ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Bryte Insurance Company Limited v. Uchenna Nwoke
Case No. D2026-1233

1. The Parties

The Complainant is Bryte Insurance Company Limited, South Africa, represented by Adams & Adams Attorneys, South Africa.

The Respondent is Uchenna Nwoke, United States of America ("United States" or "U.S."), self-represented.

2. The Domain Name and Registrar

The disputed domain name <brytebyte.net> (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 March 23, 2026. On March 23, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On March 23, 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 26, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint on March 27, 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 31, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 20, 2026. The Response was filed with the Center on April 7, 2026.

The Center appointed Nick J. Gardner as the sole panelist in this matter on April 28, 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.

4. Factual Background

The Complainant is a commercial risk specialist and insurance company incorporated in South Africa. Its corporate history can be traced to 1849 through various predecessor entities. The BRYTE brand emerged in 2016–2017 when the Complainant's then parent company, Zurich South Africa, was acquired by Fairfax Financial Holdings, a Canadian holding company. The Complainant holds registered trademarks for BRYTE, South African Registration No. 2016/33567 registered on December 13, 2018, Botswana Registration No. 2017/000890, registered on September 25, 2018, and for a figurative mark comprising the word "Bryte" together with a stylised ampersand device, Botswana Registration No. 2017/000884, registered on September 24, 2018 . The Complainant has no registered trade mark for BRYTE in the United States, the European Union, or any jurisdiction outside Africa.

The Complainant operates principally in the South African and broader sub-Saharan African market. Its annual group sales revenues since 2017 have ranged from approximately ZAR 2.8 billion to ZAR 7.6 billion, and it has spent between approximately ZAR 13 million and ZAR 38 million per annum on marketing, primarily directed at the South African market. The Complainant operates websites including at "www.brytesa.com" and holds multiple domain name registrations incorporating the BRYTE mark.

The Disputed Domain Name was registered on February 27, 2025, by the Respondent, Uchenna Nwoke, an information technology professional based in Washington, United States. At the time of the Complaint, the Disputed Domain Name resolved to an active website at "www.brytebyte.net" operated under the trading name "BryteByte", presenting IT consulting services including website design and builds, data migration, cloud delivery, and security and observability services.

The Complainant first became aware of the Disputed Domain Name through a notification in March 2025, at which time the domain did not resolve to any active website. The domain was connected to an active website in or around January 2026. The Complainant attempted to contact the Respondent at the email address displayed on the website ([…]@brytebyte.net), but those emails bounced. The Complainant filed the Complaint on March 23, 2026.

5. Parties' Contentions

A. Complainant

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

As to the first element, the Complainant submits that the Disputed Domain Name is confusingly similar to its BRYTE trade mark. The Disputed Domain Name wholly incorporates the BRYTE mark, and the addition of the word "byte" is merely descriptive or suggestive of services falling within Class 42, including design and development of computer hardware and software, in which the Complainant holds registrations. The Complainant relies on the principle that where a Disputed Domain Name incorporates a registered trade mark in full, that is sufficient to establish confusing similarity, citing *eAuto LLC v. EAuto Parts*, WIPO Case No. D2000-0096 *and DHL Operations B.V. v. DHL Packers,* WIPO Case No. D2008-1694. The Complainant further argues that the BRYTE mark is well-known within the meaning of Article 6bis of the Paris Convention for the Protection of Industrial Property. The Complainant asserts that the ".net" Top Level Domain ("TLD") is to be disregarded.

As to the second element, the Complainant contends that the Respondent has no rights or legitimate interests in the Disputed Domain Name. It has not authorised the Respondent's use of the BRYTE mark. The Respondent is not known by the name "BRYTE BYTE". The Complainant relies on the bounced emails and a verification by "www.verifalia.com" indicating that the contact email address on the website was associated with a mailbox with insufficient storage as evidence of illegitimacy.

