

## **ADMINISTRATIVE PANEL DECISION**

Canna River LLC v. Martin Balerio, MBAG Marketing LLC  
Case No. D2026-1533

### **1. The Parties**

The Complainant is Canna River LLC, United States of America (“United States”), represented by Ferguson Case Orr Paterson LLP, United States.

The Respondent is Martin Balerio, MBAG Marketing LLC, United States, self-represented.

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

The disputed domain name <cannariverbrasil.com> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 10, 2026. On April 13, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 14, 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 (“John Doe”) 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 record does not indicate that the Complainant filed an amendment.

The Center verified that 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 17, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 7, 2026. The Response was filed with the Center on May 7, 2026. Also on May 7, 2026, the Respondent sent an email communication to the Center stating that it had not received certain annexes to the Complaint and requesting an opportunity to address them. On May 8, 2026, the Respondent sent a further email communication to the Center confirming receipt of the annexes and submitting a limited supplemental statement.

The Center appointed Evan D. Brown as the sole panelist in this matter on May 12, 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.

On May 19, 2026, the Complainant submitted an unsolicited supplemental filing. The Panel addresses the parties' supplemental submissions in section 6 below.

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

The Complainant is in the business of selling hemp and CBD-based products, including electronic cigarette liquid, tobacco substitutes, body and hand creams, and tinctures. It owns the trademark CANNA RIVER, for which it enjoys the benefits of registration in the United States (Reg. No. 6,268,463, registered on February 9, 2021).

The disputed domain name was registered on August 31, 2024. The disputed domain name seems to have been registered in the context of an oral agreement between the parties under which the Complainant would list the Respondent's then-business, Cannbra (also known as Canna Brasil Express), on the Complainant's webpage directed to Brazil; the Respondent would redirect the disputed domain name to that same page; and the Respondent's business would operate as a distributor of the Complainant's products in Brazil. Both parties acknowledge this arrangement in their submissions.

The Complainant has provided evidence that, as of April 7, 2026, the website at the disputed domain name offered for sale products bearing the Complainant's CANNA RIVER mark, and that the website included a Portuguese-language disclaimer to the effect that the website had no direct corporate affiliation with "Canna River" and acted as an independent commercial representative. The Respondent has provided evidence that the Complainant's own Brazil-directed webpage, as captured by the Internet Archive on January 20, 2026, continued to list Cannbra/Canna Brasil Express in an "Authorized Partners" section. The Respondent has also provided shipment confirmation emails generated by the Complainant's Shopify system, reflecting ten orders of Canna River products delivered to the Respondent's business contacts between August 11, 2025, and March 13, 2026.

The Respondent has provided evidence that, in November 2025, the Brazilian National Health Surveillance Agency (ANVISA) issued two Resolutions, RE No. 4,409 of November 5, 2025, and RE No. 4,641 of November 18, 2025, prohibiting the commercialization and advertising of, among other products, CANNA RIVER products in Brazil by entities lacking the requisite ANVISA registration. The Resolutions were directed to specific named entities other than the parties to this proceeding.

The Complaint includes an allegation that the Respondent had been incarcerated and that his computers had been seized; as best the Panel can tell, this seems to have cast doubt in the Complainant's mind as to the Respondent's ability to act as a distributor. The Complainant has provided no evidence to support this allegation. The Respondent denies the allegation. The Panel disregards the allegation as not immediately relevant to the matter at hand.

The Complainant has provided evidence of a text message from the Respondent, sent at some point after the relationship between the parties deteriorated, in which the Respondent stated, in relevant part: "we're not really thinking of giving it up. We agreed on the redirect because we had a deal, which went away. . . . [W]e'll just use it for traffic and get referrals, obviously always keeping legal disclaimers".

By way of the supplemental filings addressed in section 6 below, the parties have provided evidence concerning the current state of the website at the disputed domain name. The website no longer offers products for sale and instead displays a regulatory notice referencing the ANVISA measures concerning CANNA RIVER products in Brazil, together with a statement that the website is not affiliated with, sponsored by, authorized by, or operated by the Complainant.

