

## **ADMINISTRATIVE PANEL DECISION**

### **Barracuda Networks, Inc. v. Mark Levine**

### **Case No. D2025-4795**

#### **1. The Parties**

Complainant is Barracuda Networks, Inc., United States of America (“United States”), represented by KXT LAW, LLP, United States.

Respondent is Mark Levine, United States.

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

The disputed domain name <barracudaai.com> (the “Domain Name”) is registered with GoDaddy.com, LLC (the “Registrar”).

#### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 18, 2025. On November 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On November 19, 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 (Registration Private, Domains by Proxy, LLC) and contact information in the Complaint. The Center sent an email to Complainant on November 20, 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 November 25, 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 December 5, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 25, 2025. The Response was filed with the Center on December 25, 2025.

The Center appointed Robert A. Badgley, Richard W. Page and Diane Cabell as panelists in this matter on January 19, 2026. The Panel finds that it was properly constituted. Each member of 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 January 21, 2026, the Center received an unsolicited supplemental filing from Complainant. Respondent objected to this filing and asked that it be disregarded or, in the alternative, that Respondent be permitted to file a response to Complainant's supplemental filing. On January 27, 2026, the Panel issued Procedural Order No. 1, which stated in part:

"Without deciding at this juncture whether the Panel will consider the supplemental filing, and pursuant to paragraphs 10 and 12 of the Rules, the Panel orders as follows:

The Respondent is granted until February 2, 2026 to submit a reply to the Complainant's supplemental filing (without deciding at this juncture whether the Panel will consider the Respondent's reply).

The Respondent's submissions should be limited to the above request..."

On February 2, 2026, Respondent submitted its reply to Procedural Order No. 1. That same day, Complainant filed a Request for Leave to File a Limited Sur-Reply. On February 3, 2026, Respondent filed an opposition to Complainant's latest request.

The Panel majority reviewed all supplemental materials from the Parties and found that they added very little to the disposition of this case.

#### **4. Factual Background**

Complainant is a cybersecurity firm, and states that it has used the mark BARRACUDA since 2002. Complainant states:

"Complainant has prominently and extensively used, promoted, and advertised BARRACUDA for over twenty-two years, and the corresponding domain name [Complainant's domain name <barracuda.com>] for over seventeen years. By virtue of these efforts, BARRACUDA and the corresponding domain name have become well-known and are recognized by consumers as designating Complainant as the source of the goods and services so marked."

Apart from a screenshot of Complainant's website, there is nothing annexed to the Complaint to corroborate the foregoing claims about the extent to which Complainant has advertised the BARRACUDA mark, and there is nothing annexed to the Complaint (such as sales information, social media following, unsolicited media coverage of Complainant's BARRACUDA goods and services, etc.) illustrating the extent to which the BARRACUDA mark is "well-known" by consumers as a source identifier for Complainant's goods and services.

Complainant holds a registered trademark for the word mark BARRACUDA with the United States Patent and Trademark Office, Reg. No. 4,715,332, registered on April 7, 2015 in connection with, among other things, "computer firewalls; computer anti-virus software, [...] educational services, [...] design and development of electronic data security systems..."

As noted above, Complainant's main website is located at "www.barracuda.com". Currently, Complainant's site makes reference to its AI-powered platform "BarracudaONE," described at the site as follows:

"BarracudaONE maximizes your protection and cyber resilience by unifying your cybersecurity solutions in a centralized dashboard. The AI-powered platform protects your email, data, applications, and networks, and is strengthened by a 24/7 managed XDR service. It unifies your security defenses and provides deep, intelligent threat detection and response."

Complainant alleges that it offers “AI-powered security goods and services.” Complainant does not elaborate on when it began to offer such goods and services, and does not provide evidence with the Complaint regarding the extent to which Complainant’s AI-related efforts and offerings were advertised or known to the public at various points in time. As will be discussed below, Respondent provides evidence of Complainant using the term AI at various points in time from May 2024 to the present. Among the supplemental submissions, Complainant makes reference to a 2018 blog post which refers to AI in connection with Complainant.

