

ADMINISTRATIVE PANEL DECISION

Gen II Fund Services, LLC v. Covertswarm Testing
Case No. D2026-1490

1. The Parties

The Complainant is Gen II Fund Services, LLC, United States of America ("United States"), represented by Lerner David, LLP, United States.

The Respondent is Covertswarm Testing, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <gen2fund.org> is registered with Amazon Registrar, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 8, 2026. On April 9, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 10, 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 (Registrant of gen2fund.org / Identity Protection Service) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 15, 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 April 15, 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 April 16, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 6, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 11, 2026.

The Center appointed Federica Togo as the sole panelist in this matter on May 19, 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

It results from the Complainant's undisputed allegations that it is a private equity fund administrator, founded in 2009, that serves private capital asset managers and investors with operations across the globe including the United States and Europe, offering a wide range of services. It provides various financial investment and fund services including financial management for emerging managers with limited resources looking to establish investment strategies and structuring as well as financial management services for companies.

The Complainant is the registered owner of United States trademark registration No. 6,103,787, GEN II (word) registered on July 14, 2020 for services in class 35.

It uses "www.gen2fund.com" (registered on May 7, 2009) as its official website, to promote its services and provide customers with information about its services.

The disputed domain name was registered on July 2, 2025. The undisputed evidence provided by the Complainant proves that the disputed domain name resolves to a website allegedly offering financial investment services, similar to those offered by the Complainant on its official website "www.gen2fund.com". The website operator is identified as "Gen2Fund."

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 that the disputed domain name is confusingly similar to the Complainant's trademark GEN II. Even though the disputed domain name uses "gen2" and the Top-Level Domain ".org" instead of the "genII" of Complainant's trademark and the Top-Level Domain ".com" of the Complainant's domain name, these differences are insignificant.

The Complainant further contends that the Respondent has no rights or legitimate interests in the disputed domain name. According to the Complainant, the Respondent offers services that are related to those of the Complainant, which is further indisputable evidence that the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. The Respondent's use of the Complainant's trademark is simply seeking to mislead and divert customers to its website, at the expense of the Complainant.

Furthermore, the Complainant contends that the disputed domain name was registered and is being used in bad faith. According to the Complainant, through the Respondent's clear absence of rights or legitimate interests in the domain name coupled with no credible explanation for the Respondent's choice of the domain name, it is apparent the disputed domain name was registered and is being used in bad faith. Through the Respondent's registration and use of the disputed domain name, the Respondent is intentionally attempting to attract, for commercial gain, Internet users to the Respondent's website, by creating a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website and services offered in connection with the Respondent's website.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs this Panel to “decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”. Paragraph 4(a) of the Policy requires a complainant to prove each of the following three elements in order to obtain an order that the disputed domain name be transferred or cancelled:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (ii) the respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name was registered and is being used in bad faith.

The Panel will therefore proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied.

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 Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

In addition, the Panel finds that the relevant mark (i.e., GEN II) is recognizable within the disputed domain name, even though the element “II” is replaced by the numeral “2”. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other term, here “fund”, may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

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

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 finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The Panel notes that the disputed domain name clearly consists of the Complainant's mark GEN II, where the element "II" is replaced by the numeral "2" plus an additional term "fund" which is within the Complainant's field of commerce. The Panel finds it most likely that the Respondent registered the disputed domain name with the intention to suggest an affiliation with the Complainant. This is also confirmed by the content of the website to which the disputed domain name resolves allegedly offering services in the Complainant's area of activity. The mentioned services are purportedly offered by a company named "Gen2Fund". The Complainant claims that a SmartLinx Comprehensive Business Report Search on LexisNexis of the Respondent's business name did not return any results including postal addresses listed on the website at the disputed domain name. In any case, incorporation of a company without further evidence of a legitimate business cannot give rise to rights or legitimate interests. Finally, the Panel notes that the disputed domain name is identical (apart from the relevant Top-Level Domain) to the one used for the Complainant's official website "www.gen2fund.com".

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

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

One of these circumstances is that the Respondent by using the disputed domain name, has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location (paragraph 4(b)(iv) of the Policy).

In the present case, the Panel notes that it results from the Complainant's documented allegations that the disputed domain name resolves to a website allegedly offering services in the Complainant's area of activity.

By the time the disputed domain name was registered, the Panel considers it to be unlikely that the Respondent did not have knowledge of the Complainant and its mark, noting also the Second-Level Domain is identical to that of the Complainant's official domain name. Consequently, and in the absence of any evidence to the contrary, the Panel is convinced that the Respondent also knew that the disputed domain name is confusingly similar to the Complainant's trademark and deliberately targeted it when it registered the disputed domain name.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.1](#), section 3.2.1.

In this regard, the further circumstances surrounding the disputed domain name's registration and use confirm the Panel's finding that the Respondent has registered and is using the disputed domain name in bad faith:

(i) the nature of the disputed domain name (incorporating the Complainant's mark, replacing the element "II" with the numeral "2" plus a term which is within the Complainant's field of commerce; in addition the disputed domain name is identical (apart from the relevant Top-Level Domain) to the domain name used for the Complainant's official website;

(ii) the content of the website to which the disputed domain name resolves (i.e. allegedly offering services in the Complainant's area of activity); and

(iii) no evidence of a legitimate business coupled with no response justifying the Respondent's choice of the disputed domain name.

The Panel finds that the Complainant has established the third element of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <gen2fund.org> be transferred to the Complainant.

/Federica Togo/

Federica Togo

Sole Panelist

Date: June 2, 2026