ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

CreMedia LLC v. Mahmoud Grant, SIA CreMedia
Case No. D2026-1685

1. The Parties

The Complainant is CreMedia LLC, Egypt, self-represented.

The Respondent is Mahmoud Grant, SIA CreMedia, Latvia, self-represented.

2. The Domain Name and Registrar

The disputed domain name <cremediaglobal.com> is registered with Hostinger Operations, UAB (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 18, 2026. On April 21, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 22, 2016, 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 (Privacy Protected) 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 amended Complaints on April 24, 2026, and April 29, 2026.

The Center verified that the Complaint together with the amended Complaints 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 May 6, 2026. The Complainant filed a supplemental filing on May 7, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 26, 2026. The Response was filed with the Center on May 25, 2026.

The Center appointed Andrew D. S. Lothian as the sole panelist in this matter on June 4, 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

According to the Complaint, the Complainant is an Egyptian company operating in advertising, events, and digital marketing services, represented by Mr. Eslam Yassin. The Complainant claims unregistered trademark rights in the mark CREMEDIA.

The disputed domain name was registered on December 31, 2020. It currently forwards to a website at "www.mkgrant.com" which relates to a business named "MK Grant" that is described as a "Total Solutions Creative House" operated by "Mahmoud Gant" [*sic*], described as "Owner" and "Guita [*sic*] Derkinte", described as "Co-Owenr" [*sic*]. The content on the website indicates to the Panel that "Mahmoud Gant" is intended to refer to the Respondent, Mahmoud Grant ("the Respondent Individual").

The Complainant and the Respondent Individual were previously engaged in a business relationship. Prior to this, the Complainant appears to have used the domain name <cremediaeg.com>, at least for email purposes (the Panel notes in passing that this domain name was registered on February 21, 2010) although the full extent of the Complainant's use of that domain name in commerce, and from what date, is not known to the Panel.

"SIA CreMedia" ("the Respondent Entity") is a Latvian organization, incorporated by the Respondent Individual and its spouse, Ms. Gita Derkinte, on February 11, 2021. The Respondent Individual's position is that the disputed domain name was registered on behalf of, billed to, and was intended for the use of the Respondent Entity. The existence of the Respondent Entity, and the lack of any participation in it by the Complainant or Mr. Yassin, appears to be at the root of a complex business dispute between the Complainant, the Respondent Individual, and Ms. Derkinte. For convenience, the Respondent Individual and the Respondent Entity will be referred to collectively as "the Respondent" in this Decision unless the context indicates otherwise.

The Complainant and the Respondent Individual's relationship appears to have begun in about 2017 but was formalized by way of a profit sharing agreement governed by Egyptian law, dated August 8, 2018. The agreement is in Arabic, but a translation has been supplied by the Complainant. The listing of the Parties indicates that at this time, for email purposes, the Complainant was using the domain name <cremediaeg.com>, and the Respondent was using a Gmail address. Ms. Derkinte is not a party to the agreement, although she appears to have been involved in the Parties' business collaboration from an early stage, if not from the outset.

The preamble of the said agreement indicates that the Complainant seeks to expand its digital marketing activities, and that the Respondent has related expertise and wishes to collaborate with the Complainant. The agreement establishes a profit-sharing collaboration between the Parties in which the Respondent's contribution is "Work efforts, Professional services, Tools and software used in digital marketing activities" in order to undertake management of digital marketing activities, consultancy to the Complainant, co-ordination with the Complainant's employees, and additional assistance.

The Complainant's contribution is stated in the said agreement to be the provision of business data, a working environment, and necessary resources. The business activities are proposed to be jointly managed by the Parties by mutual agreement, with quarterly sharing of profits. No separate legal entity (including no general partnership, agency, or employment relationship) is said to be established by the said agreement, which also notes that neither party is entitled to claim rights beyond its terms. The agreement provides that the Parties will act in good faith, and refrain from acts that may harm the agreement, including unfair competition, disclosure of confidential information, and issuing harmful statements. The agreement is silent as to the ownership, use, or licensing of any intellectual property.