The Domain Name was first registered on July 15, 2018. According to Respondent, a self-described professional domain name investor, he acquired that Domain Name on May 31, 2024 “through a public GoDaddy expired-domain auction [...], a competitive marketplace process open to any bidder, including Complainant.”

Respondent asserts further that he “has only used the Domain Name for a standard marketplace ‘for sale’ lander [web page],” and that he “has not contacted Complainant, has not used Complainant’s marks or logos, and has not pointed the Domain Name to any site referencing Complainant or its competitors.”

The Domain Name resolves to a parking page stating that the Domain Name is available for purchase at the price of USD 4,995. It does not appear that the Domain Name has ever resolved to an active website.

Respondent states:

“Complainant is correct that Respondent is an individual domain name investor. Respondent has been investing in domain names since 1997 and has a portfolio of approximately 8,000 domain names. Many of these domains consist of dictionary words or short, brandable expressions, including numerous technology- and AI-related names. Respondent’s business model is to identify and acquire attractive generic or brandable domain names, often through expiry auctions, and to hold them for possible future development or resale. [...]”

“Respondent’s purchase of barracudaai.com was not a one-off. ‘KeywordAi.com’ domains (those composed of a dictionary or keyword combination followed by ‘ai’ and the ‘.com’ extension) are part of Respondent’s investment strategy.”

Among others, Respondent has registered the following domain names: <mortgagesai.com>, <ministerai.com>, <bearsai.com>, <pantherai.com>, and <penguinsai.com>. Respondent also asserts, and supports with evidence, that during the 2023-2025 period he has sold several domain names containing a word or term plus “ai,” including: <signupai.com> (sold for USD 2,199), <jobberai.com> (USD 3,500), <storybrandai.com> (USD 3,995), <literalai.com> (USD 4,999), and <mixtapeai.com> (USD 5,995).

According to Respondent:

“These sales show there is broad market demand for keyword+AI names and they confirm Respondent was actively buying and selling such domains around the time he acquired barracudaai.com in May 2024. They also show that Respondent’s fixed asking price of USD 4,995 is consistent with comparable sales in his portfolio and does not reflect any attempt to capture trademark-specific value from Complainant. The Domain Name barracudaai.com fits within this same pattern of registering a memorable animal/sea-creature term combined with ‘AI’ and was purchased at auction because it fit that model, not as a reference to Complainant.” [...]

“Complainant points to no targeting at all: no content using its marks, no impersonation, and no PPC or competitor links. Respondent has never directly or indirectly contacted Complainant and offered to sell the Domain Name.”

## 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. When it filed the Complaint, Complainant was evidently under the impression that Respondent was the original registrant of the Domain Name on July 15, 2018. In its supplemental submissions, Complainant appears to have accepted Respondent's claim that it first acquired the Domain Name on May 31, 2024. Ultimately, this initial misapprehension matters little to Complainant's position.

The heart of Complainant's case is perhaps best captured in the following statement from the unsolicited reply:

"After nearly twenty-two years of continuous trademark use in the cybersecurity space causing Complainant to be well-known in the industry, a simple Google or other search for 'Barracuda' at or around the time of the acquisition would have clearly yielded Complainant's website and use of the BARRACUDA mark."

More broadly, Complainant argues:

"Furthermore, cases have found that domain investors registered and used domain names in bad faith in instances where they should have known of Complainant's mark, such that they must 'accept the consequences of turning a blind eye ... through failure to conduct adequate searches.' *Carlos Alberto Vives Restrepo v. WSJ Trade / Wilman Villegas*, WIPO Case No. [D2015-0919](#) [...] ('Moreover, since the Respondent appears to operate in the field of domain names, as it mentioned that it is a domain investor, the Panel finds that the Respondent's registration amounts to bad faith due to the fact that a search on the Internet at that time would have likely highlighted the Complainant's distinctive sign. As indicated in paragraph 3.4 of the WIPO Overview 2.0, especially where a respondent is a professional domain name registrant, 'it must accept the consequences of turning a blind eye to any third-party trademarks through failure to conduct adequate searches'.")