## 5. Parties' Contentions

### A. Complainant

The Complainant contends that the disputed domain name is identical or confusingly similar to the Complainant's CANNA RIVER trademark; that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and that the disputed domain name was registered and is being used in bad faith.

In its supplemental filing, the Complainant further contends that the Respondent's modification of the website at the disputed domain name following the filing of the Complaint constitutes additional evidence of the Respondent's lack of rights or legitimate interests and of bad faith. Specifically, the Complainant contends that the Respondent's current use of the disputed domain name to display a regulatory notice is pretextual; that the notice is false and tarnishing because the underlying ANVISA Resolutions are directed at entities other than the Complainant; and that the post-Complaint change in the website's use constitutes defensive maneuvering that undermines the Respondent's credibility.

### B. Respondent

The Respondent contends that the disputed domain name was registered and used in connection with a legitimate Brazil-facing distribution channel for genuine CANNA RIVER products, pursuant to an oral agreement between the parties that the Complainant itself admits. The Respondent contends that it has rights or legitimate interests in the disputed domain name under paragraph 4(c)(i) of the Policy because, before notice of the dispute, it used the disputed domain name in connection with a bona fide offering of goods or services. The Respondent additionally argues that the situation satisfies the criteria set out in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#). The Respondent further contends that the Complainant cannot prove bad-faith registration because, on the Complainant's own admissions, the disputed domain name was registered in the context of the parties' Brazil distribution arrangement, not to sell to the Complainant, to block the Complainant, to disrupt the Complainant, or to mislead users.

In its further statement of May 8, 2026, the Respondent contends that the current use of the disputed domain name as a regulatory and consumer-information notice is noncommercial; that the website displays no prices, ordering flow, referral links, pay-per-click links, or competitor links; and that the website prominently states that it is not affiliated with the Complainant.

The Respondent requests that the Panel find that the Complaint was brought in bad faith and constitutes Reverse Domain Name Hijacking.

## 6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (i) the disputed domain name is identical 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, and (iii) the disputed domain name has been registered and is being used in bad faith. For the reasons set out below, the Panel finds that the Complainant has not established all three of these elements in this case.

### A. Procedural Issues

Supplemental Filings.

Both parties have made supplemental submissions following the filing of the Response. On May 8, 2026, the Respondent submitted a limited supplemental statement addressing Annex 6 to the Complaint and the current state of the website at the disputed domain name. On May 18, 2026, the Complainant submitted an unsolicited supplemental filing addressing post-Complaint changes to the website at the disputed domain name.

Section 4.6 of the WIPO Overview of WIPO Panel Views on Select UDRP Questions (“[WIPO Overview 3.1](#)”) provides that the party submitting an unsolicited supplemental filing should clearly show its relevance to the case and why it was unable to provide the information contained therein in its complaint or response. The Panel finds that both supplemental submissions meet this standard. Although the Panel notes that the Center has forwarded all the documents provided with the Complaint to the Respondent through the Center’s Notification of Complaint and Commencement of Administrative Proceedings of April 17, 2026, the Respondent’s May 8, 2026 statement was prompted by the Respondent’s supposed difficulty accessing certain annexes to the Complaint and addresses material the Respondent may have not been able to address in its Response. The Complainant’s May 18, 2026, filing addresses changes to the website at the disputed domain name that occurred after the filing of the Complaint and that the Complainant could not have addressed in its Complaint. Accordingly, the Panel admits both supplemental submissions and has considered them in reaching this Decision.

#### Identity of the Respondent.

The Complaint named “John Doe” as the Respondent. Following the Registrar’s verification response, the disclosed underlying registrant is Martin Balerio, MBAG Marketing LLC. The Response was filed jointly by Mr. Balerio (Managing Partner of MBAG Marketing Ltda.) and by Eduarda Godoy Maia (Managing Partner of Cannbra Health Ltda.), who together submit that the disputed domain name was registered and operated for the benefit of the Brazil-facing Cannbra/Canna Brasil Express business. Consistent with section 4.4.5 of the [WIPO Overview 3.1](#), the Panel records Mr. Balerio as the Respondent in this proceeding, on the basis that he is the disclosed underlying registrant, while noting that the Response speaks for both Mr. Balerio and Ms. Maia and the entities they represent.

