

## **ADMINISTRATIVE PANEL DECISION**

**CENTAURUS GROUP, AGENA 3000 DATA MANAGEMENT, AGENA 3000 ERP and SA AGENA 3000 INC v. Filip Sazavsky**  
Case No. D2026-0968

### **1. The Parties**

The Complainants are CENTAURUS GROUP, France, AGENA 3000 DATA MANAGEMENT, France, AGENA 3000 ERP, France, and SA AGENA 3000 INC, Canada, represented by H2O Avocats, France.

The Respondent is Filip Sazavsky, Czech Republic.

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

The disputed domain name <agena.com> (the "Disputed Domain Name") is registered with TurnCommerce, Inc. DBA NameBright.com (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 6, 2026. On March 6, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On March 6, 2026, 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 (Anonymous registrant / Redacted for GDPR privacy) and contact information in the Complaint. The Center sent an email communication to the Complainants on March 9, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amendment to the Complaint on March 9, 2026.

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 the Respondent of the Complaint, and the proceedings commenced on March 11, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 31, 2026. The Response was filed with the Center on

March 16, 2026. In an email dated March 18, 2026 the Complainants requested leave to file a Supplemental Filing in reply to the Response.

The Center appointed Nick J. Gardner as the sole panelist in this matter on March 25, 2026. 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. Having reviewed the submissions, the Panel granted the Complainants leave to file a Supplemental Filing in response to the Response. The Complainants' Supplemental Filing was filed on March 31, 2026.

#### 4. Factual Background

The first Complainant, Centaurus Group (formerly Centaurus Développement), is a French simplified joint stock company (société par actions simplifiée) incorporated in Angers, France. It is the holding company of the other three Complainants: Agena 3000 Data Management and Agena 3000 ERP (both incorporated in France) and SA Agena 3000 Inc. (incorporated in Canada). The corporate group collectively trades under the name "AGENA 3000" and provides software, enterprise resource planning (ERP), and data management solutions. The Complainants state that the group has operated under the "AGENA" brand for approximately 45 years.

Centaurus Group (then trading as Centaurus Développement) is the registered owner of French semi-figurative trademark number 99797887, described as the A3 AGENA 3000 mark, registered with the Institut National de la Propriété Industrielle (INPI) on June 10, 1999, in classes 9, 16, 35, 38, and 42. The trademark is a composite figurative mark consisting of a stylised bar-code design incorporating the verbal elements "A3", "AGENA" and "3000". It is reproduced below.



By resolution of the combined general meeting dated July 8, 2025, Centaurus Développement changed its corporate name to Centaurus Group, retaining the same registered company number. Centaurus Group also holds a portfolio of domain names incorporating the term "agena", including <agena-software.com>, <agena-software.fr>, <agena-group.com>, and various "agena3000" domain names in multiple country-code and generic Top-Level Domains.

The Disputed Domain Name <agena.com> was registered by the Respondent on August 10, 2000. The Respondent is an individual based in Prague, Czech Republic. The Disputed Domain Name resolves to a BrandBucket marketplace listing page. That page offers the Disputed Domain Name for sale at a price of USD 81,025 (or for lease at USD 7,091 per month). The BrandBucket listing describes the name as "an elegant, memorable name with a versatile nature" and lists as possible uses: a marketing agency, an analytics company, a fashion label, a software developer, or a gadget brand. "www.archive.org" contains screenshots taken over a number of years which show that in the past the Disputed Domain Name has resolved to a Russian language website which does not appear to have anything to do with the Complainant.

## 5. Parties' Contentions

### A. Complainants

The Complainants contend in the Complaint that they have satisfied each of the elements required under the Policy for a transfer of the Disputed Domain Name.