The agreement provides arrangements for its termination including termination "with written notice" but without any specified period of notice. In addition to the said agreement, it appears that Mr. Yassin appointed Ms. Derkinte by way of a General/Banking Power of Attorney dated July 22, 2020, to act on his behalf for certain matters. The Complainant did not mention this Power of Attorney, and the Panel does not know, from the Complainant's perspective, the purpose for which it was granted. The Respondent's position is that the existence of this document precludes any notion introduced by the Complainant that Ms. Derkinte's identity or involvement in the business collaboration was used to conceal anything from the Complainant.

Notwithstanding the said profit sharing agreement, the Parties appear to have adopted two distinct business identities, "CreMedia MENA" in Egypt and "CreMedia EU [or Europe]" in Latvia, sometimes described together as "CreMedia Global". "CreMedia MENA" is described as the "Egypt office" and "CreMedia EU" as the "Latvia office" on a historic capture of the website associated with the disputed domain name from the Internet Archive "Wayback Machine" dated October 18, 2021, which itself contains a copyright notice, "© 2021, CreMedia".

On February 20, 2021, the Respondent Individual emailed Mr. Yassin (both Parties using email addresses at the disputed domain name) requesting that the Complainant redirect the domain name <cremediaeg.com> (described as "our old <cremediaeg.com> domain") to the disputed domain name. This email did not mention the Respondent Entity, which had been incorporated some nine days earlier. The Panel does not know why this request was made, and although this might suggest that the disputed domain name was intended as a replacement for the domain name <cremediaeg.com>, such replacement does not appear to have taken place, in that the latter domain name continued to be used thereafter at least by Mr. Yassin.

In an email dated April 24, 2021, using the disputed domain name, the Respondent Individual described itself as "Managing Director, CreMedia Europe", although the email does not mention the Respondent Entity. A series of emails show that the disputed domain name was being used to do business in Europe as "CreMedia Europe" in 2021. An email from the Respondent Individual to Mr. Yassin dated March 31, 2021, in which the Respondent Individual is styled "Managing Director, CreMedia Europe" suggests that the Complainant was aware of the European business operation and of the existence of the disputed domain name, which may have been first mentioned to Mr. Yassin in the email of February 20, 2021. The email of March 31, 2021, also does not mention the existence of the Respondent Entity. This does not mean that the Complainant, and Mr. Yassin acting on its behalf, did not know of the Respondent Entity but rather that the Panel has not identified any evidence that the Complainant was aware of the Respondent Entity's incorporation and operation in business under the "CreMedia" name. There is no evidence before the Panel that the Complainant questioned the legal basis on which (and the applicable entity by which) business was being done in Europe under this name, and there is likewise no evidence that he Complainant called for any accounting of profits regarding such European business under the ambit of the profit sharing agreement.

An email dated October 5, 2021, from Mr. Yassin (again using the domain name <cremediaeg.com>) to the Respondent Individual (using the disputed domain name) shows that at this point Mr. Yassin was styling himself "Managing Director, CreMedia Egypt". An earlier email dated August 31, 2020, from Mr. Yassin (also using <cremediaeg.com>) to the Respondent Individual (domain name not specified) shows Mr. Yassin using the same style. Across the correspondence dating from this period, both Parties appear to have used the same "cremedia" logo in black, blue and white colors, with the strapline "Bringing Dreams Forward", although it would appear from two invoices dated August 31, 2020, and June 29, 2022, that the Complainant also used a different, stylized text-based, logo from time to time, accompanied by the strapline "Creative Designs & Solutions".

Examples of how the business relationship was conjoined to some extent include an email dated February 18, 2021, from the Respondent Individual (using an address at the disputed domain name) to Mr. Yassin (using an address at the domain name <cremediaeg.com>) and others including Ms. Derkinte, which the

Respondent Individual addresses collectively as “beautiful team” and mentions that “we have an affiliate relationship with [the Registrar]” for the purposes of “future referrals for our clients to buy any products […]”. An email dated December 21, 2022, from Mr. Yassin (using <cremediaeg.com>) to the Respondent Individual (using the disputed domain name) and others introduces what appears to be a client to “our team members who will be in direct contact with you […] for the execution of this project […] Mahmoud Grant is managing director of our EU branch, he will be the manager for this project”.