#### **B. Identical or Confusingly Similar**

This first element functions primarily as a standing requirement. [WIPO Overview 3.1](#), section 1.7. This element requires the Panel to consider two issues: first, whether the Complainant has rights in a relevant mark; and second, whether the disputed domain name is identical or confusingly similar to that mark.

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. See *Advance Magazine Publishers Inc., Les Publications Conde Nast S.A. v. Voguechen*, WIPO Case No. [D2014-0657](#). The Complainant has demonstrated its rights in the CANNA RIVER mark by providing evidence of its United States trademark registration.

The disputed domain name incorporates the CANNA RIVER mark in its entirety, together with the geographic term “Brasil”. The addition of a geographic term does not prevent a finding of confusing similarity under the first element of the Policy, but may however bear on assessment of the second and third elements. [WIPO Overview 3.1](#), section 1.8. The CANNA RIVER mark remains recognizable within the disputed domain name.

Accordingly, the Panel finds that the Complainant has established this first element under the Policy.

#### **C. Rights or Legitimate Interests**

The Panel evaluates this element of the Policy by first looking to see whether the Complainant has made a prima facie showing that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. If the Complainant makes that showing, the burden of production of demonstrating rights or legitimate interests shifts to the Respondent (with the burden of proof always remaining with the Complainant). See [WIPO Overview 3.1](#), section 2.1; *AXA SA v. Huade Wang*, WIPO Case No. [D2022-1289](#).

The Complainant asserts that the Respondent has no rights or legitimate interests in the disputed domain name because, although the Respondent may have used the disputed domain name pursuant to the parties’ prior arrangement, that arrangement has been terminated; at the time of the filing of the Complaint, the Respondent used the disputed domain name in connection with the sale of products that infringe the Complainant’s mark; and the use of a domain name that is virtually identical to the Complainant’s mark

falsely suggests an affiliation with the Complainant. In its supplemental filing, the Complainant further asserts that the Respondent's post-Complaint shift to a regulatory-notice website is a pretext that does not establish rights or legitimate interests in the disputed domain name.

The Panel accepts for purposes of analysis that the Complainant has made a prima facie showing on this element. The burden of production accordingly shifts to the Respondent.

The Respondent relies on paragraph 4(c)(i) of the Policy, contending that before any notice of the dispute it used the disputed domain name in connection with a bona fide offering of goods or services, specifically the distribution of genuine CANNA RIVER products in Brazil pursuant to the parties' agreed arrangement.

The Respondent also invokes the framework set out in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#), and section 2.8.1 of the [WIPO Overview 3.1](#). These authorities provide that resellers, distributors, or service providers using a domain name containing the complainant's trademark to undertake sales related to the complainant's goods or services may be making a bona fide offering of goods and services and thus have a legitimate interest in such domain name. The cumulative *Oki Data* requirements are: (i) the respondent must actually be offering the goods or services at issue; (ii) the respondent must use the site to sell only the trademarked goods or services; (iii) the site must accurately and prominently disclose the registrant's relationship with the trademark holder; and (iv) the respondent must not try to "corner the market" in domain names that reflect the trademark.

Section 2.8.1 further provides that "[t]he Oki Data test does not apply where any prior agreement, express or otherwise, between the parties expressly prohibits (or allows) the registration or use of domain names incorporating the complainant's trademark". Although the Panel notes that the parties do not dispute that the agreement encompassed the Respondent's use of the disputed domain name to redirect to the Complainant's page, neither party has identified any term of the parties' oral agreement expressly addressing the registration or use of domain names incorporating the CANNA RIVER mark prior to the registration of the disputed domain name. Accordingly, in general terms, the *Oki Data* framework appears to apply.