Notably, the Complainants contend as follows. As to the first element, the Disputed Domain Name is confusingly similar to the Complainants' French semi-figurative trademark A3 AGENA 3000 (registration number 99797887) and to the Complainants' unregistered trading name "AGENA". The verbal element "AGENA" is the dominant and distinctive component of the composite mark, and the additions "A3" and "3000" are merely descriptive or ancillary elements that do not affect the comparison. The Disputed Domain Name reproduces the term "AGENA" in its entirety. The generic Top-Level Domain ".com" should be disregarded. The Complainants also rely upon the portfolio of domain names they hold containing the term "agena".

As to the second element, the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name. The Disputed Domain Name is listed for speculative commercial resale on BrandBucket.com at a price (USD 81,025) grossly disproportionate to any documented registration costs. The Respondent has never been authorised or licensed to use the "AGENA" mark. The Respondent is not known by the name "AGENA". The speculative holding of the Disputed Domain Name for resale does not constitute a bona fide offering of goods or services, nor any legitimate noncommercial or fair use within the meaning of the Policy. The Respondent's identity was concealed behind a privacy shield at the time of the Complaint.

As to the third element, the Disputed Domain Name was registered and is being used in bad faith. The domain name was registered on August 10, 2000, approximately one year after the Complainants' trademark was registered with INPI (June 10, 1999), and the "AGENA" brand had already been in commercial use for many years prior to the trademark registration. The Respondent could not have been unaware of the Complainants' prior rights at the time of registration. The listing of the Disputed Domain Name for sale at an inflated price constitutes bad faith under paragraph 4(b)(i) of the Policy. The passive holding of the Disputed Domain Name over 25 years, combined with its commercial listing for resale, constitutes bad faith pursuant to the principles articulated in *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#). The concealment of the Respondent's identity reinforces the overall pattern of bad faith conduct.

### B. Respondent

The Respondent contends as follows.

"AGENA" is a common generic term with multiple well-established meanings that long predate any rights the Complainants could claim. These include: the traditional astronomical name of the star Beta Centauri (the second-brightest star in the Centaurus constellation); the name of the NASA/Lockheed Agena rocket upper stage, used in hundreds of space missions during the 1960s and 1970s; the name of a modern open-source programming language; and a recognised given name for girls (listed on baby-name platforms with celestial connotations, which peaked in popularity in the United States in 1966). A search for "Agena" on LinkedIn returns over 100 company profiles worldwide, including prominent entities such as Agena Bioscience (a genomics company), Agena Group (parking and software), The Agena Group (advisory and investment), and Agena Space (aerospace propulsion). The Complainants' entities do not appear in such a search and are only identifiable by the full term "AGENA 3000" or "AGENA3000".

The Respondent holds the Disputed Domain Name for its inherent value as a short, memorable, premium generic-word .com domain. The asking price of USD 81,025 was set by BrandBucket's standard valuation model for premium generic-word domains and was not directed at the Complainants. The Respondent has never used the Disputed Domain Name in connection with any ERP, data management, or software

business. He has never contacted or targeted the Complainants or any of their group companies. He has never attempted to disrupt the Complainants' business. The Disputed Domain Name points only to a neutral "for sale" landing page.

The Respondent says the Complainants knew or should have known that the Disputed Domain Name was registered long before any rights they could claim and that "agena" is a generic term used by hundreds of other entities. This proceeding constitutes an abusive attempt at reverse domain name hijacking ("RDNH"). The Respondent requests that the Complaint be denied in its entirety

### **C. Complainants' Supplemental Filing**

The Complainants filed a Supplemental Filing on March 31, 2026, following leave granted by the Panel. The Complainants advance the following contentions in the Supplemental Filing.

As to the Respondent's "generic word" argument, the Complainants submit that the applicable threshold question under paragraph 4(a)(i) of the Policy is not whether a term has any generic or third-party uses in the abstract, but whether the Complainants hold trademark rights in the disputed term and whether the disputed domain name is identical or confusingly similar to those rights. The Complainants contend that the mere coexistence of third-party uses of the term "agena" is a matter for national trademark law and does not strip their registered mark of its protectable character for the purposes of the Policy. None of the third-party entities cited by the Respondent operates in the Complainants' field of activity, namely data management software and ERP systems. The references to the star Beta Centauri and the NASA/Lockheed Agena rocket are said to be irrelevant: the Respondent does not operate a space or astronomy website, and the Disputed Domain Name resolves to a BrandBucket resale page.