As to the third element, the Complainant contends that the Respondent was undoubtedly aware of the BRYTE mark at the time of registration, given that the mark has acquired substantial reputation. The Complainant argues that the registration and use of the Disputed Domain Name constitutes bad faith under paragraph 4(b) of the Policy in that it prevents the Complainant from reflecting its mark in a corresponding domain name, and creates an impression of association or endorsement. The Complainant relies on *Encyclopaedia Britannica Inc v. LaPorte Holdings*, WIPO Case No. D2005-0866 for the proposition that registration of a domain "so obviously connected with a well-known product" by a person with no connection with that product suggests opportunistic bad faith. The Complainant seeks transfer of the Disputed Domain Name.

B. Respondent

The Respondent filed a timely Response and contests all three elements of the Policy. The Respondent's contentions may be summarised as follows.

As to the first element, the Respondent disputes that the Disputed Domain Name is not confusingly similar to the Complainant's BRYTE mark. He submits that the addition of "byte" is not trivial but fundamentally transforms the meaning and commercial impression of the name "BryteByte", which he contends is an independently coined composite of "Bryte" (a creative phonetic spelling of "bright", connoting intelligence and innovation) and "Byte" (a fundamental unit of digital information), producing a name that immediately and unambiguously evokes technology and computing. The Respondent further notes that the Complainant's trade mark registrations exist exclusively in African jurisdictions and that it holds no rights in the United States. He submits that an ordinary Internet user in the United States encountering "brytebyte.net" would associate it with technology services, not a South African insurance company. The Respondent draws attention to numerous third-party businesses worldwide that independently use the same or phonetically equivalent names, including BRYTEBYTE LTD, a registered company in the United Kingdom; Bright Byte Consulting, Inc., an Atlanta-based IT consulting firm operating since approximately 2000; and Bryte, Inc., a California based supplier of high technology smartmattresses and related products that has raised over USD 44 million in venture capital.

As to the second element, the Respondent submits that he has demonstrable rights and legitimate interests in the Disputed Domain Name. He is an IT professional who independently coined the name "BryteByte" as a technology brand for a planned IT consulting limited liability company, combining "Bryte" and "Byte" to convey technological capability. He registered the Disputed Domain Name in February 2025 as a preparatory step toward launching that business. The Complainant's own evidence - the website screenshots in the Complaint - demonstrates that the Disputed Domain Name was connected to an active website offering legitimate IT consulting services before notice of this dispute. The Respondent submits that his services (IT consulting) are entirely different from the Complainant's services (insurance).

As to the third element, the Respondent denies bad faith registration or use. He states that he had no knowledge of Bryte Insurance Company Limited or its trade mark at the time of registration: the Complainant is a South African insurer with registrations exclusively in African countries, with no U.S. trade mark, no U.S. advertising, and no meaningful consumer recognition in the United States. The website content makes no reference to insurance, South Africa, or the Complainant in any way. The Respondent submits that the bounced email issue was a routine technical matter related to mail server configuration and storage limitations, not an attempt to evade contact.

The Respondent further requests a finding of Reverse Domain Name Hijacking, submitting that the Complainant, represented by a major international intellectual property law firm, has brought a complaint

against an individual's domain name whilst taking no action against far more established third-party users of identical or phonetically equivalent names, including Bryte, Inc.'s use of the domain <bryte.com>, which is identical to the Complainant's own mark.

6. Discussion and Findings

Paragraph 4(a) of the Policy requires that the Complainant establish all three of the following elements:

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

The Panel considers each element in turn

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the Disputed Domain Name. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 1.7.

The Panel is satisfied that the Complainant holds registered trade mark rights in the word mark BRYTE in multiple African jurisdictions, the earliest registrations dating from 2016. These rights predate the registration of the Disputed Domain Name in February 2025. The Panel notes, however, that the Complainant's trade mark portfolio is geographically confined to the African continent. There is no evidence that it holds any registered trademarks in the United States, the European Union, the United Kingdom, or any other major jurisdiction outside Africa. The Panel returns to the significance of this limitation when addressing the second and third elements.