The above correspondence suggests that the Parties’ brand identities have been intertwined at least from the time when the Respondent Entity was incorporated, and indeed potentially from before the disputed domain name was registered. The Respondent’s position appears to be that the disputed domain name has been used openly and lawfully by the Respondent Entity for nearly six years. However, it is not clear from the emails apparently sent on behalf of “CreMedia Europe” using the disputed domain name, notably to the Complainant’s Mr. Yassin, whether “CreMedia Europe” is a trading name of the Respondent Entity. It is also not clear what participation the Complainant had, or believed that it had, in “CreMedia Global” as represented in part by the disputed domain name.

What is clear is that from about 2023, the Complainant’s Mr. Yassin uses the “CreMedia Global” identity to obtain a business license in the United Arab Emirates, and from about 2025, he begins to use the name “CreMedia Global” in correspondence, in contrast to his earlier use of “CreMedia Egypt”. For example, in an email dated January 26, 2025, sent from the <cremediaeg.com> domain name, Mr. Yassin styles himself “Managing Director, MENA, CreMedia Global”, and on July 23, 2024, Mr. Yassin writes in an email sent from the <cremediaeg.com> domain name that he is “Managing Director for CreMedia Global in the MENA region”. He adds that “CreMedia has been a reputable presence in the market since 2004”. However, his signature line continues to style him as “Managing Director, MENA”. There is thus a lack of clarity in the evidence as to the roles and responsibilities involved in the Complainant’s business dealings with the Respondent Individual and/or Respondent Entity, and notably of the Complainant’s understanding of these at the time of the correspondence concerned.

The Respondent produces a series of WhatsApp messages bearing to be from or to the Complainant’s Mr. Yassin dated September 11, 2025, which the Respondent claims indicates an amicable split between the Parties. However, the messages are in Arabic, and no translation has been provided into the language of the administrative proceeding. The Panel therefore ascribes no weight to this evidence.

In 2026, the Parties appear to have initiated and responded to various complaints regarding the use of the CreMedia identity via LinkedIn, via the Registrar, and via the Latvian State Police. These will not be discussed in detail as they add nothing of significance to the administrative proceeding other than to show that the present dispute is multi-faceted and extends well beyond the disputed domain name. The Panel however records that on May 7, 2026, the Latvian State Police issued a decision on refusal to initiate criminal proceedings regarding Mr. Yassin’s complaint that the Respondent Entity had misappropriated the identity of the Complainant, noting inter alia that “[…] there is a dispute between the parties as to the ownership of the company's investments, which is to be settled by the courts in Egypt”.

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 it has continuously used the name “CreMedia” in commerce, branding, and client engagements, establishing strong common law trademark rights, including “for several years prior to the Respondent’s actions”.

The Complainant asserts that the Respondent Individual attempted to redirect the Complainant's original domain name to the disputed domain name, presented itself publicly as "Managing Director – CreMedia Europe", claimed exclusive ownership of the brand, and used the Respondent Entity, registered under the name of the Respondent's spouse in Europe, which continues what the Complainant says is the unauthorized use of the Complainant's identity, brand, and digital assets.

The Complainant submits that the disputed domain name incorporates the Complainant's CREMEDIA mark in its entirety, that the addition of the term "global" does not distinguish the disputed domain name therefrom, and that it increases confusion by implying official expansion.

The Complainant asserts that the Respondent has no rights or legitimate interests in the disputed domain name because the Respondent is not an owner, partner, or licensee of the Complainant, that the Respondent's role was limited and "contractual", and that the agreement between the Parties explicitly excluded ownership rights, adding that the Respondent Individual's registration of the disputed domain name was unauthorized and outside the scope of its role.

The Complainant submits that the evidence demonstrates (1) insider abuse, based upon the Respondent Individual's privileged access which was used to register the disputed domain name, (2) an intent to confuse, based on the Respondent Individual's request for redirection of the Complainant's original domain name to the disputed domain name, (3) misrepresentation, based upon the Respondent Individual's public claim to ownership of the Complainant's business and legal assets, (4) concealment strategy, based upon the Respondent Individual's operation vis the Respondent Entity to continue use of the "disputed identity", and (5) disruption of business, based upon the disputed domain name being used in a way that disrupted the Complainant's operations and digital presence.

