance with its dictionary meaning, that is, in a non-distinctive, generic sense. In order to prove bad faith registration and use, the Complainant must demonstrate that the Respondent knew of the Complainant's trademark rights at the time the Respondent registered the Domain Name, and that the Respondent nonetheless registered the Domain Name to sell based on goodwill value associated with the Complainant's trademark.

In this case, the Panel finds no evidence that the Respondent was aware of the Complainant's trademark rights at the time of acquisition. Nor is there any indication that the Respondent registered the Domain Name with the intention of selling it based on any such goodwill.

Furthermore, there is no evidence on record that the Respondent registered the Domain Name with the intent to prevent the Complainant from registering its trademark in a corresponding domain name. The concept of passive holding may be relevant in cases where a domain name incorporating a well-known trademark is not actively used, yet the surrounding circumstances suggest that no plausible reason for the registration exists other than to take unfair advantage of the trademark. However, this case does not present

such circumstances which may lead to a finding of bad faith based on passive holding.
Finally, an additional factor weighing against a finding of the Respondent's bad faith arises from the Complainant's own explanation for its request to withdraw the Complaint. After the Respondent's identity was disclosed and the Response was filed, the Complainant acknowledged that its earlier suspicion of a connection between the Respondent and a former associate involved in a separate dispute over <sequent.limited> was likely unfounded. It further accepted that the Respondent had acquired the Domain Name independently. This concession weakens the allegation that the Respondent registered the Domain Name in bad faith with knowledge of, or intent to target, the Complainant.

In light of all the above circumstances, the Panel finds that the Complainant has failed to establish, on the balance of probabilities, that the Domain Name was registered and is being used in bad faith. Accordingly, the Complaint is dismissed.

D. Reverse Domain Name Hijacking

Paragraph 15(e) of the Rules provides that, if after considering the submissions, the Panel finds that the Complaint was brought in bad faith, for example in an attempt at Reverse Domain Name Hijacking or to harass the domain-name holder, the Panel shall declare in its decision that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding. The mere lack of success of the complaint is not, on its own, sufficient to constitute reverse domain name hijacking. Section 4.16 of the WIPO Overview 3.0.

Paragraph 1 of the Rules defines Reverse Domain Name Hijacking as "using the Policy in bad faith to attempt to deprive a registered domain-name holder of a domain name". A finding of attempted Reverse Domain Name Hijacking is appropriate only where it should have been clear to a complainant that it could not prove one of the essential elements under the Policy, or where there has been an apparent attempt to mislead the Panel, or to bully a respondent into handing over a domain name. See, e.g., *IUNO Advocatpartnerselskab v. Angela Croom*, WIPO Case No. D2011-0806. Reverse Domain Name Hijacking has also been described as occurring "where a respondent's use of a domain name could not, under any fair interpretation of the facts, have constituted bad faith." See *Prime Pictures LLC v. DigiMedia.com L.P.*, WIPO Case No. D2010-1877.

The Panel does not consider that a finding of Reverse Domain Name Hijacking is warranted in this case. While the Complaint has not succeeded under the requirements of the Policy, the circumstances do not support the conclusion that it was brought in bad faith or as an abuse of the administrative proceeding.

The Complainant has explained that it initiated the Complaint based on concerns arising from the timing and similarity of registrar changes involving both the Domain Name and another domain name associated with a former executive. These concerns were heightened by operational considerations and uncertainty over future access to its existing domain. Importantly, at the time the Complaint was filed, the registrant's identity was obscured by a privacy protection service, meaning the Complainant could not assess who actually owned or controlled the Domain Name. This lack of transparency significantly limits the Panel's ability to conclude that the Complainant knew, or should have known, it could not succeed under the Policy.

The Panel also notes that the Complainant chose to withdraw the Complaint after reviewing the Response, which provided clarity regarding the Respondent's identity and the circumstances of the Domain Name's registration. The Complainant's decision to withdraw, rather than continue to pursue the matter, suggests that its intentions were not improper or harassing in nature. While the Complaint may be viewed as speculative to some extent, it was not pursued in a manner that rises to the level of a Reverse Domain Name Hijacking.

Taking into account the overall context and the Complainant's conduct, the Panel considers that finding of a Reverse Domain Name Hijacking is not appropriate in this case.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Piotr Nowaczyk/
Piotr Nowaczyk
Presiding Panelist

/Warwick A. Rothnie/
Warwick A. Rothnie
Panelist

/John Swinson /
John Swinson
Panelist
Date: July 10, 2025