

## **ADMINISTRATIVE PANEL DECISION**

HeyGen Technology Inc. v. Fly Pepe  
Case No. D2025-2454

### **1. The Parties**

Complainant is HeyGen Technology Inc., United States of America (“United States”), represented by Coates IP LLP, United States.

Respondent is Fly Pepe, United States.

### **2. The Domain Name and Registrar**

The disputed domain name <hey-gem.com> (the “Disputed Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 20, 2025. On June 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On June 23, 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 (UNKNOWN RESPONDENT, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to Complainant on June 26, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on June 28, 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 Respondent of the Complaint, and the proceedings commenced on June 30, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 20, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on July 22, 2025.

The Center appointed Douglas M. Isenberg as the sole panelist in this matter on July 31, 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**

Complainant states that it was founded in 2020; that it is “a pioneer in video and image generation in artificial intelligence”; that it “allows for users to create photorealistic video avatars using the likeness of real people or a library of pre-made avatars and voices”; that, in June 2024, it was valued at USD 500 million, had 40,000 customers and generated annual revenue of USD 35 million. Complainant further states that it “has offered its services at <heygen.com> since at least March 2023.”

Complainant states, and provides documentation in support thereof, that it is the owner of two trademark applications for HEYGEN in the United States, one trademark application for HEYGEN in Canada, and the following trademark registrations:

- United Kingdom Reg. No. UK00003940036 (registered October 27, 2023) for HEYGEN for use in connection with, inter alia, “downloadable computer software for creating audio/visual content, including text, images, 3D graphics, and/or videos, and interactive content”;
- European Union Reg. No. 018908079 (registered December 26, 2023) for HEYGEN for use in connection with, inter alia, “downloadable computer software for creating audio/visual content, including text, images, 3D graphics, and/or videos, and interactive content”;
- Australia. Reg. No. 2375990 (registered July 31, 2023) for HEYGEN for use in connection with, inter alia, “downloadable computer software for creating audio/visual content, including text, images, 3D graphics, and/or videos, and interactive content”.

The registrations cited above are referred to herein as the “HEYGEN Trademark.”

The Disputed Domain Name was created on June 2, 2025, and is being used in connection with a website that says it offers “an open-source tool that lets you generate realistic AI avatars from your appearance and voice.”

#### **5. Parties’ Contentions**

##### **A. Complainant**

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Disputed Domain Name. Notably, Complainant contends that:

- The Disputed Domain Name is confusingly similar to the HEYGEN Trademark because “[t]he minor difference between Respondent’s use of HEYGEM throughout the <heygem.com> website and in the Disputed Domain Name was intentional and constitutes typosquatting”; “the domain name contains sufficiently recognizable aspects of the relevant mark”; the difference between the letter “n” in the HEYGEN Trademark and the letter “m” in the Disputed Domain Name is a “typo” because “they are similar looking characters”; and Respondent’s website “purports to offer competing and identical AI avatar and video solutions.”
- Respondent has no rights or legitimate interests in the Disputed Domain Name because, inter alia, “Respondent has no rights in Complainant’s trademark, prior or subsequent, and does not have a license to offer products or services under Complainant’s HEYGEN Mark”; the Disputed Domain Name “resolved to a website that clearly provides overlapping and competing products and services featuring Complainant’s

HEYGEN Mark”; and “Respondent is not commonly known by the Domain Name, and has acquired no trademark or service mark rights in the HEYGEN Mark.”

- The Disputed Domain Name was registered and is being used in bad faith because, inter alia, “[t]he Disputed Domain Name resolves to a site that solely offers competing digital image and avatar products and services under the HEYGEN Mark”; “[p]anelists have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely known trademark by an unaffiliated entity can by itself create a presumption of bad faith”; and “Respondent’s Whois contact information is false” given that “[t]he address and street do not exist in New Jersey.”

## **B. Respondent**

Respondent did not reply to the Complainant’s contentions.

## **6. Discussion and Findings**

### **A. Identical or Confusingly Similar**

Based upon the trademark registrations cited by Complainant, it is apparent that Complainant has rights in and to the HEYGEN Trademark. (The Panel notes that the trademark applications cited by Complainant, in the United States and Canada, are irrelevant to this proceeding, because “[a] pending trademark application would not by itself establish trademark rights within the meaning of UDRP paragraph 4(a)(i).” WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.1.4.)

