ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Raya App, LLC v. Sebastiano Rindi
Case No. D2025-2384

1. The Parties

The Complainant is Raya App, LLC, United States of America ("United States"), represented by Nelson Mullins Riley & Scarborough, L.L.P., United States.

The Respondent is Sebastiano Rindi, Italy.

2. The Domain Name and Registrar

The disputed domain name <rayacircle.com> is registered with Register SPA (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 17, 2025. On June 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 18, 2025, the Registrar 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 (REDACTED FOR PRIVACY, Privacy Protect, LLC.) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 19, 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 June 24, 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 June 25, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 15, 2025. The Response was filed with the Center on June 25, 2025. The Complainant submitted a supplemental filing on June 27, 2025, and the Respondent submitted a supplemental filing on that same day.

The Center appointed John Swinson as the sole panelist in this matter on July 4, 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.

4. Factual Background

The Complainant is a business with a United States address that operates a membership-based, social network application that was launched in 2015. According to an article in The Times dated December 29. 2024: "It works like a regular dating app, with users swiping, or liking' other people's profiles, which include a photo and basic information such as first name and age. Get a match and you're free to start a conversation." The Complainant dating app is branded as "Raya". It is regarded as an exclusive dating app.

The Complainant operates a website for its app at <rayatheapp.com>. This website has the word "Raya" above two interlocking circles (similar to a Venn diagram). The website also has a button with the words "Apply For Membership".

The Complainant owns a portfolio of trademarks for RAYA in various jurisdictions, including a United States trademark registration for RAYA, being Registration No. 4,888,928 that was filed on May 28, 2015, and registered on January 19, 2016. The registration states a date of first use of February 25, 2015. The services in the registration relate to mobile apps "concerning social gatherings, making acquaintances, friendship, dating, long-term relationships and marriage" in class 9.

The disputed domain name was registered on March 4, 2024.

The Respondent is an individual who has an address in Italy. The Respondent is the founder and CEO of Offjoin SRL, an Italian registered business that, according to the Respondent, builds curated social and cultural experiences through a proprietary platform that invites members to participate in real-world, invite-only community gatherings that do not encompass any form of online dating or matchmaking activity. According to the Respondent, the Respondent has offered retreats using the disputed domain name since March 2024.

The Respondent states that the disputed domain name resolved to password protected content within the Offjoin application.

In March 2024, a user contacted the Respondent asking whether the Respondent was associated with the Complainant's dating app. The Respondent replied, disclaiming any connection.

The website at the disputed domain name currently has the word Raya in the top left corner, a photograph of the ocean and cliffs, and the text "2025 An exclusive, private community" and "Raya Circle is an exclusive, invitation-only global community renowned for its curated events held in prestigious locations worldwide."

At one time, the website at the disputed domain name included a logo which included as part of the logo two interlocking circles.

The Complainant's lawyers wrote a demand letter to the Respondent on April 23, 2025. No response was received.

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 disputed domain name. In summary, the Complainant makes the following submissions.

Originally conceived as an exclusive dating platform for people in creative industries, the Complainant's app has since evolved to include features for professional networking and social discovery. Often described as "Illuminati Tinder," Raya's allure comes from its strict vetting process, its user base of public figures, and its air of mystery and prestige. High-profile users have reportedly included Ben Affleck, Simone Biles, John Mayer, Zach Braff, and Cara Delevinge.

As a result of over ten years of continuous and extensive use, the RAYA trademark has amassed a significant amount and substantial amount of goodwill and fame.

The disputed domain name and the content on the website at the disputed domain name impersonates the Complainant by using the RAYA trademark and referring to itself as "an exclusive, invitation-only global community…" and that "[w]hat makes its community special is its commitment to exclusivity and sophistication, providing a place for people to connect, network, and collaborate in unique settings." Additionally, Respondent has created an Instagram profile, @rayacircle, holding itself out to be "[a]n exclusive, private community." The Respondent's Instagram account uses the double circle logo similar to the Complainant's whose bio reads "[a] private global community."

The Complainant further submits that the Respondent will be unable to show, under any set of circumstances, bona fide use of the disputed domain name or that it has engaged in any demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services as evidenced by the Respondent's use of the disputed domain name in a scheme to offer services highly similar, if not identical, to that of the Complainant under the RAYA trademark. The use of a domain name for illegal activity such as impersonation/passing off, phishing scams, or other types of fraud can never confer rights or legitimate interests on a respondent.