The Disputed Domain Name incorporates the Complainant's BRYTE mark in full as its first element. The Panel disregards the ".net" TLD for this purpose: see WIPO Overview 3.1, section 1.11.

The question is whether the addition of "byte" is sufficient to dispel confusing similarity. Under WIPO Overview 3.1, section 1.8, the addition of a generic or descriptive term to a trade mark does not typically avoid a finding of confusing similarity at the first-element stage. "Byte" is a well-known technical term designating a unit of digital data. The Panel accepts that its addition has relevance to the overall impression created by the Disputed Domain Name and will bear materially on the analysis under the second and third elements. Nevertheless, at the first-element stage - which represents a relatively low threshold focused on whether the trade mark is recognisable within the domain name - the Panel finds that the BRYTE mark remains recognisable as the leading and dominant element of "brytebyte".

The Panel therefore finds that the first element of paragraph 4(a) of the Policy is satisfied, whilst making clear that the distinctive character of the Complainant's mark, the geographic scope of its rights, and the obvious technology connotations of the full name "BryteByte" are matters of considerable relevance under the second and third elements.

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.

Having reviewed the available record, the Panel is doubtful that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name. In particular, the Complainant’s own evidence includes a screen shot of the Respondent’s Website which appears to show he is operating a bona fide technology consulting business. In any event even if the Complainant has established a prima facie case, the Respondent has come forward with a cogent and credible account of his rights and legitimate interests. Paragraph 4(c)(i) of the Policy provides that rights or legitimate interests may be demonstrated by evidence that, before any notice of the dispute, the Respondent used, or made demonstrable preparations to use, the domain name in connection with a bona fide offering of goods or services.

The Panel finds the Respondent's contentions and evidence persuasive on this point for the following reasons.

First, the Complainant's own evidence - the website screenshots annexed to the Complaint — demonstrates that, before the Complaint was filed in March 2026, the Disputed Domain Name resolved to an active website presenting what appear to be genuine IT consulting services under the brand name “BryteByte”. The services described - website design and builds, data migration, cloud delivery, security and observability, and advisory implementation - appears to bear no connection to insurance or to the Complainant's business. Nothing on the website referenced insurance, South Africa, or the Complainant in any manner.

Second, the name “BryteByte” is an independently intelligible and commercially coherent technology brand name. The combination of a phonetic variant of “bright” with “byte” - a foundational term in computing - produces a composite that conveys associations with technology, computing, and digital services. It is the type of name that a person establishing an IT consulting business might independently and plausibly adopt, without any reference to the Complainant or its insurance brand.

Third, the Respondent's account of independent derivation is corroborated by the existence of multiple unrelated third-party businesses that have independently adopted the same or phonetically equivalent names in the technology sector: BRYTEBYTE LTD, a company registered at Companies House in the United Kingdom; Bright Byte Consulting, Inc., an Atlanta-based IT consulting firm that has operated under that name for approximately two decades; and various other entities using “BrightByte”, “BriteByte”, and similar names in the technology field. This evidence demonstrates that the pairing of a phonetic variant of “bright” with “byte” is a natural and independently recurrent usage in the technology sector, rather than a name uniquely associated with the Complainant. In any event the inclusion of the word ‘Byte” with its digital connotations in the Disputed domain Name is of no relevance to an insurance business and suggest the Respondent has coined the name for other reasons.

Fourth, the Respondent is based in Washington, United States, and operates exclusively in the IT sector. The Complainant's trademark registrations are confined to African jurisdictions. The Complainant has no registered trademarks in the United States, no demonstrated advertising presence in the United States, and no evidence of consumer recognition in the United States. The Panel accepts that a US-based IT professional conceiving a technology brand in early 2025 would have no reason to be aware of a South African insurance company trading under the BRYTE mark. The assertion in the Complaint that the Respondent was “undoubtedly aware” of the BRYTE mark is not supported by any evidence and is, in the Panel's view, implausible. There is also no evidence that the Disputed Domain Name has been linked to any content targeting the Complainant.

