ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

Venture Up, Inc. v. Avia Yudalevich
Case No. D2026-1629

1. The Parties

The Complainant is Venture Up, Inc., United States of America ("United States"), internally represented.

The Respondent is Avia Yudalevich, United States, represented by Wilson Elser Moskowitz Edelman & Dicker LLP, United States.

2. The Domain Name and Registrar

The disputed domain name <ventureupgroup.com> is registered with Automattic Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 16, 2026. On April 17, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 20, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 24, 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 amended Complaint on April 23, 2026, and an amendment to the Complaint on April 24, 2026.

The Center verified that the Complaint together with the amended Complaint and 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 27, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 17, 2026. The Respondent sent an email communication to the Center on April 29, 2026, indicating a willingness to transfer the disputed domain name. The Complainant sent an email to the Center the following day, declining to explore settlement options and requesting a decision on the merits.

On April 30, 2026, and May 18, 2026, the Complainant submitted unsolicited Supplemental Filings and accompanying annexes, asserting that the disputed domain name continued to redirect to the Respondent's active commercial website even after the filing of this action.

The Center appointed Evan D. Brown as the sole panelist in this matter on May 20, 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 in the business of providing business management consulting services and educational services to corporate clients. It owns the trademark VENTURE UP and has used that mark since at least as early as 1983. The Complainant enjoys the benefits of registration of the VENTURE UP mark in the United States (Reg. No. 4,751,275, registered on June 9, 2015).

According to the WhoIs information, the disputed domain name was registered on March 17, 2024. The Respondent has used the disputed domain name to operate a consulting business that competes with the Complainant’s services.

The Complainant, through counsel, sent letters dated March 10 and March 20, 2026 to the Respondent demanding, among other things, transfer of the disputed domain name. The record includes an email response sent by counsel for the Respondent on April 10, 2026, stating that the website found at the disputed domain name had been “paused” and the Respondent has migrated to a new domain name. Following that, according to the evidence provided by the Complainant, the Respondent set up redirection from the disputed domain name to a new domain name.

5. Parties’ Contentions

A. Complainant

The Complainant contends that the disputed domain name is identical or confusingly similar to the Complainant’s 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.

B. Respondent

The Respondent did not file a formal Response. However, on April 29, 2026, counsel for the Respondent sent an email to the Center indicating the Respondent’s willingness to settle the dispute by either transferring or cancelling the disputed domain name and requesting that the Complainant contact the Respondent’s counsel directly to complete the Standard Settlement Form which the Center provides. In an email to the Center the following day, the Complainant declined the settlement offer, requesting instead that the case proceed to a decision on the merits.

6. Discussion and Findings

6.1. Procedural Issues

A. Effect of the Respondent’s Consent to Transfer

Where parties to a UDRP proceeding have not been able to settle their dispute prior to the issuance of a panel decision using the “standard settlement process” that the Center facilitates, but where the respondent has nevertheless given its consent on the record to the transfer remedy sought by the complainant, many panels will order the requested remedy solely on the basis of such consent. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.10. In some cases, despite such respondent consent, a panel may in its discretion still find it appropriate to proceed to a substantive decision on the merits. *Id*. Scenarios in which a panel may find it appropriate to do so include where the complainant has not agreed to accept such consent and has expressed a preference for a recorded decision on the merits. *Id*.

In this case, the Complainant has not agreed to accept the Respondent's consent to transfer the disputed domain name but has instead specifically requested that the Panel make a determination on the merits. The Panel will grant the Complainant's request on this point and make such determination.

B. Acceptance of the Complainant's Unsolicited Supplemental Filing

Paragraph 10 of the UDRP Rules vests the Panel with the authority to determine the admissibility, relevance, materiality and weight of the evidence, and also to conduct the proceedings with due expedition. The Panel has reviewed the contents of the Supplemental Filings made by the Complainant on April 30, 2026, and May 18, 2026, and finds that they do not materially add to or detract from the narrative of the case as it pertains to the application of the three elements of the Policy. Accordingly, the Panel declines to accept the unsolicited Supplemental Filings.

6.2. Substantive Issues

A. Identical or Confusingly Similar

This 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. 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 VENTURE UP mark by providing evidence of its United States trademark registration. See WIPO Overview 3.1, section 1.2.1.

The disputed domain name incorporates the VENTURE UP mark in its entirety, omitting only the space between the terms and adding the term "group". The omission of a space is immaterial because domain names cannot contain spaces. The addition of the term "group" does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's VENTURE UP mark. See WIPO Overview 3.1, section 1.8. The VENTURE UP mark remains clearly recognizable within the disputed domain name.

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

B. 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. In particular, the Complainant asserts that: (1) before any notice of the dispute, the Respondent did not use, or make demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services; (2) the Respondent is not commonly known by the disputed domain name; (3) the Respondent is not affiliated with or authorized by the Complainant to use the VENTURE UP mark; and (4) the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name.

The Complainant further asserts that the disputed domain name has been used in connection with business-related content directed to corporate audiences, and that there is no evidence that the Respondent operated a legitimate business under the name “Venture Up Group” before adopting the disputed domain name.

The Panel finds that the Complainant has made the required prima facie showing. The Respondent has not presented evidence to overcome the Complainant’s prima facie showing. And nothing in the record otherwise tilts the balance in the Respondent’s favor. In this regard, the Panel notes that the Respondent, through counsel, confirmed it would cease use of the VENTURE UP mark and disputed domain name in reaction to the Complainant’s cease and desist communications. Moreover, after taking the website under the disputed domain name down, the Respondent appears to have set up redirection to a new domain name that does not incorporate the Complainant’s VENTURE UP mark.

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

C. Registered and Used in Bad Faith

The Policy requires a complainant to establish that the disputed domain name was registered and is being used in bad faith.

Paragraph 4(b)(iv) of the Policy provides that bad faith may be found where, by using the disputed domain name, a respondent 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 that website or other online location.

The Complainant has operated under the VENTURE UP mark since 1983 and maintains a long-standing commercial presence serving corporate clients. The disputed domain name was registered long after the Complainant established rights in the VENTURE UP mark. Given the composition of the disputed domain name, and the Respondent’s use of the disputed domain name in connection with competing business-related content directed to corporate audiences, the Panel finds it more likely than not that the Respondent knew or should have known of the Complainant and its VENTURE UP mark when registering the disputed domain name.

The Complainant has submitted evidence that the Respondent used the disputed domain name in connection with business-related content directed to corporate audiences, creating overlap with the Complainant’s business management consulting and educational services. Further, the Complainant has submitted evidence that, in response to the Complainant’s letter dated March 10, 2026, the Respondent has “paused” the website under the disputed domain name, migrated to a new domain name, and agreed to cease “all use” of the Complainant’s mark. However, it appears from the evidence presented by the Complainant, the Respondent has instead started to use the disputed domain name to redirect users to a new commercial website. In the Panel’s view, these circumstances support the Complainant’s contention that the Respondent has used the disputed domain name to create confusion and divert Internet users seeking the Complainant.

The Panel finds that the Respondent registered and used the disputed domain name in bad faith by intentionally attempting to attract, for commercial gain, Internet users to its website or other online location by creating a likelihood of confusion with the Complainant’s VENTURE UP mark as to source, sponsorship, affiliation, or endorsement.

Accordingly, the Panel finds that the Complainant has established the third element under 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 <ventureupgroup.com> be transferred to the Complainant.

/Evan D. Brown/
Evan D. Brown
Sole Panelist
Date: June 3, 2026