B. Complainant's Supplemental Filing

The Complainant asserts that LinkedIn has restored the Complainant's administrative access to the LinkedIn company page operating under the name "CreMedia by MK Grant", which the Complainant says is relevant because the page formed part of the broader pattern of brand confusion, unauthorized association, and misuse of the "CreMedia" identity referenced in the Complaint. The Complainant produces a screenshot of a LinkedIn administration page, showing that it is the administrator of a page named "CreMedia – Marketing Agency".

C. Respondent

The Panel notes as a preliminary matter before setting out the Respondent's contentions that the Response greatly exceeded the word limit provided by the Supplemental Rules. The Panel has largely restricted its consideration of the Response to that part relating to the three elements of the Policy which, although it also exceeds the word limit, is much closer to it than the Response as a whole. Those restricted contentions are summarized here. The Panel discusses the basis on which it has accepted the Response in the immediately following section of this Decision.

The Respondent contends that the Complainant has not satisfied the elements required under the Policy for a transfer of the disputed domain name.

The Respondent asserts that the Complainant has no registered trademark rights anywhere and that its claim to common law rights is unsupported by the evidence. The Complainant submits that whatever residual goodwill exists in the prior identity <cremediaeg.com> does not extend to the disputed domain name, and that the Complainant's adoption of "CreMedia Global LLC" in 2023 (the Panel presumes this to refer to the Emirati business license) is incompatible with any contention of exclusive prior rights, whether at the registration of the disputed domain name or at any other material time.

The Respondent argues that it has rights or legitimate interests in terms of paragraphs 4(c)(i) and 4(c)(ii) of the Policy, and that the redirect impugned by the Complainant is, in any event, a legitimate internal rebranding of the Respondent's own company which does not amount to bad-faith use, the disputed domain name and the domain name <mkgrant.com> both being owned by the Respondent Entity. The Respondent notes in particular that the agreement between the Complainant and the Respondent Individual is silent on intellectual property, does not establish agency, employment, partnership, or any legal entity. The Respondent argues that this precludes any claim of rights that the Complainant may seek to make over the Respondent Entity, which was formed two and a half years after the agreement by independent founders, adding that the Latvian State Police found that "No mutual agreement has been concluded on the investments and forms of management" of the said company.

The Respondent asserts that the disputed domain name was not registered in bad faith, noting that this aspect of the Policy requires intent to target the Complainant's mark, and submitting that there is no evidence of any such intent and, on the contrary, evidence of mutual recognition by the Parties of their respective identities, including the Complainant's obtaining of the Emirati business license without objecting to the disputed domain name. The Respondent adds that the Complainant was aware of the disputed domain name from 2020 and acquiesced in its use for years.

The Respondent asserts that the disputed domain name was not used in bad faith, noting that it has been used by the Respondent Entity for nearly six years, and that it has never diverted the Complainant's traffic as the Parties have always used their respective domain names for business and Internet users seeking <cremediaeg.com> have not been confused by the disputed domain name. The Respondent asserts that there is no commercial gain at the Complainant's expense as the Respondent Entity conducts its business with its clients in its own jurisdiction. The Respondent submits that it has not diverted traffic from the Complainant by way of the redirect from the disputed domain name to the domain name <mkgrant.com>, which moves traffic between the Respondent Entity's domain names and involves no client of the Complainant, or any commercial gain at the Complainant's expense.

The Respondent contends that the Complainant's "mid-proceeding conduct" (referring to the Complainant's complaints to LinkedIn, the Registrar, and the Latvian State Police) has placed its own bad faith on the record of the proceeding, namely the Complainant's manufacture of a bad faith case by seizing the Respondent's property and by deceiving the Panel as to the documentary record in order to disrupt and capture a competing business. The Respondent adds that the Latvian State Police, having investigated and heard both of the Parties, reached the same conclusion, namely that the Complainant was trying to take control of "the whole company", including the part that is the investment and work of the Respondent Individual and Ms. Derkinte.

The Respondent submits that the Policy is not the proper forum for the resolution of genuine business or contractual disputes between former associates over the allocation of brand identity, where, as here, the parties had a pre-existing collaborative relationship, the brand was used in parallel, there is no clear allocation of intellectual property by contract, and where the dispute engages questions of contract law, partnership law, fiduciary duty, copyright authorship, and unfair competition which belong in court.