As to rights or legitimate interests, the Complainants argue that the Respondent's voluntary submission of the Disputed Domain Name to BrandBucket for commercial resale at USD 81,025 – a price approximately a thousand times its registration cost – constitutes speculative domain name holding which does not qualify as a bona fide offering of goods or services under paragraph 4(c)(i) of the Policy. The Complainants submit that the description of BrandBucket as a "respected marketplace" does not legitimise that conduct, since premium domain resale platforms are routinely used by cybersquatters. The Respondent is further said to have provided no evidence that it has ever been known as "agena" in any capacity, and cannot claim noncommercial or fair use given that the stated purpose of registration is commercial profit.

As to bad faith, the Complainants contend that a simple trademark search at the time of registration in August 2000 would have revealed their registered rights, and that the Respondent's failure to conduct such a search does not insulate it from a finding of bad faith. The Complainants also maintain that the passive holding of the Disputed Domain Name for over 25 years – combined with its listing for commercial resale – satisfies the standard articulated in *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#). The Complainants further argue that paragraph 4(b)(i) of the Policy does not require direct solicitation of the trademark owner; it is sufficient that the domain name was registered for the purpose of eventual sale at a profit. The Respondent's assertion that it has "never contacted or targeted" the Complainants is said to be irrelevant to the analysis under that provision.

As to the RDNH allegation, the Complainants submit that RDNH requires evidence that they brought their case with knowledge that it could not succeed, or for purposes of harassment, and that no such evidence exists. The Complainants hold a registered trademark predating the domain name registration, have demonstrated 45 years of commercial use of the "AGENA" brand, and have presented a well-documented case on all three Policy elements. The Complainants characterise the Respondent's RDNH allegation as a tactical manoeuvre designed to deflect attention from the substance of the complaint.

## 6. Discussion and Findings

### Preliminary Issue: Admissibility of the Complainants' Supplemental Filing

The Rules do not provide for supplemental filings as of right. Paragraph 12 of the Rules permits the Panel, in its sole discretion, to request further statements or documents from either party. Panels have consistently held that supplemental filings will be admitted only in limited circumstances, principally where they address genuinely new legal arguments or factual matters raised in the Response that could not reasonably have been anticipated at the time of filing the Complaint. See [WIPO Overview 3.1](#), section 4.6.

Having reviewed the Response, the Panel concluded that the Respondent had raised substantive arguments – in particular, the breadth of independent uses of the term “agena” and the basis for the RDNH allegation – which merited a right of reply in the interests of procedural fairness. The Panel accordingly granted the Complainants leave to file a Supplemental Filing. The Panel has admitted and considered the Supplemental Filing in reaching its conclusions on the substantive issues below.

### Substantive Matters

To succeed, in accordance with paragraph 4(a) of the Policy, the Complainant must satisfy the Panel that:

- (i) the Disputed Domain Name is identical with 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;
- (iii) the Disputed Domain Name has been registered and is being used in bad faith.

### 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 3.1](#), section 1.7.

The Complainants' registered trademark is a French semi-figurative trademark number 99797887: the A3 AGENA 3000 composite mark, registered since June 10, 1999. This is a figurative mark in which the verbal element is a composite phrase A3 AGENA 3000 – not the standalone word “AGENA”. The Complainants also assert rights in the unregistered trading name “AGENA”, relying on what they say is their long commercial use of that term across the group.

Disregarding the “.com” gTLD, the Disputed Domain Name consists solely of the word “agena”. The Panel must therefore consider whether the Disputed Domain Name is confusingly similar to either (a) the registered composite semi-figurative mark A3 AGENA 3000, or (b) the asserted unregistered trading name “AGENA”.