Applied to the record before the Panel as it stood at the time the Complaint was filed, the *Oki Data* requirements would seem to be met. First, the Respondent appears to have been actually offering the goods at issue: the Respondent has provided evidence, including shipment confirmation emails generated by the Complainant's own Shopify system, of ten orders of genuine CANNA RIVER products delivered to the Respondent's business contacts between August 11, 2025 and March 13, 2026, including orders delivered in the weeks immediately before the Complaint was filed. Second, the Complainant has not provided evidence that the website at the disputed domain name offered any products other than CANNA RIVER products. Third, the website at the disputed domain name included a disclaimer stating that the website had no direct corporate affiliation with the Complainant and acted as an independent commercial representative; the Complainant itself attaches this disclaimer to the Complaint. Fourth, the dispute concerns a single Brazil-specific domain name, and there is no evidence that the Respondent has registered any other domain names reflecting the CANNA RIVER mark.

The Panel notes that the Complainant's own evidence corroborates the Respondent's account of the relationship. The Internet Archive capture of the Complainant's Brazil-directed webpage dated January 20, 2026, less than three months before the Complaint was filed, continued to list Cannbra/Canna Brasil Express in an "Authorized Partners" section. The Complainant's own Shopify system continued to deliver orders to the Respondent's business contacts through March 13, 2026 and presumably if these were mere customer orders, the Complainant would have said so. These facts are difficult to reconcile with the Complainant's characterization of the Respondent as an unauthorized actor at the time of the Complaint.

Section 2.11 of the [WIPO Overview 3.1](#) provides that panels tend to assess claimed respondent rights or legitimate interests at the time of the filing of the complaint, but would also consider any evidence of past use, including its veracity and surrounding context. The Complainant relies on this principle to argue that any past legitimate use does not survive the termination of the parties' arrangement. The Complainant's own published representations to consumers and continuing shipments through March 2026 indicate that the arrangement, or at least some form of working commercial relationship arising from it, was ongoing within weeks of the Complaint.

The Complainant's supplemental filing argues that the Respondent's post-Complaint shift to a regulatory-notice website is pretextual and demonstrates that the Respondent currently lacks rights or legitimate interests. This raises at least two issues. First, the Respondent's May 8, 2026 supplemental statement disclosed the website change to the Panel and to the Complainant, with a stated rationale grounded in the Brazilian regulatory environment that is reflected in the documentary record. The change was not concealed. Second, and more fundamentally, the Respondent's rebuttal of the Complainant's case in connection with the parties' agreed Brazil distribution arrangement trumps a subsequent change in the website's use.

For these reasons, the Panel finds that the Respondent has rebutted the Complainant's prima facie showing and has established rights or legitimate interests in the disputed domain name within the meaning of paragraph 4(c)(i) of the Policy.

Accordingly, the Panel finds that the Complainant has not established this second element under the Policy

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

Paragraph 4(a)(iii) of the Policy requires the Complainant to establish that the disputed domain name has been registered and is being used in bad faith. These are conjunctive requirements: the Complainant must show both bad faith at the time of registration and bad faith in subsequent use. See [WIPO Overview 3.1](#), section 3.2.1.

The Panel could potentially deny the Complaint on the second element alone. Given the centrality of the third element to the parties' submissions, however, the Panel addresses it as well.

The Complainant advances two theories of bad faith: first, that the Respondent registered and is using the disputed domain name to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's mark, citing paragraph 4(b)(iv) of the Policy and section 3.1.4 of the [WIPO Overview 3.1](#); and second, that the Respondent has retained and used the disputed domain name to disrupt the Complainant's business, citing paragraph 4(b)(iii) of the Policy. In its supplemental filing, the Complainant adds a tarnishment theory under section 3.12 of the [WIPO Overview 3.1](#), based on the post-Complaint shift in the website's use.

Neither theory establishes bad faith at the time of registration.