The Respondent requests a finding of Reverse Domain Name Hijacking. The Respondent asserts that the Complaint is one front in a multi-pronged harassment campaign, every front of which has been rejected on the merits by the independent reviewer that received it, referencing two abuse reports with the Registrar, alleged unauthorized seizures of the Respondent's LinkedIn property, the Complainant's registration of a domain name (<cremedia.org>) as the vehicle for claimed LinkedIn seizures, and the subsequently refused criminal complaint to the Latvian State Police. The Respondent contends that the Complaint omits material facts, including the existence of the Respondent Entity and its recognition by various Latvian authorities, the Power of Attorney to Ms. Derkinte, the Parties' co-existence for nearly six years, the rejections of complaints by the Registrar and LinkedIn, and the Latvian State Police filing, among others, asserting that the omitted facts are fatal to the Complainant's narrative.

The Respondent contends that the Complaint contains knowing "affirmative misrepresentations" of the Respondent's role, the nature and effect of the said agreement, the registration history of the disputed domain name, the current status of the disputed domain name, and the position of the Respondent Individual's spouse, which misrepresentations are said to be contradicted by documents of the Complainant's own making, signing, or receipt. The Respondent adds that said misrepresentations are mutually incompatible with misrepresentations that the Complainant advanced to the Latvian State Police.

The Respondent submits that the Complaint mischaracterizes the said agreement, which the Respondent states was drafted by the Complainant, is silent on intellectual property, expressly limited in scope, and misrepresented by the Complainant as a partnership/employment instrument with intellectual property allocation. The Respondent asserts that the Complainant itself manufactured its own evidence by procuring a suspension by the Registrar which was then tendered as proof of bad faith use, by advancing to the Latvian State Police an evidentiary package built on a knowingly false factual premise, and, by procuring a LinkedIn page seizure, screenshots of which were submitted in the administrative proceeding as proof of Complainant's rights. The Respondent notes that the Complainant communicated with the Center without copying the Respondent, contrary to the Rules, and that the Center had to intervene and direct that the Respondent be copied on all future communications.

The Respondent asserts that the Complainant knew that the disputed domain name anchors the Respondent Entity's essential business infrastructure with public authorities and clients, based on the fact that the Complainant was copied on years of correspondence under the disputed domain name on these subjects, including the Complainant's own personal introduction of the Respondent as "managing director of our EU branch" at the disputed domain name, noting that the Complainant knew that transfer of the disputed domain name would produce immediate and severe operational disruption to the Respondent Entity.

The Respondent submits that the Complaint was filed for the improper purpose of disrupting the business of a competitor, noting that the Complainant and the Respondent Entity are commercial competitors operating in the same sector, and that the Complainant has no trademark but seeks to capture the disputed domain name on which a competing business depends. The Respondent contends that the Latvian State Police has already found independently that the Complainant's true objective is the seizure of a competing business, noting that this does not depend on inference as it recorded that the Complainant "is trying to take control of the whole company, including the part that is the investment and work of G. Derkinte and [the Respondent Individual]".

6. Discussion and Findings

6.1. Procedural Issue: Response Exceeds Word Limit

Pursuant to paragraph 5(c)(i) of the Rules and paragraph 11(b) of the Supplemental Rules, the word limit for the portion of the Response, which relates specifically to the statements and allegations contained in the Complaint, is 5,000 words. The Response exceeds this word limit by over three times that amount, in other words, by a very substantial degree. The Panel therefore considered whether to require the Respondent to amend the Response so that it complied with the word limit, or to disregard the Response in its entirety as non-compliant with the Rules. However, the Panel noted that the portion of the Response specifically dealing with the three elements of the Policy consisted of around 6,200 words, while the remainder was material covering the general factual background, which the Respondent could conceivably have supplied as a documentary annex, including potentially as a formal declaration, thereby coming much closer to compliance with the word limit.

The Panel determined that it would admit the nearly compliant portion of the Response as such, and would treat the remainder as the equivalent of a documentary annex of background details. Consequently, the Panel determined that the amount by which the admitted Response exceeded the word limit was not excessive. However, in line with the view of the panel expressed in *European Handball Federation v. domain admin, Xedoc Holding SA / Whois Privacy Services Pty Ltd*, WIPO Case No. D2016-0057, the Panel reminds parties that they should strictly adhere to the prescribed word limits. If they do not, parties may risk having aspects of their pleadings disregarded, not admitted in their entirety, or subject to a panel order requiring them to be recast into a version that is fully compliant with the applicable word limit. This issue is likely to come into further focus in Policy jurisprudence as the uptake of Artificial Intelligence systems increases, as such systems can and often do produce a far greater volume of material than a party might have created on its own, unless such systems are also prompted to operate within the word limit concerned.