As regards the registered mark, the Panel accepts that panels conducting the first-element comparison regularly identify a dominant verbal element within a composite mark and compare the disputed domain name to that element. See [WIPO Overview 3.1](#), section 1.10. The word “AGENA” is present as a word within the composite mark but it is in the Panel's opinion a relatively small element of the mark as a whole. The Disputed Domain Name reproduces the word AGENA in full. While the Panel considers the point debatable, noting that the first element functions primarily as a standing requirement, the Panel on balance concludes that the Disputed Domain Name could be said to be confusingly similar to the composite mark in the sense that it incorporates part of its verbal elements.

As regards the asserted unregistered trading name, the Panel notes that panels may in appropriate cases recognise unregistered or common law trademark rights where the complainant demonstrates that the term has become a distinctive identifier associated with the complainant's goods or services. See [WIPO Overview 3.1](#), section 1.3. However, the Complainants' own evidence is instructive: their registered trademark and branding is "A3 AGENA 3000" or "AGENA 3000" – not the standalone word "AGENA". The corporate group and its products are identified in the marketplace by the full compound "AGENA 3000". The Respondent has produced evidence showing that the standalone term "agena" is used by hundreds of unrelated businesses worldwide (see below) and has several independent meanings (including as the name of the star Beta Centauri and the Agena rocket). The Complainants have produced no evidence that the unadorned word "AGENA", divorced from the numeral "3000", has acquired secondary meaning as an exclusive identifier of the Complainants' business.

Overall the Panel will proceed on the basis that the first element is sufficiently satisfied by virtue of the Disputed Domain Name corresponding to the term "AGENA" which appears within the registered composite mark. The Panel however considers that the Complainants' rights in the standalone term "AGENA" are, at best, weak, and that is relevant in relation to the second and third elements of the Policy.

The Panel therefore finds, for the purposes of proceeding to the remaining elements, that the first condition of paragraph 4(a)(i) of the Policy is met.

## **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 that 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 3.1](#), section 2.1.

Under paragraph 4(a)(ii) of the Policy, the Complainants must demonstrate that the Respondent has no rights or legitimate interests in the Disputed Domain Name. The standard approach is for the complainant to establish a prima facie case, whereupon the burden of production shifts to the respondent to come forward with evidence demonstrating rights or legitimate interests. See [WIPO Overview 3.1](#), section 2.1.

Paragraph 4(c) of the Policy provides a non-exhaustive list of circumstances which, if demonstrated, are sufficient to establish rights or legitimate interests:

- (i) before any notice of the dispute, bona fide use of, or demonstrable preparations to use, the domain name in connection with a bona fide offering of goods or services;
- (ii) the respondent having been commonly known by the domain name; or
- (iii) legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark.

The Panel notes first that none of the named circumstances under paragraph 4(c) applies on the facts of this case: there is no active website or active use; the Respondent is not commonly known as "agena"; and the use for speculative commercial resale is not noncommercial or fair use. The list is, however, non-exhaustive.

As a general principle, panels have accepted that aggregating and holding domain names (usually for resale) consisting e.g., of acronyms, dictionary words, or common phrases can be bona fide and is not per se illegitimate under the UDRP, provided that the registration was not made with the intent to target a specific trademark holder. See [WIPO Overview 3.1](#), section 2.1. as follows: “[...] generally speaking, panels have accepted that aggregating and holding domain names (usually for resale) consisting e.g., of acronyms, dictionary words, common phrases, or unique/catchy or memorable terms (alone or in combination) can be bona fide and is not per se illegitimate under the UDRP where the respondent can show that the purpose of the registration was not to target a trademark.”

The fact that the Respondent offers the Disputed Domain Name for sale for a substantial price is not of itself indicative of lack of rights or legitimate interests. If a domain name is legitimately held the registrant can as a general rule ask whatever price it wishes, as long as it is not specifically targeting a trademark owner.