### B. Respondent

Respondent concedes that his Domain Name is confusingly similar to Complainant's BARRACUDA mark. Respondent argues, however, that Complainant does not enjoy a monopoly over the term "barracuda," as it is a common dictionary term, and, indeed, many other companies use "barracuda" as a trademark or as part of a trademark. Respondent asserts (with record annex citations omitted):

"Respondent does not accept that ordinary Internet users would automatically assume that barracudaai.com must be connected to Complainant. A few objective facts show why this case is not about an 'obvious' trademark match:

- **'Barracuda' is a dictionary word used by many unrelated parties.** Public records show more than fifty BARRACUDA-formative U.S. trademark registrations and applications owned by different parties [...].

- **The domain landscape reflects that widespread use.** Independent domain database, dotDB, indicates that 'barracuda' is registered as an exact-match second-level domain across at least 184 different TLD extensions, with more than 130 active registrations [...].

- **Complainant does not own the closer-match *barracuda.ai*.** That domain is held by an unrelated third party [...].

- **At least four unrelated businesses use 'Barracuda' in connection with AI offerings.** Examples include Barracuda Digital's 'AI Optimisation' services, Barracuda.do's AI consulting services (promoted as 'AI Solutions'), Go Fish Digital's 'Barracuda' AI-powered marketing automation platform, and Barracuda B2B's marketing services that include AI training and tools [...].

- **Complainant's own AI platform branding is not 'Barracuda AI.'** Complainant's public launch materials brand its AI platform as BARRACUDAONE, not 'Barracuda AI' [...]. Complainant also does not claim a registered trademark for the standalone term BARRACUDA AI."

"These facts underscore that Complainant's trademark rights do not confer an automatic entitlement to every domain name that combines 'barracuda' with a generic descriptor such as 'AI,' absent evidence of targeting."

Respondent also asserts that Complainant never used the term BARRACUDA AI until more than a year after Respondent's acquisition of the Domain Name. Respondent alleges as follows, and annexes to the Response the corresponding materials:

"The relevant chronology is as follows:

**May 14, 2024 – 'AI-enabled' used only descriptively.** Barracuda publishes a press release titled 'Innovations in Barracuda's AI-enabled Email Protection Boost Defenses Against New and Evolving Threats.' In this release, 'AI' appears only in descriptive phrases such as 'AI-enabled' and 'AI models,' and there is no product or brand named 'Barracuda AI.'

**May 22, 2024 – Launch of 'Barracuda AI Assistant.'** Barracuda announces 'Barracuda AI Assistant' for the Barracuda Partner Portal. The product name is the full compound 'Barracuda AI Assistant,' in which 'AI' modifies 'Assistant'; Barracuda still does not use "Barracuda AI" as a standalone brand or product name.

**May 26, 2024 – Homepage snapshot with no 'Barracuda AI' branding.** A snapshot of Barracuda's homepage dated May 26, 2024, five days before Respondent won the auction, shows standard product categories and news tiles, but no reference to any product or platform branded 'Barracuda AI.'

**May 31, 2024 – Respondent acquires *barracudaai.com*.** Respondent wins the expired-domain auction for barracudaai.com at GoDaddy, at which point no Barracuda product or platform has been publicly branded 'Barracuda AI.'

**June 2, 2025 – Complainant launches BARRACUDAONE, its AI platform.** More than a year after Respondent acquired barracudaai.com at the expired-domain auction, Complainant publicly launched its AI-focused platform under the name BARRACUDAONE, not 'Barracuda AI.'

**November 5, 2025 – Earliest standalone 'Barracuda AI' reference Respondent could locate on Complainant's public materials."**

In sum, Respondent argues that its registration of the Domain Name was motivated by legitimate goals that had nothing to do with Complainant or its trademark.