The Respondent's use of the disputed domain name is not noncommercial or fair use under paragraph 4(c)(iii) of the Policy, given that the Respondent is mimicking the Complainant and claiming to be "an exclusive private community . . . providing a place for people to connect, network, and collaborate in unique settings." Such activity is not considered noncommercial or fair use.

The disputed domain name implies a connection with the Complainant because the Respondent holds itself out to be "an exclusive, invitation-only global community…" and that "[w]hat makes its community special is its commitment to exclusivity and sophistication, providing a place for people to connect, network, and collaborate in unique settings."

The Respondent specifically targeted the Complainant's RAYA trademark when registering by the fact that the disputed domain name is a clear reference to the Complainant and its double-circle logo. This specific targeting is further exemplified by the Respondent explaining its services to revolve around, privacy, an intimate community feel.

B. Respondent

The Respondent contends that the Complainant has not satisfied all three of the elements required under the Policy for a transfer of the disputed domain name. In summary, the Respondent makes the following submissions.

"Raya" is a dictionary term used in numerous independent businesses. A trademark owner cannot monopolize such a term when a respondent employs it descriptively and in good faith.

"Raya" is a widely used dictionary and geographical word meaning, inter alia, "friend" in Hebrew and is also the name of the most exclusive venue on the island of Panarea where the Respondent's circle has convened annually since 2014, most recently for a wedding in June 2025. "Circle" was added deliberately to denote a closed fellowship, underscoring that the project concerns real-world community and a circle of friends.

From the outset the disputed domain name has resolved solely to password-protected content within the Offjoin application, used to host event information and RSVP links for invited guests only.

The Respondent never offered the disputed domain name for sale; the Respondent's project predates the Complainant's own exploration of in-person events by more than a year; and traffic remains confined to private invitation links.

In an email to the Center, the Respondent stated: "While I personally felt it was quite distinct, both in color scheme and design, I want to avoid any confusion and be 100% clear that our project has no connection or association with Raya App. To that end, I've already changed the logo and visual identity of the site as a proactive gesture of goodwill. That said, if Raya is genuinely interested in the name or concept, I would be open to discussing a constructive outcome, whether it's collaborating, licensing, or a fair transfer. I believe we can find a peaceful solution that respects everyone's vision."

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

(i) the disputed 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 respect of the disputed domain name; and

(iii) the disputed domain name has been registered and is being used in bad faith.

The onus of proving these elements is on the Complainant.

An asserting party needs to establish that it is, more likely than not, that the claimed fact is true. An asserting party cannot meet its burden by simply making conclusory statements unsupported by evidence. To allow a party to merely make factual claims without any supporting evidence would essentially eviscerate the requirements of the Policy as both complainants or respondents could simply claim anything without any proof. For this reason, UDRP panels have generally dismissed factual allegations that are not supported by any bona fide documentary or other credible evidence. *Captain Fin Co. LLC v. Private Registration, NameBrightPrivacy.com / Adam Grunwerg*, WIPO Case No. D2021-3279.

Supplemental Filings

Both the Complainant and the Respondent filed supplemental filings.

Paragraph 10 of the Rules vests the Panel with the authority to determine the admissibility, relevance, materiality, and weight of the evidence, and also to conduct the proceedings with due expedition. Paragraph 12 of the Rules provides that the Panel may request, in its sole discretion, further statements or documents from either of the parties. There is no provision in the Rules for a party to file additional unsolicited submissions. Unsolicited supplemental filings are generally discouraged.

A party submitting an unsolicited supplemental filing should show some exceptional circumstances as to why it was unable to provide the information contained therein in its complaint or response.

The Complainant's supplemental filing appears to be a rebuttal of the Respondent's contentions and a discussion of the Respondent's evidence (and to correct an incorrect date in the Complaint). No exceptional circumstances are shown by the Complainant for the need for this supplemental filing. The Respondent's supplemental filing continues the debate.

The Panel declines to admit both supplemental filings.

