

## **ADMINISTRATIVE PANEL DECISION**

Alpha Ladder Finance Pte. Ltd. v. Joanna, Metacomp, Inc.  
Case No. D2025-1451

### **1. The Parties**

The Complainant is Alpha Ladder Finance Pte. Ltd., Singapore, represented by Shook Lin & Bok LLP, Singapore.

The Respondent is Joanna, Metacomp, Inc., United States of America ("United States"), represented by Kulseth Law P.L.L.C. dba Mighty Marks, United States.

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

The disputed domain name <metacomp.com> is registered with The Registry at Info Avenue, LLC d/b/a Spirit Telecom (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 9, 2025. On April 9, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 10, 2025, 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 (Domain Admin c/o Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 10, 2025, 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 11, 2025.

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 April 16, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 6, 2025. The Response was filed with the Center on May 6, 2025.

The Center appointed John Swinson as the sole panelist in this matter on May 12, 2025. 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 a company incorporated under the laws of Singapore. The Complainant was previously known as Metaverse Green Exchange Pte. Ltd.

The Complaint provided little detail about the Complainant. According to the Singapore Fintech Association,<sup>1</sup> the Complainant is a regulated financial institution in Singapore. The Singapore Fintech Association's website at "www.singaporefintech.org" states that the Complainant "offers an integrated suite of capital markets solutions spanning securities, collective investment schemes, exchange-traded and over-the-counter derivatives. These services are purpose-built to meet the evolving needs of sophisticated clients, including institutional investors and accredited investors across traditional and digital asset classes."

The Complainant owns Singapore Trademark Registration No. 40202255235C for METACOMP that was filed on September 23, 2022, and registered on September 29, 2023.

The disputed domain name was registered on June 12, 2001.

The Respondent is a company incorporated under the laws of Colorado, United States. The Respondent was established in 1995.

According to the Response, the Respondent "is in the business of compiling, storing, and deploying meta components that are used in the context of business applications to support their evolution and Metaversification. These meta-components leverage innovative technologies including machine learning, Agentic AI, blockchain, IoT and others. [The disputed domain name] is used as the portal for the corresponding meta-component repository, which is named MetaComp."

The Respondent is owned by Dr. Jean-Claude Franchitti, who has his PhD in computer science and has taught computer science for over 20 years at higher educational institutions and universities in New York and Colorado. The Respondent provided a business card of Dr. Franchitti that stated that he was President of MetaComp, that included the disputed domain name as a URL, and that used the disputed domain name in his email address.

The Complainant has submitted evidence that the disputed domain name was used in 2002 to resolve to a "coming soon" page containing a series of links advertising services for domain name registration. Prior to filing the Complaint, it appears that the disputed domain name had been inactive for a period of time.

At the present time, the disputed domain name diverts to a website at "www.archemy.com". Dr. Franchitti or his company Archemy Inc. also owns this website. The website discusses technology relating to a knowledge management platform. The website includes references to United States patents involving computer science where Archemy Inc. is listed as the patentee and Dr. Franchitti is listed as the inventor.

The "www.archemy.com" website also has a section that states: "ArchStore™ is Archemy's web-enabled Meta-Components' e-store, operated by [the Respondent] via [the disputed domain name], through which customers can purchase or subscribe to Archemy™ on-the-shelf products or services." The Panel has been unable to find this e-store.

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<sup>1</sup> Noting in particular the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the Rules, it has been accepted that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision.

In October 2021 and thereafter, the Complainant's domain name broker contacted the Respondent to acquire the disputed domain name from the Respondent. The Complainant made several increasing offers. The Respondent did not sell the disputed domain name. One of the responses from the Respondent clearly stated that the disputed domain name "is not for sale".

## **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 used the disputed domain name from 2002 to 2005 for a website with pay-per-click ("PPC") links advertising domain name registration services, along with the words "coming soon!". The Complainant also states that at the time of filing the Complaint, there was no active website at the disputed domain name, and that it appears that there was no active website from October 2005 to at least March 2025. The Complainant states that use of a domain name for hosting PPC links does not of itself confer rights or legitimate interests for the purposes of the second element of the Policy.

The Complainant also asserts that the Respondent, as an individual, is not commonly known by the disputed domain name and that the Respondent is not making legitimate noncommercial or fair use of the disputed domain name.

The Complainant acknowledges that the Complainant's trademark for METACOMP was registered after the disputed domain name was registered. However, the Complainant relies on a retroactive bad faith principle as set out in *Octogen Pharmacal Company, Inc. v. Domains By Proxy, Inc. / Rich Sanders and Octogen e-Solutions*, WIPO Case No. [D2009-0786](#).

The Complainant also asserts that the Respondent's claim that the disputed domain name is not for sale because it is in use is untrue, and that the Respondent falsely claimed to a GoDaddy domain name broker that the disputed domain name was in use. The Complainant provided evidence of the Complainant's communications with its GoDaddy domain name broker from August 2022.

