

## **ADMINISTRATIVE PANEL DECISION**

Etison LLC dba ClickFunnels v. Michael J Connolly, Power Curve Media  
Case No. D2025-2514

### **1. The Parties**

Complainant is Etison LLC dba ClickFunnels, United States of America ("United States"), internally represented.

Respondent is Michael J Connolly, Power Curve Media, United States.

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

The disputed domain name <funnelhacker.com> (the "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 26, 2025. On June 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On June 28, 2025 and July 1, 2025, 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 ("Privacy Service Provided by Withheld for Privacy EHF") and contact information in the Complaint. The Center sent an email to Complainant on July 2, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on July 2, 2025.

The Center verified that the Complaint together with the amendment to the 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 July 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 23, 2025. The Response was filed with the Center on July 17, 2025.

On August 4, 2025, per Complainant's request, the administrative proceedings were suspended. On October 7, 2025, the proceedings were reinstituted.

On October 8, 2025, the Respondent submitted an unsolicited supplemental filing to the Center.

The Center appointed Robert A. Badgley as the sole panelist in this matter on October 8, 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 holds a registered trademark with the United States Patent and Trademark Office (“USPTO”) for the word mark FUNNEL HACKER (Reg. No. 7339707), registered on March 26, 2024, in connection with, among other things, “business and marketing consulting services” and “website design consultancy.” This USPTO registration indicates that Complainant asserts a date of first use in commerce of February 3, 2015. This trademark application was filed with the USPTO on March 17, 2023.

The Domain Name was registered on March 10, 2014. There is no allegation or evidence that ownership of the Domain Name ever changed hands since its original registration. The Domain Name resolves to a commercial website featuring the text:

**“Let’s Put Your Income on Autopilot**

Book a Strategy Session to find out how we can help you get more sales with less effort!”

Complainant alleges:

“The Complainant’s mark ‘FUNNEL HACKER’ [...] has been widely and consistently used in commerce since 2014, establishing common law trademark rights prior to the Respondent’s registration of the disputed domain. The term ‘FUNNEL HACKER’ is synonymous with the Complainant’s brand, which the Respondent seeks to exploit through deceptive tactics. It is clear from the Respondent’s website to which the disputed domain resolves that Respondent was not only familiar with the FUNNEL HACKER mark, but intentionally adopted a domain name incorporating the FUNNEL HACKER mark in order to create an association with Complainant and its established brand identity. To be clear, no such association or relationship exists. The Respondent’s domain preys on the goodwill developed by Complainant’s mark ‘FUNNEL HACKER’ without any license, rights, or permission to use the mark. The Respondent’s registration of the disputed domain name was clearly intended to attract consumers to the Respondent’s website, for commercial gain, by creating a likelihood of confusion with the Complainant’s mark as to the affiliation of the Respondent’s website and the services offered therein.”

In this proceeding, Complainant has provided no evidence of its use of the FUNNEL HACKER mark prior to the February 3, 2015, date of first use indicated on the USPTO application. Specifically, there is no evidence in the record of Complainant using that mark at all at the time the Domain Name was registered. Further, Complainant has provided no evidence of the extent to which its mark was renowned at the time the Domain Name was registered or at any time since.

#### **5. Parties’ Contentions**

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

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

## **B. Respondent**

Among other things, Respondent asserts:

“Respondent registered the domain prior to any knowledge of the Complainant’s use of the term, and nearly nine years before any federal trademark registration was issued. The application date for the Complainant’s trade mark was March 17, 2023, well after the Respondent’s March 10, 2014 registration.”

“Complainant’s claim that Respondent ‘clearly attempts to impersonate [ClickFunnels] through the use of the disputed domain’ is blatantly false. Respondent has never in any way attempted to impersonate ClickFunnels, nor, in accordance with its principals [sic] and standards, would it have any interest in doing so.”

“The term ‘funnel hacker’ is descriptive and was independently coined by the Respondent prior to the Complainant’s widespread use in commerce. At the time of registration, the term ‘funnel hacker’ was not commonly associated with any specific entity, nor had it gained secondary meaning. The Respondent’s inspiration for the domain came from the contemporaneous rise of the term ‘growth hacking’ and the Respondent’s own role building custom sales funnels and copy for small businesses using Infusionsoft.”

“According to TechTarget, a hacker is ‘an individual who uses computer, networking or other skills to overcome a technical problem.’ [...] This was the meaning of the term as the Respondent interpreted it, and to which it applied the phrase ‘funnel hacker’, i.e. an individual who uses computer, networking or other skills to overcome a technical problem, as in building automated digital sales and marketing funnels, when pairing the words and registering the domain for its specific business use at the time.”

“The Respondent registered the domain in good faith on March 10, 2014 for use in connection with its own funnel consulting business. The Respondent has never attempted to sell the domain to the Complainant, nor to confuse visitors into believing the domain was affiliated with the Complainant.”

“The domain was used to send marketing emails, host related pages, and develop educational content related to sales funnels. These activities constitute a bona fide offering of goods or services under Paragraph 4(c)(i) of the UDRP.”

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy lists the three elements which Complainant must satisfy with respect to the Domain Name:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

The Panel finds that the Respondent has not demonstrated any exceptional circumstances as to why its supplemental filing should be considered by the Panel. The Panel has decided to disregard the Respondent’s supplemental filing, but notes that if considered it would not have impacted the outcome of this proceeding.

### **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 Complainant’s trademark and the Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ([“WIPO Overview 3.0”](#)), section 1.7.

The Panel finds that Complainant has rights in the trademark FUNNEL HACKER through registration demonstrated in the record. The Panel also finds that the Domain Name is identical to that mark.

Complainant has established Policy paragraph 4(a)(i).

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

Pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

- (i) before any notice to you [Respondent] of the dispute, your use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services; or
- (ii) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Domain Name, even if you have acquired no trademark or service mark rights; or
- (iii) you [Respondent] 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.

The Panel need not decide this issue, given its holding below on the “Bad Faith” element.

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

Paragraph 4(b) of the Policy provides that the following circumstances, “in particular but without limitation,” are evidence of the registration and use of the Domain Name in “bad faith”:

- (i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Name; or
- (ii) that Respondent 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 Respondent has engaged in a pattern of such conduct; or
- (iii) that Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or
- (iv) that by using the Domain Name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent’s website or other online location, by creating a likelihood of confusion with Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of Respondent’s website or location or of a product or service on Respondent’s website or location.

The Panel concludes, on the record provided here, that Complainant has failed to carry its burden of proving that Respondent registered the Domain Name in bad faith. The sparse record in this case shows that the Domain Name was registered on March 10, 2014, and that Complainant’s claimed first use of the FUNNEL HACKER mark (according to the USPTO registration) was nearly a year later, on February 3, 2015. Complainant alleges that its FUNNEL HACKER mark has been “widely and consistently used in commerce since 2014”, but Complainant provides no evidence of widespread use and no evidence of any use in 2014.

Without further information, it is impossible to conclude that Respondent targeted Complainant’s trademark when he registered the Domain Name. As such, the Complaint must fail.

## **7. Decision**

For the foregoing reasons, the Complaint is denied.

*/Robert A. Badgley/*

**Robert A. Badgley**

Sole Panelist

Date: October 22, 2025