Even if these supplemental filings were to be admitted, the Panel considers that these supplemental filings would not affect the Panel's analysis set out below.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("WIPO Overview 3.0"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. WIPO Overview 3.0, section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.0, section 1.7.

Although the addition of other terms (here, "circle") may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. WIPO Overview 3.0, section 1.8.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. WIPO Overview 3.0, section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The Respondent asserts that the Respondent has rights or legitimate interests in the disputed domain name under paragraph 4(c)(i) of the Policy. The Respondent's case is that, before notice to the Respondent of the dispute, the Respondent used the disputed domain name in connection with a bona fide offering of services. In this respect, see WIPO Overview 3.0, section 2.2. However, the Respondent provided scant evidence to show use of the disputed domain name in respect of services prior to the filing of the Complainant. Rather, the materials in the case file suggest to the Panel that the Respondent used the disputed domain name to

direct consumers to the Respondent's Offjoin app, which is used by the Respondent to manage the exclusive events that he promotes.

Use of a domain name to intentionally trade on the fame of another does not demonstrate his rights or legitimate interests in the domain name, and in particular cannot be considered a bona fide offering of goods or services. *Van Morrison and Exile Productions Limited v. Unofficial Club de Van Morrison*, WIPO Case No. D2002-0417. In respect of the third element of the Policy, the Panel finds below that the Respondent registered the disputed domain names to take advantage of the Complainant's reputation. Accordingly, the Respondent cannot be regarded as using the disputed domain names in connection with a bona fide offering of goods or services. Compare *Welcomemat Services, Inc. v. Michael Plummer Jr., MLP Enterprises Inc.*, WIPO Case No. D2017-0481; and *Trading Central S.A. v. Amir Jabur,* WIPO Case No. D2025-0142.

The Panel concludes that the Respondent's use of the disputed domain name is not bona fide offering of goods or services for the purposes of the Policy and thus does not establish that the Respondent has rights or legitimate interests in the disputed domain name under paragraph 4(c)(i) of the Policy.

The Respondent also asserted that his events were free of charge and thus noncommercial, and relies upon paragraph 4(c)(iii) of the Policy. Paragraph 4(c)(iii) states: "you are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue." In the present case, the Respondent is using the disputed domain name to misleadingly divert consumers to the Respondent's Offjoin service, and so paragraph 4(c)(iii) does not apply.

None of the circumstances listed in paragraph 4(c) of the Policy apply in the present circumstances.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

For the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the respondent in question has registered and is using the disputed domain name to take advantage of its significance as a trademark (usually) owned by the complainant.

The evidence provided by the Complainant demonstrated that the Complainant is well known in respect of exclusive dating apps and associated services. When the Panel searched for "raya events" on the Google search engine, the first two results returned related to the Complainant; no results relating to the Respondent were returned on the first page of the search results.

The Respondent did not assert that he was unaware of the Complainant at the time he registered the disputed domain name. The Respondent operates in the same general field as the Complainant, being exclusive, invitation only services for friendship.

The Respondent stated that the disputed domain name was selected because "raya" is Hebrew for "friend". This may be the case, but "raya" is also the Complainant's trademark. The Panel considers that the Respondent selected "raya" and "circle" because "raya" is the trademark of the Complainant and two circles comprise the Complainant's logo. It is also relevant that the Respondent's logo and the Complainant's logo were very similar, and that the Respondent changed logos once the Complainant was filed.

In short, the Panel considers it implausible that the Respondent would not have been aware that he selected the disputed domain name and his initial logo (that closely resembles the Complainant's logo) without knowledge of the Complainant.

The Panel infers that the Respondent registered the disputed domain name because the Respondent was aware of the Complainant and wished to take advantage of the Complainant's reputation. Moreover, the evidence presented by the Respondent shows that there has been consumer confusion, and that the Respondent used the disputed domain name to refer consumers to his Offjoin social media app.

The Panel finds that the Respondent has attempted to attract, for commercial gain, Internet users to his website by creating a likelihood of confusion as to the source, affiliation or endorsement of the website. This amounts to evidence of bad faith registration and use under paragraph 4(b)(iv) of the Policy.

The Panel finds that the Complainant has established the third element of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <rayacircle.com> be transferred to the Complainant.

/John Swinson/
John Swinson
Sole Panelist
Date: July 18, 2025