Fifth, the Panel notes that the Complainant's contention that the Respondent's services "fall squarely within" its Class 42 registrations overstates the position. The mere fact that the Complainant holds Class 42 registrations for "search, design and analysis; design and development of computer hardware and software" does not mean that every IT services provider using a domain containing "bryte" lacks legitimate interests. Class 42 is a broad category; the Complainant is an insurance company, and there is no meaningful evidence of any overlap between the Complainant's insurance-focused activities and the Respondent's IT consulting services.

The Complainant's reliance on the bounced email issue as evidence of illegitimacy is also unpersuasive. The Panel accepts the Respondent's explanation that this was a routine technical matter - email deliverability and mailbox storage issues affecting a domain in the early stages of business setup - rather than evidence of evasive intent.

The Panel accordingly finds that the Respondent has established rights and legitimate interests in the Disputed Domain Name under paragraph 4(c)(i) of the Policy. The second element of paragraph 4(a) is not satisfied.

C. Registered and Used in Bad Faith

Given the Panel's findings under the second element, it is not strictly necessary to address the third element. However, the Panel briefly sets out its conclusions on bad faith, as they bear upon the RDNH analysis below.

Paragraph 4(a)(iii) requires that the Disputed Domain Name was registered and is being used in bad faith. Both registration in bad faith and use in bad faith must be established.

As to registration in bad faith, the central question is whether the Respondent, at the time of registration in February 2025, had the Complainant's BRYTE mark in mind and intended to exploit it in some manner. The Panel finds no credible basis for such an inference. The Complainant's trademarks are confined to African jurisdictions, and there is no evidence of any trademark, advertising, or consumer recognition in the United States where the Respondent resides. "Bryte" is a phonetic spelling of the common English word "bright", and "byte" is a standard computing term. The resulting composite "BryteByte" is a name that carries entirely different commercial connotations from the Complainant's insurance brand. The Respondent has provided a coherent and internally consistent account of independent derivation. The Panel finds that account credible and sees no reason to doubt it:

As to use in bad faith, the website content is inconsistent with any attempt to exploit the Complainant's mark. The website does not reference insurance, the Complainant, or South Africa. It does not contain pay-per-click advertising links. It has not been offered for sale to the Complainant. Nothing in the record suggests the Respondent sought to attract Internet users by creating confusion with the Complainant's mark, to disrupt the Complainant's business, or to engage in any of the conduct described in paragraph 4(b) of the Policy.

The Complainant's reliance on WIPO Case No. D2005-0866 is misplaced. That case concerned a globally iconic brand of centuries' standing and involved the extremely well known trademarks ENCYCLOPAEDIA BRITANNICA and BRITANNICA. The BRYTE mark, by contrast, is a South African insurance brand of approximately nine years' existence with no trademark rights and no demonstrated consumer recognition outside Africa. The Panel is unable to draw an inference of targeting from the mere circumstance that a U.S.-based IT professional registered a domain name incorporating a phonetic variant of a common English adjective combined with a standard computing term.

The Panel accordingly finds that the third element of paragraph 4(a) of the Policy is also not satisfied.

D. Reverse Domain Name Hijacking

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 Reverse Domain Name Hijacking ("RDNH") or 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. RDNH is defined in the Rules, paragraph 1, as "using the Policy in bad faith to attempt to deprive a registered domain-name holder of a domain name". The Respondent has expressly requested such a finding.