In the present case, the Panel finds that “agena” is not a word that is in common usage but the Respondent’s evidence shows it is nevertheless a word with a range of documented, independent, pre-existing meanings: it is the traditional proper name of the star Beta Centauri (second-brightest star in the Centaurus constellation), it was the name of the widely-used NASA/Lockheed Agena rocket upper stage employed in hundreds of space missions during the 1960s and 1970s, it is the name of a contemporary open-source programming language, and it is used as a given name. It is also used in the corporate identifiers of numerous unrelated to the Complainant commercial entities worldwide, as evidenced by the Respondent’s LinkedIn search results (see below). While none of these meanings necessarily vest the Respondent with its own rights or legitimate interests in the disputed domain name, it is also a five letter word which is pronounceable and easily memorized. The Panel considers it is a desirable domain name of potential interest and value to a large number of unconnected entities unrelated to any trademarks.

Given that background the Panel is not persuaded that the Respondent registered the Disputed Domain Name with the Complainants in mind. The Complainants’ own evidence demonstrates that their brand identity in the marketplace is “AGENA 3000” – not the standalone word “agena”. A domain investor surveying the landscape of short, generic-word “.com” domain names may have good reason to regard “agena” as inherently attractive, apart from any connection to the Complainants’ business.

Further the Disputed Domain Name was registered on August 10, 2000 just over a year after the Complainants’ semi figurative trademark was registered. There is no evidence as to the fame or reputation the Complainants enjoyed as at that date and no evidence to suggest the Respondent (in the Czech Republic) should have had any knowledge of the Complainants or their use of the term AGENA. The Complainants say that the Respondent should have carried out a trademark search which would have identified the Complainants. Why should the Respondent carry out a trademark search? Even if he had, the Respondent has provided a plausible explanation for its selection of “agena” unrelated to the Complainant, and the Complainants’ online presence is moreover under “AGENA 3000” not under “agena” alone, which has different meanings or uses independent of the Complainant’s trademark.

In all the circumstances, the Panel finds that the Complainants have failed to establish a prima facie case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name. Even were that not the case the Respondent has filed evidence which would rebut such a case, showing he has a legitimate interest in holding a short, generic-word “.com” domain name for its inherent commercial value, in the absence of evidence that it was registered with specific intent to target the Complainants. There is no evidence that the Respondent was targeting the Complainants – see further below.

The second condition of paragraph 4(a)(ii) of the Policy has not been established.

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

Paragraph 4(b) of the Policy sets out a non-exhaustive list of circumstances that, if found by the Panel, shall be evidence of registration and use in bad faith. The Complainants rely primarily on paragraph 4(b)(i)

(registration primarily for the purpose of selling the domain name to the complainant or a competitor at a price exceeding documented out-of-pocket costs) and on the passive holding doctrine derived from *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#).

The Panel declines to find bad faith on the evidence before it, for the following reasons.

First, the Disputed Domain Name was registered on August 10, 2000 — some 26 years ago. The Complainants' registered trademark is the composite mark A3 AGENA 3000, was first registered on June 10, 1999. The Disputed Domain Name was therefore registered approximately 14 months after the trademark registration. However, there is no evidence of the Complainant's reputation at the time or that the Respondent registered the Disputed Domain Name with the Complainants and their trademark in mind. There is not even any evidence to suggest that the Respondent would likely have any knowledge of the Complainants' existence. The Complainants have provided no evidence demonstrating that their business enjoyed any global or even significant international reputation under the standalone term "AGENA" at the time of the Disputed Domain Name registration in August 2000. The Complainants are a French software and data management group, and there is nothing in the record to suggest that a domain investor based in the Czech Republic would have been aware of a French ERP software company in 2000, still less that the investor would have been targeting that company's trademark. The fact that the composite mark A3 AGENA 3000 was registered before the Disputed Domain Name does not of itself establish that the Respondent targeted it. The composite mark prominently features the numeral "3000" alongside "AGENA" and a hand written larger stylised A3 features more prominently. By contrast, the standalone term "agena" has independent meaning and commercial value for reasons unrelated to the Complainants. This is not a case involving a mark with a fanciful or invented word that a registrant could only plausibly have registered with the trademark owner in mind or one where the reputation of the complainant was such that targeting can be inferred.