6.2. Procedural Issue: Complainant's Supplemental Filing

Paragraph 12 of the Rules expressly provides that it is for the panel to request, in its sole discretion, any further statements or documents from the parties it may deem necessary to decide the case. Unsolicited supplemental filings are generally discouraged, unless specifically requested by the panel. WIPO Overview 3.1, section 4.6.

Panels have sole discretion, under paragraphs 10 and 12 of the Rules, whether to accept an unsolicited supplemental filing from either party, bearing in mind the need for procedural efficiency, and the obligation to treat each party with equality and ensure that each party has a fair opportunity to present its case. The party submitting a supplemental filing would normally need to show its relevance to the case and explain why it was unable to provide that information in the complaint or response (for example, owing to some exceptional circumstance).

As noted in the procedural history section above, the Complainant filed a supplemental filing on May 7, 2026. This was well in advance of the due date for the filing of the Response. It is clear from the terms of the Response itself that the Respondent factored in a reply not just to the Complaint but also to the Complainant's supplemental filing. Consequently, the Panel considers it reasonable to admit the supplemental filing on the basis that both of the Parties have been treated with equality, and that each has had a fair opportunity to present its case.

6.3. Substantive Issues

A. Identical or Confusingly Similar

In the present case, the Complainant effectively asserts unregistered trademark rights in the mark CREMEDIA on the basis that it has used the mark in commerce "for several years prior to the Respondent's actions". The Respondent challenges this assertion on the basis that it is devoid of any supporting evidence, for example, along the lines anticipated by WIPO Overview 3.1, section 1.3.

The Panel can see some hints in the record that the Complainant may have been using the mark CREMEDIA in commerce for a reasonable period. For example, there is an unsubstantiated indication that the Complainant might have used the mark since 2004. There is also a suggestion that the Complainant has used it at least since the date of registration of the domain name <cremediaeg.com> in 2010. There is also evidence showing that the Complainant used its corporate name in the said agreement whereby it may have been used in commerce at least since the date that the agreement was entered into. There is evidence produced by the Respondent of two invoices issued by the Complainant which feature the mark. However, these items do not go far enough in the Panel's view to meet the standard outlined in the consensus view found in WIPO Overview 3.1, section 1.3. For example, as far as the Complainant's claimed use of the mark is concerned, there is only very limited evidence of the nature of use of the mark, there is none relating to the amount of sales under the mark in any given time period, there is no evidence of advertising expenditure related to the mark, there is no evidence of the degree of public recognition of the mark, consumer surveys or any media presence.

There is some limited evidence of the Complainant and Respondent's business collaboration under the CREMEDIA mark over several years, including the Complainant's use of the <cremediaeg.com> domain name and in email signatures in business correspondence, but as this evidence predominantly emanates from the Respondent, it mainly focuses on the Respondent's activities under the mark, and deals only incidentally and to a limited degree with those of the Complainant. This does not on its own demonstrate the Complainant's rights in the mark as such. Crucially, and in any event, what is missing besides clear evidence of the duration of use of the mark by the Complainant in commerce is the actual extent and consumer recognition of that use associated with the Complainant's goods or services.

Such limited evidence as there is on the record falls short of establishing that the claimed mark "has become a distinctive identifier which consumers associate with the complainant's goods and/or services" as described in WIPO Overview 3.1, section 1.3. Nevertheless, in light of the Panel's conclusion regarding the failure of the Complaint on the third element of the Policy, as discussed below, the Panel need not reach a firm conclusion as to the Complainant's claim to unregistered trademark rights for the purpose of the first element assessment.

B. Rights or Legitimate Interests

The requirements of paragraph 4(a) of the Policy are conjunctive. A consequence of this is that failure on the part of a complainant to demonstrate one element of the Policy will result in failure of the complaint in its entirety. Accordingly, in light of the Panel's findings in connection with the third element assessment under the Policy, as discussed below, it is not necessary for the Panel to address the issue of the Respondent's rights or legitimate interests in the disputed domain name.

