ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Neta Foundation, Inc. v. michael witczak
Case No. D2026-3312

1. The Parties

Complainant is Neta Foundation, Inc., United States of America ("United States"), represented by OlyverApp, United States.

Respondent is michael witczak, United States.

2. The Domain Name and Registrar

The disputed domain name <neta.org> (hereinafter "Disputed Domain Name") is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 27, 2026. On July 29, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On July 30, 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 DOMAINSBYPROXY, LLC) and contact information in the Complaint. The Center sent an email communication to Complainant on August 4, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on August 9, 2026.

The Center verified that the Complaint together with the amended 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 Respondent of the Complaint, and the proceedings commenced on September 15, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 5, 2026. Respondent requested and was granted the automatic four calendar day extension for Response under paragraph 5(b) of the Rules and the Response due date was extended to October 9, 2026, accordingly. The Response was filed with the Center on October 9, 2026.

On October 12, 2026, Complainant filed a supplemental filing. On October 20, 2026, Respondent filed a supplemental filing.

The Center appointed Lawrence K. Nodine as the sole panelist in this matter on October 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

Complainant, a nonprofit based in New York, New York, United States, has operated as Neta Foundation since July 5, 2023, when it was incorporated in Delaware, United States.

Complainant owns United States trademark registration No. 8,321,793 (registered on June 30, 2026) for NETA (plus design) (hereinafter the "Mark"). Complainant does not include in the Complaint any allegations describing its business, but the trademark registration describes Complainant's services as, inter alia, "[f]inancial consulting services in the field of planned giving for non-profit and charitable organizations … ."

The Disputed Domain Name was registered on June 24, 2001. It does not resolve to an active website.

5. Parties' Contentions

A. Complainant

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

Notably, Complainant bases its allegation of bad faith solely on its contention that "attempts to acquire [the Disputed Domain Name] for a fair price failed and there's no indication that Respondent has or ever will have an intent to use the domain name for a legitimate purpose."

B. Respondent

Respondent contends that Complainant has not satisfied all three of the elements required under the Policy for a transfer of the Disputed Domain Name.

Respondent emphasizes that it registered the Disputed Domain Name on June 24, 2001, which was 25 years before the Mark was registered on June 30, 2026.

Respondent also denies that it ever engaged in negotiations to sell the Disputed Domain Name and denies that it ever made any demands. Respondent acknowledges that about three years ago it received an unsolicited offer from an unidentified broker, to which Respondent chose not to respond.

C. Supplemental Filings

Both parties submitted unsolicited supplemental filings. Both supplemental filings are denied as neither addresses the dispositive issue of bad-faith registration. Neither filing provides a basis to alter the Panel's findings on that issue.

6. Discussion and Findings

A. Identical or Confusingly Similar

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

Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1. The Panel notes that Complainant's trademark registration contains design elements claimed as a feature of the Mark. However, "trademark registrations with design elements or disclaimed terms typically would not affect Panel assessment of standing or identity/confusing similarity under the UDRP but may be relevant to Panel assessment of the second and third elements." Id., section 1.2.3.

The Panel finds the Mark is recognizable within the Disputed Domain Name. Although the Disputed Domain Name does not include design elements which are a part of the Mark as registered, the literal component "neta" is identical. "Although a trademark registration with design elements would satisfy the requirement that Complainant show 'rights in a mark', panels would tend to focus on the non-design elements for purposes of assessing confusing similarity." Id., section 1.10. Accordingly, the Disputed Domain Name is confusingly similar to the Mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

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

B. Rights or Legitimate Interests

In view of the Panel's findings under the third element of the Policy, the Panel will not address the second element.

C. Registered and Used in Bad Faith

The Disputed Domain Name was registered 25 years before Complainant's Mark was registered on June 30, 2026. Complainant offered no evidence of prior unregistered use.

"[W]here a respondent registers a domain name before the complainant's trademark rights accrue, panels will not normally find bad faith on the part of the respondent." WIPO Overview 3.1 section 3.8.1. There is no allegation or evidence that any exception to this well-established rule applies. See id., section 3.8.2.

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.

The Panel finds that the Complaint has been brought in bad faith and constitutes an attempt at Reverse Domain Name Hijacking. The Complaint is based on an allegation of bad faith that ignores the registration chronology and the consensus expressed in WIPO Overview 3.1, section 3.8.1, supra. Respondent registered the Disputed Domain Name in 2001, whereas Complainant was incorporated in 2023 and obtained its trademark registration in 2026. Complainant offered no evidence of trademark rights predating Respondent's registration and alleged no circumstances bringing this case within an exception to the general

rule. In these circumstances, Complainant should have known that it could not establish bad-faith registration under the Policy. Moreover, Complainant based its allegation of bad faith on its assertion that "attempts to acquire [the Disputed Domain Name] for a fair price failed" and that there was no indication that Respondent had or ever would have an intent to use the Disputed Domain Name for a legitimate purpose. Neither unsuccessful acquisition attempts nor the absence of an active website establishes that Respondent registered the Disputed Domain Name in bad faith decades before Complainant's rights arose. Unless a domain name was registered in bad faith, the owner may demand any price or reject any offer for transfer of the domain name. *Informa Business Information, Inc. v. Privacydotlink Customer 640040 / Domain Manager, Web D.G. Ltd.*, WIPO Case No. D2017-1756; *Limble Solutions, Inc. v. Domain Admin, Alter.com, Inc.*, WIPO Case No. D2022-4900. Respondent's alleged failure to accept what, in Complainant's view, was a "fair price" is not a basis, by itself, to allege bad faith. *Compare Sage Global Services Limited v. Narendra Ghimire, Deep Vision Architects,* WIPO Case No. DAI2023-0010 *with All Star C.V., Converse, Inc. v. Narendra Ghimire*, WIPO Case No. DCO2024-0014.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Lawrence K. Nodine/
Lawrence K. Nodine
Sole Panelist
Date: November 3, 2026