The Panel has carefully considered this issue. In *Jazeera Space Channel TV Station v. AJ Publishing aka Aljazeera Publishing,* WIPO Case No. D2005-0309, the panel noted that mere lack of success of a complaint is not of itself sufficient to constitute RDNH, and that allegations of RDNH have been upheld where a respondent's use of a domain name could not, under any fair interpretation of the facts, have constituted bad faith, and where a reasonable investigation would have revealed the weaknesses in any potential complaint. In *Yell Limited v. Ultimate Search,* WIPO Case No. D2005-0091, the panel noted that whether a complainant should have appreciated at the outset that its complaint could not succeed will often be an important consideration.

As set out in WIPO Overview 3.1, section 4.16, reasons articulated by panels for finding RDNH include facts which demonstrate that the complainant clearly ought to have known it could not succeed under any fair interpretation of facts reasonably available prior to the filing of the complaint, including relevant facts on the website at the Disputed Domain Name or readily available public sources; and the provision of intentionally incomplete material evidence.

The Panel finds that a finding of RDNH is warranted in the present case for the following reasons, taken cumulatively.

First, the Complainant's own evidence - the screenshot of the Disputed Domain Name's website, which the Complainant included in the Complaint - demonstrated that the Respondent was operating what appears to be a bona fide active IT consulting business under the "BryteByte" brand. The website content was entirely unrelated to insurance, to South Africa, or to the Complainant in any conceivable way. There was no basis for concluding the Respondent was in some way targeting the Complainant.

Second, the Complainant knew at the time of filing that its trademark registrations were confined entirely to African jurisdictions and that it had no registered rights in the United States or anywhere outside Africa. It equally knew when it filed its amendment to the Complaint that the Respondent was located in Seattle, Washington, United States. A Complainant relying on a geographically confined mark against a respondent in a jurisdiction where the mark has no legal protection or considerable recognition faces a substantially elevated evidential burden in establishing bad faith targeting. The Complainant's submission that the Respondent was "undoubtedly aware" of the BRYTE mark was made without any evidence to support that assertion and in circumstances where its implausibility ought to have been apparent to competent counsel.

Third, a basic investigation prior to filing - for example, a straightforward Internet search - would have revealed the existence of multiple established third-party businesses operating under the "BryteByte", "Bright Byte", or phonetically equivalent names in the technology sector, including BRYTEBYTE LTD in the United Kingdom and Bright Byte Consulting, Inc. in the United States. That evidence fundamentally undermines the premise of the Complaint: namely, that the only conceivable reason for registering a domain containing "bryte" is to target the Complainant.

Fourth, the Respondent has drawn the Panel's attention to the existence of Bryte, Inc., a Silicon Valley sleep technology company founded in 2016 that operates at <bryte.com> and has raised over USD 44 million in venture capital. That company's domain is not merely confusingly similar to the Complainant's BRYTE trade mark: it is identical to it. The Complainant has taken no account of the fact that it does not have a monopoly in the use of the term "bryte" and there is in the U.S. at least one substantial unrelated entity using precisely that term in unadorned form.

Fifth, the Complainant's characterisation of BRYTE as a well-known trademark within the meaning of Article 6bis of the Paris Convention, and its invocation of the *Encyclopaedia Britannica* line of authority in support of an inference of opportunistic bad faith, reflect a material overreach. The Complainant is a South African insurance company with trademarks and marketing activities concentrated in the African market. It is likely well known in South Africa and adjoining counties, particularly to persons with an interest in insurance. There is however no credible basis in the evidence for a claim to worldwide fame of the order that would attract the Article 6bis doctrine or the case law treating well-known marks as obviously recognisable to respondents worldwide.

Finally, the Complainant is represented by an experienced intellectual property law firm. A reasonably diligent investigation by competent IP counsel prior to filing the Complaint would have revealed the above matters, all of which critically undermine the Complaint.

For these reasons, the Panel finds that this is a complaint which ought not to have been brought. The Panel accordingly finds that the Complaint was brought in bad faith and constitutes 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 abuse of the administrative proceeding within the meaning of paragraph 15(e) of the Rules.

/Nick J. Gardner/
Nick J. Gardner
Sole Panelist
Date: May 12, 2026