The disputed domain name was registered on August 31, 2024. While neither of the Parties address the precise timing in which their oral agreement took place, by the Complainant's own admission, the registration was made in the context of an oral agreement between the parties under which the Respondent's business would operate as a distributor of the Complainant's products in Brazil and would redirect the disputed domain name to the Complainant's Brazil-directed webpage. The Panel further notes that the Response states that "[T]he disputed domain name was registered for the legitimate Brazil channel through which Brazilian customers, with prescriptions and in accordance with the then-represented ANVISA pathway, could obtain genuine Canna River products through authorized partners" and this allegation was not contested by the Complainant in its supplemental filing of May 19, 2026, after the filing of the Response. Based on the available record, the Panel considers that at the time of registration, the Respondent was not an unaffiliated stranger but a commercial partner of the Complainant (acting with the Complainant's knowledge and apparent encouragement). The Complainant alleges no facts suggesting that the Respondent harbored an undisclosed bad-faith intent at the time of registration.

The Complainant's reliance on section 3.1.4 of the [WIPO Overview 3.1](#) is misplaced. That section addresses circumstances in which "the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a well-known trademark" may itself create a presumption of bad faith. The Complainant has not argued, much less established, that the CANNA RIVER mark is well-known within the meaning of that section. In any event, section 3.1.4 contemplates an unaffiliated registrant, which seems not to be the case here as the Parties had some sort of (oral) distribution arrangement.

The Complainant's competitor-disruption theory under paragraph 4(b)(iii) is also unavailing as to registration. The Complainant's submissions place the events on which this theory depends, including the Complainant's announcement of its plans to expand directly into Brazil and the Respondent's refusal to relinquish the disputed domain name, well after the August 2024 registration. Section 3.1.3 of the [WIPO Overview 3.1](#) recognizes that the concept of a "competitor" under paragraph 4(b)(iii) may extend to prior customers or business partners. But the question under paragraph 4(b)(iii) is whether the disputed domain name was registered primarily for the purpose of disrupting a competitor's business. The Complainant's own narrative establishes that, at the time of registration, the parties were not competitors; they were collaborators. Whatever the merits of the Complainant's characterization of the Respondent's later conduct, those events postdate the registration by many months and do not bear on the Respondent's intent in August 2024.

The Complainant's argument under paragraph 4(b)(iii) and section 3.1.3 of the [WIPO Overview 3.1](#) essentially depends on the proposition that subsequent conduct can retroactively convert a good-faith registration into a bad-faith one. The language of the Policy as captured in section 3.2.1 of the [WIPO Overview 3.1](#) forecloses that proposition. That section notes that a number of cases have in the past explored such a "retroactive" bad faith theory, and observes that "this particular concept has not been followed in subsequent cases". The conjunctive requirement of paragraph 4(a)(iii) means that bad faith must be shown at registration as well as in use.

The Complainant's supplemental filing does not alter the analysis. The supplemental filing likewise addresses the Respondent's use of the disputed domain name following the filing of the Complaint, including a shift in the website's content to a regulatory notice that the Complainant contends is false and tarnishing. Even taking the Complainant's characterization of the post-Complaint website at face value, the supplemental filing speaks only to use, not to registration. Subsequent bad faith use, without bad faith at registration, does not satisfy paragraph 4(a)(iii).

The Panel notes for completeness that the Complainant's evidence of the Respondent's text message stating "we'll just use it for traffic and get referrals" does not establish bad faith at registration either. The message, as quoted by the Complainant, refers to the Respondent's intentions following the deterioration of the parties' arrangement. It does not address the Respondent's intent at the time of registration in August 2024. The Respondent's full statement, "We agreed on the redirect because we had a deal, which went away", is consistent with the Respondent's account that the disputed domain name was registered in the context of the parties' admitted Brazil distribution arrangement.

Because the Complainant has failed to establish bad faith at the time of registration, the conjunctive requirement of paragraph 4(a)(iii) is not satisfied. The Panel need not separately address whether the Respondent's use of the disputed domain name has been in bad faith.

Accordingly, the Panel finds that the Complainant has not established this third element under the Policy.