C. Registered and Used in Bad Faith

It will be seen from the factual background section above that this case presents a complex business and contractual dispute extending well beyond the disputed domain name itself, involving an extensive record consisting of a combination of factual claims and counterclaims. The Respondent submits that such a dispute falls outside the intended scope of the Policy and should be denied on that basis rather than on the merits.

Depending on the facts and circumstances of a particular case, and irrespective of whether the parties may also be engaged in court litigation, in some instances (e.g., complex business or contractual disputes) panels have tended to deny the case not on the UDRP merits but on the narrow grounds that the dispute between the parties exceeds the relatively limited "cybersquatting" scope of the UDRP, and would be more appropriately addressed by a court of competent jurisdiction. WIPO Overview 3.1, section 4.14.6.

This approach is exemplified by the panel's decision in *Pippa Malmgren v. Wayne Paul Harburn, DRPM Group Limited*, WIPO Case No. D2022-4605, in which the respondent used the domain name concerned in connection with a website promoting the complainant's services for six years with the complainant's apparent consent, in circumstances where the domain name registration may have been in the respondent's name throughout the parties' collaboration. The panel noted that, in consequence, this was not a typical case of abusive cybersquatting and raised complex issues regarding the internal management of the complainant's former company that the panel considered itself ill-equipped to resolve, based on a limited record and without the benefit of witness testimony, disclosure of documents or other instruments typically available to a court. For that reason, the panel denied the complaint, not on the merits, but on the broader ground outlined above.

The Panel is aware, however, of more recent cases exemplified by *Disability Pride New Mexico v. Dionysios McCutcheon*, WIPO Case No. D2025-4081 ("*Disability Pride*"), in which the parties were in dispute on a variety of matters including whether the respondent and a member of the complainant's operating board were partners, whether the respondent acted alone in acquiring the domain name concerned, and whether the domain name was purchased for the purpose of hosting the complainant's website. The panel in *Disability Pride* set out in detail its opinion that dismissing cases on the basis of factual complexity is the incorrect approach, both under the Rules and also as a matter of good public policy. The panel considered that where there are complex or disputed facts, a panel should adjudicate the dispute "as best it can, drawing reasonable inferences when appropriate and using a preponderance of the evidence standard to make fact findings", under reference to *Dean Hill Systems Ltd. v. Gregory Santana d/b/a Invicta*, WIPO Case No. D2002-0404.

The panel in *Disability Pride* went on to state that a panel should decide according to the scales of justice in the direction that has the most weight, and where those scales are evenly balanced, should rule that the complainant has failed to carry its burden of proof and deny the complaint. At the same time, however, the panel acknowledged limitations inherent in adjudicating complex cases because of the limited tools available to the parties and the panel to discover the relevant facts and to test the veracity of the parties' allegations. The panel's concern was to avoid incentivizing respondents to purposefully complicate the record or create pretextual factual disputes to avoid a decision on the merits, citing the ready availability of AI-derived tools that can easily and at little to no cost facilitate the creation of documents.

The Panel considers that the present dispute raises issues however that go beyond factual complexity alone.

In particular, it would require determinations as to the legal effect of the agreement between the Complainant and the Respondent Individual under Egyptian law, including whether any fiduciary or analogous obligation impacted or constrained the Respondent Individual's registration of the disputed domain name (which in itself might lead to a determination of bad faith under the Policy). It may also engage questions as to the legal status and operation of the Respondent Entity under Latvian law. These are not matters readily determined within the framework of the Policy and, as such, the limitations in the ability to adjudicate such a case (as expressed by the panel in *Disability Pride*), is too great in the opinion of this Panel. The administrative procedure is designed to operate on the basis of a limited written record and does not typically involve the leading of expert evidence on foreign (to the Panel) law, nor does it provide access to the forensic tools, such as disclosure, cross-examination, and detailed evidential testing, that are typically available in court proceedings. In such circumstances, cases of this nature are more appropriately addressed by a court of competent jurisdiction equipped to determine the relevant legal and evidential issues together, with the benefit of the typical forensic tools and procedures. This, in part, is the reason for the wording of the WIPO Overview 3.1, section 4.14.6, which demonstrates that not all complex cases are suitable for determination under the Policy, and in the Panel's opinion that approach still stands alongside the panel's observations in *Disability Pride*.

