

ADMINISTRATIVE PANEL DECISION

iCan Systems Inc. v. Jason Fertel
Case No. DAI2026-0026

1. The Parties

The Complainant is iCan Systems Inc., Canada, internally represented.

The Respondent is Jason Fertel, United States of America (“United States”), represented by Wilmer Cutler Pickering Hale and Dorr LLP, United States.

2. The Domain Name and Registrar

The disputed domain name <smartsettle.ai> 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 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 28, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint on April 28, 2026.

The Center verified that the Complaint together with the amendment to the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on May 1, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 21, 2026. The Response was filed with the Center on May 19, 2026.

The Center appointed Jeremy Speres as the sole panelist in this matter on May 26, 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 has, since 1999, operated an online dispute resolution platform under the SMARTSETTLE mark from its domain name <smartsettle.com> (registered in 1999).

The Complainant owns Canadian Trademark Registration No. TMA622457 for SMARTSETTLE in classes 9, 35, 36, and 42, having a registration date of October 14, 2004.

The disputed domain name was registered on November 7, 2023. Since 2024, the disputed domain name has been used to offer artificial intelligence (“AI”) based financial transaction settlement services under the SMARTSETTLE AI mark.

5. Parties’ Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the Respondent registered and used the disputed domain name in bad faith because the SMARTSETTLE mark had been used and registered by the Complainant for decades before the registration of the disputed domain name, and the Respondent used the identical mark in a related field to create confusion and capitalize on the Complainant’s reputation.

B. Respondent

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

Notably, the Respondent contends that the disputed domain name was registered and used in good faith without prior knowledge of the Complainant for a bona fide AI-driven financial settlement business unrelated to the Complainant’s negotiation and dispute-resolution services, and that the parties operate in distinct industries with different meanings attached to “settlement”.

The Respondent further argues that the Complaint is speculative and constitutes an attempt at reverse domain name hijacking (“RDNH”).

6. Discussion and Findings

A. Preliminary Issue – Respondent Identity

The Response was filed by SmartSettle AI, Inc., a Delaware, United States, corporation which was incorporated in 2024. SmartSettle AI, Inc. claims that the named Respondent – Jason Fertel – is an employee of SmartSettle AI, Inc. and registered the disputed domain name on its behalf. Mr. Fertel has not responded.

The Panel notes that paragraph 1 of the Rules defines “Respondent” as “the holder of a domain-name registration against which a complaint is initiated” and that the Panel retains a discretion to determine the respondent against which the case should proceed. WIPO Overview of WIPO Panel Views on Select UDRP Questions (“[WIPO Overview 3.1](#)”), section 4.4.5.

In exercising their discretion in similar circumstances, previous UDRP panels have generally considered, among others, (i) whether the identity of the beneficial holder is disclosed, (ii) whether the beneficial holder submits arguments explaining its position, or (iii) whether the relationship between the registrant of the domain name and the beneficial holder is clear. *Bryan Cave Leighton Paisner LLP v. Job*, WIPO Case No. [D2020-0592](#).

In the present case, the beneficial holder has been disclosed and the relationship with the named Respondent has been made clear. The named Respondent has not come forward to contradict this, and the record, in particular the evidence showing usage of the disputed domain name, corroborates SmartSettle AI, Inc.'s claims to have been in control of the disputed domain name.

The Panel therefore accepts that SmartSettle AI, Inc. is the beneficial holder of the disputed domain name, and references to the "Respondent" should hereinafter be read accordingly.

B. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. [WIPO Overview 3.1](#), section 1.7.

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

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical 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.

C. Rights or Legitimate Interests

Given the Panel's findings in relation to the third element below, there is no need to consider the second element.

D. Registered and Used in Bad Faith

For the following reasons, the Complainant has not met its burden of proving, on balance of probabilities, that it is more likely than not that the Respondent has targeted the Complainant.

Apart from the shared SMARTSETTLE name, there are no indicators pointing to the Respondent seeking to take advantage of the Complainant's mark. The logos, colors, and general look and feel of the Parties' respective websites are easily distinguishable, and there is no other indicator suggesting targeting by the Respondent.

The Respondent appears to have operated a legitimate business since 2024 at the disputed domain name. The Respondent's explanation for its choice of brand and domain name is quite plausible and in line with the descriptive nature of the brand and the disputed domain name in the context of the Respondent's industry. Furthermore, the Respondent's industry is markedly different to that of the Complainant, and confusion and targeting are less likely as a result.

The Respondent claims to have been unaware of the Complainant when it registered the disputed domain name. There is nothing in the record to contradict this, and it appears quite plausible. The Complainant operates in Canada and has provided no evidence of any trademark rights, any usage of its mark nor any notoriety within the Respondent's jurisdiction of the United States. As noted, the Parties' industries are also different, and the Respondent cannot be assumed, by virtue of its industry knowledge alone, to have had prior knowledge of the Complainant. The Complainant claims actual confusion on the part of consumers but provides no evidence in this regard.

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

E. Reverse Domain Name Hijacking

The Respondent requested a finding of RDNH.

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 RDNH 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.

In the present case, the Complainant had been using its trademark, which is identical to the disputed domain name, for over 20 years prior to registration of the disputed domain name, and its trademark was registered for roughly 19 years prior to registration of the disputed domain name. The Complainant's mark also appears to enjoy some goodwill within its industry.

Noting that the Complainant appears pro se, in light of the factors discussed above, the Panel considers that it is more likely than not that the Complainant genuinely believed this to be a case of cybersquatting, and that belief does not seem to have been entirely unreasonably held in light of the facts.

The Panel declines to find RDNH.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Jeremy Speres/

Jeremy Speres

Sole Panelist

Date: June 8, 2026