## **E. Reverse Domain Name Hijacking**

The Respondent requests that the Panel find that the Complaint was brought in bad faith and constitutes 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 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. Section 4.16 of the [WIPO Overview 3.1](#) identifies non-exhaustive grounds on which panels have found Reverse Domain Name Hijacking, including: facts demonstrating that the complainant knew it could not succeed as to any of the required three elements; facts demonstrating 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; unreasonably ignoring established Policy precedent notably as captured in the WIPO Overview; the provision of intentionally incomplete material evidence; and filing the complaint after an unsuccessful attempt to acquire the disputed domain name from the respondent without a plausible legal basis. Section 4.16 further notes that a represented complainant should be held to a higher standard.

The mere lack of success of a complaint is not sufficient for a finding of Reverse Domain Name Hijacking. In this case, however, multiple factors set out in section 4.16 of the [WIPO Overview 3.1](#) are present.

First, the Complainant filed this proceeding while in possession of facts that should have been understood to raise reasonable doubts as the third element under any fair interpretation. The Complaint itself sets out the parties' admitted oral agreement surrounding the registration of the disputed domain name, under which the Respondent would operate as the Complainant's distributor in Brazil, a fact that significantly impacts the Complainant's claim of bad faith registration by the Respondent. The Complaint provides an untenable explanation as to how the registration in those circumstances could have been in bad faith and relies on theories that depend on subsequent events. The conjunctive requirement of paragraph 4(a)(iii), and the rejection of retroactive bad faith reflected in section 3.2.1 of the [WIPO Overview 3.1](#), are not addressed by Complainant's counsel.

Second, the Complaint is materially incomplete in its presentation of facts that were within the Complainant's own knowledge and control. The Complainant's own Brazil-directed webpage, as captured by the Internet Archive on January 20, 2026, continued to list the Respondent's business as an authorized partner less than three months before the Complaint was filed. The Complainant's own Shopify system continued to deliver orders of Canna River products to the Respondent's business contacts through March 13, 2026, less than one month before the Complaint was filed. Neither fact is disclosed in the Complaint. Both bear directly on the Complainant's characterization of the Respondent as an unauthorized actor whose past legitimate use had ended.

Third, the Complaint was filed after the Complainant unsuccessfully sought to acquire the disputed domain name from the Respondent. The Complaint expressly recounts the Complainant's proposal to take over the disputed domain name and the Respondent's refusal. In the same passage, the Complainant describes informing the Respondent of the Complainant's plans to expand directly into Brazil.

The Panel has taken into account the fact that, in its supplemental filing, the Complainant addressed the Respondent's post-Complaint shift in the website's use. That filing was a proper exercise of the supplemental-filing procedure. At the same time, the supplemental filing does not acknowledge that the Respondent had openly disclosed the change in the website's use, with a stated rationale, in the Respondent's May 8, 2026, communication to the Center, on which the Complainant's counsel was copied. A more complete presentation of the procedural context would have been warranted.

The Panel notes that the Complainant is of the view that the Respondent cannot act as its distributor, and noting the composition of the disputed domain name – which is the Complainant's mark and a geographic location, thereby giving an impression of an authorization that does not exist, it is not unreasonable that the former seeks to reclaim the same; that said, given the conjunctive requirement of the Policy, this is a matter that is better addressed in another fora – whether a court or otherwise.

Taking the foregoing together, the Panel finds that the Complaint was motivated by a perfectly reasonable desire to take care of its mark, but seeking to apply a legal argument that did not work to the facts of its situation. Although the Complainant's frustration with the Respondent's continued use of the disputed domain name is understandable, the Complaint mischaracterized the procedural and factual record in material respects, including by omitting evidence within the Complainant's own knowledge that undermined its case. These shortcomings come close to the threshold for a finding of Reverse Domain Name Hijacking, and a more carefully prepared complaint, attentive to the conjunctive bad-faith requirement and the Complainant's own course of dealing with the Respondent, would have been warranted. Nevertheless, on balance, the Panel declines to find that the Complaint was brought in bad faith.

## 7. Decision

For the foregoing reasons, the Complaint is denied.

*/Evan D. Brown/*

**Evan D. Brown**

Sole Panelist

Date: May 26, 2026