With respect to Complainant's argument that Respondent, especially as a professional domainer, had a duty to search before acquiring the Domain Name, Respondent argues:

"Respondent located the specific materials summarized above only through the post-Complaint review required to prepare this Response. Complainant does not cite these pages or releases; Respondent raises them affirmatively to show that, as of May 2024 (and even well into 2025), Complainant was using 'AI' descriptively and had not publicly branded any product or platform as 'Barracuda AI.' Nothing in the Policy requires a bidder in a public expired-domain auction to conduct UDRP-defense level diligence into every press release, blog post, or naming convention of every company that may use a dictionary word. Consistent with [WIPO Overview 3.0](#), section 3.2.3, any 'duty to search' issue is assessed contextually as part of a willful-blindness inquiry, not as a requirement of litigation-level diligence before a single public auction bid. When Respondent acquired the Domain Name on May 31, 2024, Complainant was not publicly using 'Barracuda AI' as a product or platform name."

Respondent also discussed 11 prior cases in which Complainant prevailed. In this connection, Respondent asserts:

“Since acquiring the Domain Name, Respondent has pointed it only to a neutral ‘for sale’ lander listing a fixed buy-it-now price of USD 4,995. The lander does not reference Complainant, its products, or competitors, and does not suggest affiliation. Complainant is a sophisticated, repeat UDRP filer. As reflected in the eleven published cases summarized in [...], Complainant knows what false affiliation and actual targeting look like (typosquats, corporate-impersonation or product-feature strings, PPC/parking monetization, redirects/abuse, and email misuse). None of those indicators is present or even alleged in this case.”

Finally, Respondent argues:

“UDRP panels have long recognized that trading in descriptive or generic domain names for resale can support a legitimate interest where there is no targeting of a particular mark. See, e.g., *X6D Limited v. Telepathy, Inc.*, WIPO Case No. [D2010-1519](#); *The Los Angeles Rams LLC v. Frank Mardian, MapleDots.ca (rams.com)*, WIPO Case No. [D2025-3761](#).”

## 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.

### A. Identical or Confusingly Similar

The Panel concludes that Complainant has rights in the trademark BARRACUDA through registration and use demonstrated in the record. The Panel also finds that the Domain Name is confusingly similar to that mark, as it incorporates the entire mark and adds the letters “ai.” In the Panel’s view, the BARRACUDA mark is clearly recognizable within the Domain Name, notwithstanding the additional letters.

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 majority will not address this element, given its holding below that Complainant has failed to establish that Respondent registered and used the Domain Name in bad faith.

### 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 majority concludes, on the record presented and the circumstances of this case, that Complainant has failed to show that Respondent registered and used the Domain Name in bad faith.

At its core, this case comes down to whether Respondent legitimately registered the Domain Name in May 2024 without intent to target Complainant’s similar, though not identical, trademark, a mark which also corresponds to a common dictionary word and which used by other businesses engaged in other spheres of economic activity.

The question whether Respondent actually knew of Complainant’s BARRACUDA mark in May 2024 was not addressed squarely by either Party. Respondent did not admit or deny such knowledge, and did not discuss what kind of inquiry, if any, he undertook before acquiring the Domain Name. For its part, Complainant was largely focused on Respondent’s alleged failure to do a search which, if properly undertaken, would presumably have dissuaded Respondent from acquiring the Domain Name.

Given Complainant’s business, viz., cybersecurity, and given Respondent’s acknowledged status as a domainer, the Panel majority would be prepared to find, on the record and on a balance of probabilities, that Respondent was more likely than not aware of Complainant’s BARRACUDA mark. (The Panel majority could reach such a conclusion even though Complainant provided little or no evidence of the renown of the BARRACUDA mark.)

Knowledge of a trademark, though it may be evidence of targeting, is not necessarily the same thing as targeting of that mark.