The Respondent says that a simple search on LinkedIn shows over 100 companies which include the term AGENA in their name. The Panel has checked this and it is correct. Thus for example the following companies exist:

- Agena Bioscience – a United States of America ("US") biotech company
- Agena Group - a United Kingdom company producing software for parking applications
- Agena Space - a French Defence contractor
- Agena Tech - a Swedish IT company
- Agena Astro - a US retailer of astronomical equipment
- Agena Marin - a Croatian shipbuilder
- Agena Investment Management - a US investment company
- Agena Saglik - a Turkish hospital group
- Agena Sports - an Indonesian sports equipment retailer
- Agena Architecture - a French architecture practice

Any one of these companies could be potentially interested in the Disputed Domain Name and could legitimately register and use it. It clearly is not exclusively referable to the Complainants.

Secondly, as regards the offer for sale on BrandBucket, paragraph 4(b)(i) requires that the domain name be registered primarily for the purpose of selling it to the complainant or a competitor of the complainant for an amount exceeding out-of-pocket costs. There is no evidence in the record that the Respondent registered the Disputed Domain Name in 2000 with any particular purchaser in mind, still less the Complainants specifically. The BrandBucket listing describes multiple possible uses for the name across quite different industries which is entirely consistent with the LinkedIn search results (above). The Complainants have not shown that the Disputed Domain Name was offered for sale to them in particular, or that the Respondent was even aware of them before these proceedings were commenced. In cases where a domain name is legitimately held, and there is no evidence of targeting, the registrant is generally entitled to offer it for sale at whatever price it likes.

Thirdly, as regards passive holding, the Panel acknowledges the principles established in *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#), and affirmed in [WIPO Overview 3.1](#), section 3.3: passive holding is not per se bad faith, but the circumstances must be considered as a whole to determine whether bad faith can be inferred. Factors relevant to that assessment include the degree of distinctiveness of the trademark, the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, whether the registrant has taken active steps to conceal its true identity, or use of false or inaccurate contact details (noted to be in breach of the respondent's registration agreement).

Taking the above factors into consideration, panels assess the overall plausibility of any (claimed) good faith use to which the domain name may be put in light of the composition of the domain name in relation to the relevant mark, such that, the more arbitrary or distinctive a mark the less plausible a claimed non-infringing good faith use is likely to be, and vice versa.

In the present case: the term "agena" is not inherently distinctive (it has independent meanings); there are plentiful plausible legitimate uses for the domain name (as the BrandBucket listing itself describes); and the Complainants have not demonstrated that their trademark enjoys the kind of pervasive international reputation that would make it inconceivable that the domain name could have been registered other than to target the trademark.

The passive holding doctrine does not assist the Complainants on these facts.

The further cases the Complainants cite as supporting its case on bad faith are not in the Panel's opinion relevant as they both involve the clear targeting of the complainants concerned. *La Francaise de Jeux contre Sebastien Gouverneur*, WIPO Case No. [D2021-0698](#) concerned the domain name <euro-mymillion.net> and various semi-figurative trademarks containing the words EUROMILLIONS MY MILLION. *F. Hoffmann-La Roche AG v. Macalve e-dominios S.A.*, WIPO Case No. [D2006-0451](#) concerned the domain name <all-about-tamiflu.com> and the trademark TAMIFLU.

The Panel accordingly finds that the third condition of paragraph 4(a)(iii) of the Policy has not been established.

#### **D. Reverse Domain Name Hijacking**

RDNH is defined in the Rules as "using the Policy in bad faith to attempt to deprive a registered domain-name holder of a domain name". 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 was brought primarily 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 3.1](#), section 4.16.