In any event, having given the matter careful consideration, the Panel has reached the view that the present dispute can be resolved on a narrower evidential basis, even noting the limited framework of the Policy. When the disputed domain name was registered, the Parties were evidently engaged in collaborative activities. The Complainant knew that the disputed domain name had been registered and that it was being used by the Respondent over a nearly six year period. It does not appear to have questioned the basis on which the Respondent was doing so (despite the Complainant continuing to use the <cremediaeg.com> domain name for its business activities) at least until the Parties decided to end their collaboration. There is no evidence that it called for an accounting of profits arising from the use of the disputed domain name or an explanation of the nature and constitution of the legal entity which was using the disputed domain name to do business. Thus, the registration of the disputed domain name was not concealed from the Complainant, albeit that the Complainant may not necessarily have been aware that the Respondent intended it to be used for the Respondent Entity in which the Complainant was not participating.

In order for the Panel to find that the disputed domain name was registered in bad faith in the circumstances of the present case, the Panel would need to reach the view that the Respondent knew that it was prohibited in some way by the Egyptian agreement from making such registration, or that, for example and as indicated above, the registration amounted to a breach of fiduciary duty or of an analogous obligation, and thus that the registration could not have been made in good faith. The burden of proof in this respect, as with all of the elements of the Policy, is on the Complainant. In this particular case, the Complainant has failed to provide any evidence in support of such notion, and in particular, has not brought forward any formal legal opinion as to the meaning and effect of the Complainant and the Respondent Individual's agreement as a matter of Egyptian law. In the absence of such, the weight of evidence before the Panel does not point in the direction of registration in bad faith, and the Complaint fails. The question of use in bad faith is moot and need not be considered due to the Complainant's conjunctive requirement to prove both registration and use in bad faith under the Policy. The question of whether the Complainant possessed unregistered trademark rights that the Respondent might have targeted by such action, as discussed above, is also moot.

The Panel notes for completeness in light of its discussion above on the question of the scope of the Policy, that had the Complainant produced such a legal opinion, this would not automatically have led the Panel to reach a decision on the merits. On the contrary, the Panel might nevertheless have considered that the legal complexity, coupled with the challenges of the factual record, pointed the case in the direction of a disposal along the lines of WIPO Overview 3.1, section 4.14.6. In those circumstances, the right place for the dispute, in the Panel's view, would be a court of competent jurisdiction.

The Panel finds the third element of the Policy has not been established.

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 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. 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.

Here, the Panel notes that the Respondent seeks a finding of Reverse Domain Name Hijacking on multiple grounds. However, rather than addressing all of these in detail, the Panel records its view that it considers that the Complainant's case predominantly failed for want of evidence, notably evidence relating to its claimed unregistered trademark rights, along the lines of WIPO Overview 3.1, section 1.3, and want of any expert evidence relating to the meaning and effect of the agreement between the Complainant and the Respondent Individual according to Egyptian law. Such failure is one of presentation of the case, and it does not mean that the Complainant did not have a proper basis to bring the Complaint at all.

It appears to the Panel that the Complainant collaborated with the Respondent over many years and, at least on the evidence before the Panel, would have had good reason, in principle if not necessarily in law, to expect that it was participating formally in the "CreMedia Global" project rather than that this was a development exclusively for the benefit of the Respondent and its spouse. The findings of the Latvian State Police, in a criminal investigation that would not typically examine the merits of the Parties' civil dispute, does not change the Panel's view. Furthermore, the Panel has seen nothing to indicate that, although the Complainant was evidently aware of the disputed domain name's existence, it understood the Respondent to be using it exclusively as a vehicle for the Respondent Entity. Nor is there evidence that the Complainant appreciated that this entity was entirely separate from, and unconnected with, its own business, notwithstanding the Parties' apparently mutual use of the term "CreMedia".

As far as the Panel is concerned, the Complainant therefore had a sound and legitimate basis to explore the circumstances behind the Respondent's registration and use of the disputed domain name within the framework of the Policy. Consequently, the Panel declines to make a finding of Reverse Domain Name Hijacking in the circumstances of this case.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Andrew D. S. Lothian/
Andrew D. S. Lothian
Sole Panelist
Date: June 18, 2026