If BARRACUDA were a fanciful mark (i.e., a coined word with no dictionary equivalent), Respondent’s mere knowledge of the mark may have been sufficient to yield a number of other conclusions, such as likely targeting, leading to the ultimate finding of bad faith registration. As it happens, though, BARRACUDA is an arbitrary mark which is identical to an ordinary dictionary word. This reality opens up the possibility that other businesses are using that same word as a mark, and that other individuals have an interest in the word for reasons entirely unrelated to Complainant’s mark.

The WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 3.2., states in part:

“Panels have held that especially domainers undertaking bulk purchases or automated registrations have an affirmative obligation to avoid the registration of trademark-abusive domain names. Panelists will look to the facts of the case to determine whether such respondent has undertaken good faith efforts to screen such

registrations against readily-available online databases to avoid the registration of trademark-abusive domain names.”

“Noting the possibility of co-existence of trademarks across jurisdictions and classes of goods and services, and the fact that trademarks may be inherently distinctive in one context may be generic in another, the mere fact of certain domain names proving identical or confusingly similar to third-party trademarks pursuant to a search does not however mean that such registrations cannot as such be undertaken or would automatically be considered to be in bad faith.”

As should be clear from the foregoing guidance, the question before this Panel is rather fact-intensive and nuanced. Things like the composition of the Domain Name (including any differences from the subject trademark), the strength of the mark, the fact that the mark is also a dictionary word, the fact that the mark is used by other firms, the conduct of Respondent, the surrounding context of Respondent’s overall business plan, the precise use to which the Domain Name has been put, and so forth, may be brought to bear on the Panel’s ultimate decision about targeting.

The Panel majority cites the following points in support of its conclusion that bad faith registration and use has not been established in this case.

One, Respondent’s account of his business model appears plausible and is supported by record evidence.

Two, there is no evidence in the record of Respondent registering an obviously trademark-abusive term.

Three, Respondent has registered a number of domain names comprised of dictionary words (including several animals besides “barracuda”) plus “ai.” This tends to undermine the argument that Respondent was targeting Complainant.

Four, the record is thin on the degree of fame Complainant’s BARRACUDA mark enjoyed in 2024, and it appears that there was little or no evidence that Complainant’s BARRACUDA mark was associated with AI in May 2024 (or, indeed, in 2023, by which time Respondent had been buying and selling “ai”-inclusive domain names).

Five, BARRACUDA is a dictionary word, this making the Domain Name potentially attractive to individuals or businesses other than Complainant.

Six, as Respondent pointed out when contrasting this case to the 11 prior cases in which Complainant prevailed, Respondent has done nothing with the Domain Name except to advertise it on a parking page as being for sale (for USD 4,995). There has been no redirection to a web page featuring pay-per-click hyperlinks, there has been no effort to use the Domain Name as a false email address to commit fraud, there has been no attempt to set up a website that impersonated Complainant, and there has been no effort to reach out to Complainant or a competitor to sell the Domain Name.

The accumulation of the foregoing considerations, in the Panel majority’s view, severely undermines a claim of targeting by Respondent in this case.

Finally, Complainant cites a prior UDRP case in which the domain name <cumbiahouse.com> was transferred to the complainant. In that case, *Carlos Alberto Vives Restrepo v. WSJ Trade / Wilman Villegas*, WIPO Case No. [D2015-0919](#) (“WSJ Trade”), the panel’s discussion of the “bad faith” element included the following:

“In light of the Complainant’s prior registration and use of the trademark CUMBIA HOUSE, of the Respondent’s redirection of the disputed domain name to a pay-per-click page with sponsored links relating also to Colombia, where the Complainant is based, and in the absence of evidence that ‘cumbia house’ might actually be a generic expression as alleged by the Respondent, [...] the Panel finds that the registration of the disputed domain name, confusingly similar to the Complainant’s trademark, cannot be ascribed to a mere coincidence.”