The Respondent has requested a finding of RDNH. As set out in [WIPO Overview 3.1](#), section 4.16, reasons articulated by panels for finding RDNH include: facts demonstrating that the complainant knew or clearly should have known it could not succeed as to any of the required three elements; the complainant having ignored established UDRP precedent without justification; and the complainant having brought a complaint on only the barest of allegations without proper supporting evidence or analysis.

Having considered the matter carefully, the Panel finds that a finding of RDNH is warranted in this case. The Panel's reasons are as follows.

First, the Complainants are legally represented by experienced counsel.

Second the Complainants have no registered trademark in the standalone word “AGENA”. Their registered mark is the composite, semi-figurative A3 AGENA 3000 mark. The word “AGENA” has a variety of documented, independent meanings and is used as a commercial identifier by numerous unrelated businesses worldwide. A simple search for example on LinkedIn (see above), readily available prior to filing the Complaint, would have disclosed that “agena” is far from an invented or fanciful term uniquely associated with the Complainants. The Complainants’ own evidence makes this plain: their corporate group is identified in the marketplace as “AGENA 3000”, and their official website and marketing all feature the full compound term rather than the standalone term. The Complainants cannot reasonably have believed that they held such strong rights in the bare word “AGENA” as to be entitled to claim that any holder of <agena.com> must be a cybersquatter.

Third, the Disputed Domain Name was registered in August 2000 – a quarter of a century ago. Well-established UDRP precedent, amply documented in the [WIPO Overview 3.1](#), cautions that establishing bad faith in respect of a long-standing domain name registration requires cogent evidence of targeting. The Complainants provided none. They offered no evidence of reputation or commercial presence that would suggest that a Czech registrant would have been aware of the Complainants in August 2000. The Panel does not know whether this is simply a lack of evidence or whether it reflects a misunderstanding of the Policy. In any event the Complainants appear to have assumed that, because their stylized French trademark included the word “Agena” and predated the date of registration of the Disputed Domain Name by fourteen months, the Policy somehow provided that the Disputed Domain Name should be transferred to them. That is not correct.

Fourth, the Complainants advanced their case on the footing that the passive holding of the Disputed Domain Name for 25 years, combined with its listing for sale on BrandBucket, necessarily constituted bad faith registration and use. This overstates the position significantly. As the [WIPO Overview 3.1](#) makes clear at section 2.1, the aggregation and resale of domain names consisting of common or generic terms can be a bona fide activity. A reasonable investigation would have disclosed that the Disputed Domain Name had independent value as a short, generic-word “.com” domain name quite apart from any trademark of the Complainants. It would also have revealed that there are over 100 other companies in the world which use the word AGENA in their name.

Fifth, the Complaint also fails to appreciate the implications of the Complainants’ own trademark: the registered mark is a composite figurative mark in which the word “AGENA” appears alongside a stylised bar-code device, the prominent verbal element “A3” and the numerals “3000”. The scope of protection of such a composite mark for a verbal element which has an independent meaning is narrower than that of a word mark in the same term. This consideration was not addressed by the Complainants, who proceeded as though they held an unfettered word mark for “AGENA” alone which would still face the issue of being a term with various meanings outside its trademark function.

The Panel considers that the Complainants must have known for many years that they did not own the Disputed Domain Name. There is no evidence the Complainants have taken any action until now to try to obtain it. The Panel suspects that is because the Complainants understood the fundamental weakness of their case. What has prompted them to bring the present complaint now is unknown but it seems to the Panel to be an entirely speculative attempt which had no real prospects of success.

The Panel finds that the Complaint has been brought in bad faith and constitutes an attempt at Reverse Domain Name Hijacking and an abuse of the administrative proceeding.

## 7. Decision

For the foregoing reasons, the Complaint is denied. The Panel further finds that the Complaint was brought in bad faith and constitutes an attempt at Reverse Domain Name Hijacking and an abuse of the administrative proceeding.

*/Nick J. Gardner/*

**Nick J. Gardner**

Sole Panelist

Date: April 20, 2026