As to whether the Disputed Domain Name is identical or confusingly similar to the HEYGEN Trademark, the relevant comparison to be made is with the second-level portion of the Disputed Domain Name only (i.e., “hey-gem”) because “[t]he applicable Top-Level Domain (‘TLD’) in a domain name (e.g., ‘.com’, ‘.club’, ‘.nyc’) is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test”. [WIPO Overview 3.0](#), section 1.11.1.

As set forth in section 1.7 of [WIPO Overview 3.0](#): “in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing.” Further, as set forth in section 1.9 of [WIPO Overview 3.0](#): “A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element.... Examples of such typos include... substitution of similar-appearing characters.” Here, as Complainant has noted, the letters “m” and “n” are similar in appearance.

Further, the inclusion of a hyphen in the Disputed Domain Name, which does not appear in the HEYGEN Trademark, is irrelevant, because the presence or absence of “punctuation marks such as hyphens cannot on their own avoid a finding of confusing similarity.” *Six Continents Hotels, Inc. v. Helen Siew*, WIPO Case No. [D2004-0656](#). See also, e.g., *Western Union Holdings, Inc. v. Anna Valdieri*, WIPO Case No. [D2006-0884](#) (“the insertion of a hyphen... [is] not [a] relevantly distinguishing feature[]”); and *Di-El Industrie-Electronic GmbH and TR Electronic v. E-Orderdesk*, WIPO Case No. [D2007-0961](#) (“the use or absence of punctuation marks such as hyphens does not alter the fact that the domain name at issue is identical or confusingly similar to the trademark at issue”).

Finally, as set forth in section 1.15 of [WIPO Overview 3.0](#), “panels have... taken note of the content of the website associated with a domain name to confirm confusing similarity whereby it appears prima facie that the respondent seeks to target a trademark through the disputed domain name.” Here, the content of the website using the Disputed Domain Name obviously targets the HEYGEN Trademark because the website

purports to offer the same services offered by Complainant in connection with the HEYGEN Trademark, that is, services to generate realistic avatars.

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

## **B. Rights or Legitimate Interests**

Complainant has argued that Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because, inter alia, “Respondent has no rights in Complainant’s trademark, prior or subsequent, and does not have a license to offer products or services under Complainant’s HEYGEN Mark”; the Disputed Domain Name “resolved to a website that clearly provides overlapping and competing products and services featuring Complainant’s HEYGEN Mark”; and “Respondent is not commonly known by the Domain Name, and has acquired no trademark or service mark rights in the HEYGEN Mark.”

[WIPO Overview 3.0](#), section 2.1, states: “[w]hile 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 often impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.”

The Panel finds that Complainant has established its prima facie case and without any evidence from Respondent to the contrary, the Panel is satisfied that Complainant has satisfied the second element of the Policy.

## **C. Registered and Used in Bad Faith**

Whether a domain name is registered and used in bad faith for purposes of the Policy may be determined by evaluating four (non-exhaustive) factors set forth in the Policy: (i) circumstances indicating that the registrant has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the registrant’s documented out-of-pocket costs directly related to the domain name; or (ii) the registrant has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the registrant has engaged in a pattern of such conduct; or (iii) the registrant has registered the domain name primarily for the purpose of disrupting the business of a competitor; or (iv) by using the domain name, the registrant has intentionally attempted to attract, for commercial gain, Internet users to the registrant’s website or other online location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the registrant’s website or location or of a product or service on the registrant’s website or location. Policy, paragraph 4(b).

By using the Disputed Domain Name in connection with a website that allows users to “generate realistic AI avatars from your appearance and voice” – the same type of service offered by Complainant in connection with the HEYGEN Trademark – Respondent is clearly and intentionally “creating a likelihood of confusion” with the HEYGEN Trademark, constituting bad faith pursuant to paragraph 4(b)(iv) of the Policy. See, e.g., *Arla Foods amba v. Jucco Holdings*, WIPO Case No. [D2006-0409](#) (“the practice of registering a domain name and using it to redirect a user to a website which is used for the sale of competing services constitutes evidence of registering and using a trademark in bad faith”); *F. Hoffmann-La Roche AG v. Clear Foto*, WIPO Case No. [D2009-0501](#) (finding bad faith where respondent’s website “offers some competing services”); and *Beachbody, LLC v. Liu Wan*, WIPO Case No. [D2012-1407](#) (finding bad faith where complainant alleged that disputed domain name “resolved to a website with similar content”).

The Panel finds that 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 <hey-gem.com> be transferred to Complainant.

*/Douglas M. Isenberg/*

**Douglas M. Isenberg**

Sole Panelist

Date: August 7, 2025