“Moreover, since the Respondent appears to operate in the field of domain names, as it mentioned that it is a domain investor, the Panel finds that the Respondent’s registration amounts to bad faith due to the fact that a search on the Internet at that time would have likely highlighted the Complainant’s distinctive sign. [...]”

“As to the use of the disputed domain name, the Panel notes that the Respondent has pointed it to a web site featuring pay-per-click links redirecting to third party commercial web sites. Therefore, the Panel finds paragraph 4(b)(iv) of the Policy to be applicable in this case since the Respondent has intentionally attempted to attract Internet users to its web site for commercial gain, by creating a likelihood of confusion with the Complainant’s trademark as to the source, sponsorship, affiliation or endorsement of its web site and of the web sites linked thereto.”

The foregoing analysis from the *WSJ Trade* case strikes the Panel majority here as perfectly sound. That case appears to have been correctly decided, but the disposition (transfer of the domain name) was clearly based on facts in that case that are not present here. For instance, it appears that the governing trademark, CUMBIA HOUSE, did not correspond to a dictionary term, notwithstanding an apparently desultory attempt by the respondent in that case to make that claim. That is an obvious distinction between Complainant’s leading case law authority and the instant case. In addition, the respondent in *WSJ Trade* did not file a full response, and hence did not articulate a plausible and legitimate explanation for registering a domain name identical to the complainant’s mark. Put another way, the evidence of targeting in the *WSJ Trade* case was much clearer than the evidence in this case.

If anything, the *WSJ Trade* decision underscores the nuanced approach that must often govern cases like this. The facts of each case are paramount. On this record, the Panel majority cannot accept that targeting more likely than not occurred here. Complainant has failed carried its burden of proof to establish bad faith registration and use of the Domain Name.

Complainant has not established Policy paragraph 4(a)(iii).

#### **D. Reverse Domain Name Hijacking (“RDNH”)**

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 RDNH 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. [WIPO Overview 3.0](#), section 4.16.

The Panel majority rejects Respondent’s argument that Complainant has engaged in RDNH. The circumstances of this case simply do not warrant such a finding. The core of this case is that a professional domainer registered a Domain Name very similar to Complainant’s long-registered trademark, at or around the time when Complainant was expanding its business into the AI world, with “AI” as the two letters in the Domain Name that are not identical to Complainant’s established mark. In a case like this, involving questions of Respondent’s motives, his state of knowledge, the extent of his inquiry, and the like, a rather nuanced analysis is often required, and regardless of who wins in such cases, they are seldom dead-bang-winners. Conceivably, the Panel majority concludes, Complainant could have put forward a stronger case here, but this is not a case that appeared doomed to fail from the outset.

## 7. Decision

For the foregoing reasons, the Complaint is denied.

*/Robert A. Badgley/*

**Robert A. Badgley**

Presiding Panelist

*/Diane Cabell/*

**Diane Cabell**

Panelist

*/Richard W. Page/ (dissenting)*

**Richard W. Page (dissenting)**

Panelist

Date: February 17, 2026

### Dissenting Opinion

This Panel dissents from the majority decision because it is wrongly decided. Complainant should prevail.

Respondent is a United States resident who is a sophisticated, professional domainer with obvious access to the Internet. Complainant has registered the BARRACUDA mark with the United States Patent and Trademark Office, which registry is readily available on the Internet. Any posturing by Respondent that he did not know of Complainant's trademark rights when offering the Domain Name for sale is not credible.

Application of [WIPO Overview 3.0](#), section 3.2.2 demonstrates that Respondent knew or should have known of Complainant's trademark rights. Application of [WIPO Overview 3.0](#), section 3.2.3 denies Respondent from taking a position based upon willful blindness.

In the emerging secondary market for registered domain names, the risk of losing a domain name in a UDRP proceeding should fall on the professional domainer seeking to profit off another's trademark rights, not on the trademark owner who built the brand.

*/Richard W. Page/ (dissenting)*

**Richard W. Page (dissenting)**

Panelist