The Respondent should have been aware of the Complainant's trademark rights in METACOMP by November 2024. By misleading the GoDaddy domain name broker, the Respondent breached its continuing duty under paragraph 2 of the Policy.

The Complainant also argues that passive holding of the disputed domain name amounts to bad faith use, and points to the use of a privacy shield and the statements to the GoDaddy domain name broker referred to above. The Complainant states that it is impossible to conceive of a legitimate use of the disputed domain name given the Respondent's lack of rights and legitimate interests in the disputed domain name.

### **B. Respondent**

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

In summary, the Respondent contends that the Respondent has a legitimate commercial interest in maintaining the disputed domain name even if it currently does not actively use the disputed domain name. Dr. Franchitti's business card, which was being used long before the Complainant first contacted the Respondent in 2021, promotes his business and its website is evidence of his bona fide intent to use the disputed domain name. Additionally, the Respondent has used the term "Metacomp" on the Respondent's website located at the domain name <archemy.com>.

The Respondent has not used the disputed domain name to mislead consumers or to redirect traffic to a competitor of the Complainant or any other third party. The Complainant does not allege actual confusion.

In respect of bad faith, the Respondent asserts that the Complainant's argument as to retroactive bad faith is nonsense.

The Respondent did not mislead the Complainant in discussions in 2022 regarding the disputed domain name and never informed the Complainant whether or not the Respondent was using the disputed domain name. The evidence provided by the Complainant on this issue were communications between the Complainant with its GoDaddy domain name broker, and not communications with the Respondent.

## **6. Discussion and Findings**

To succeed, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

- (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.

The onus of proving these elements is on the Complainant.

An asserting party needs to establish that it is more likely than not that the claimed fact is true. An asserting party cannot meet its burden by simply making conclusory statements unsupported by evidence. To allow a party to merely make factual claims without any supporting evidence would essentially eviscerate the requirements of the Policy as both complainants and respondents could simply claim anything without any proof. For this reason, UDRP panels have generally dismissed factual allegations that are not supported by any bona fide documentary or other credible evidence.

### **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 the Complainant's trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), 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 3.0](#), section 1.7.

The Respondent does not contest the first element of the Policy.

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 does not need to consider the second element of the Policy.

### C. Registered and Used in Bad Faith

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the respondent in question has registered and is using the disputed domain name to take advantage of its significance as a trademark owned by (usually) the complainant.

The Respondent provided evidence that the Respondent was incorporated in 1995, and is currently in good standing. The Complainant seems to have been established only in 2008. The disputed domain name was registered on June 12, 2001. The name of the Respondent's organization corresponds with the disputed domain name. The Complainant admits that the Respondent registered the disputed domain name before the Complainant had acquired trademark rights and the Complainant does not make any assertions on whether the Respondent registered or acquired the disputed domain name in anticipation of the Complainant's trademark rights.

The Panel finds that the Respondent did not register the disputed domain name in bad faith targeting of the Complainant or its trademark rights because the Complainant had no trademark rights or nascent trademark rights at the time that the Respondent registered the disputed domain name. [WIPO Overview 3.0](#), sections 3.8.1 and 3.8.2.

The Complainant submits that there is a retroactive bad faith principle that does not preclude a finding of bad faith in such circumstances, and cites *Ville de Paris v Jeff Walter*, WIPO Case No. [D2009-1278](#). That case relies upon *Octogen Pharmacal Company, Inc. v. Domains By Proxy, Inc. / Rich Sanders and Octogen e-Solutions*, WIPO Case No. [D2009-0786](#), which was also cited by the Complainant. The views expressed in these cases did not represent the consensus view of panelists in 2009, and do not represent the currently consensus interpretation of the Policy. This state of the consensus view of panels is very clearly stated in the WIPO Overview (which the Complainant cites for various propositions several times). See also, for example, *Mile, Inc. v. Michael Burg*, WIPO Case No. [D2010-2011](#); *Xbridge Limited v. Marchex Sales, Inc.*, WIPO Case No. [D2010-2069](#); *Poundland Limited v. Dealz.com*, WIPO Case No. [D2012-0918](#); *Compositech, Inc. and SRAM, LLC. v. Joseph Muino, Ciclismo UK*, WIPO Case No. [D2014-1343](#); *Inversiones MCN S.A.S. v. Domains By Proxy, LLC DomainsByProxy.com / Tamarak Marketing, Tamarak Capital*, WIPO Case No. [D2022-3219](#).

There is also no evidence before the Panel demonstrating bad faith use of the disputed domain name by the Respondent.

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

### 7. Decision

For the foregoing reasons, the Complaint is denied.

*/John Swinson/*

**John Swinson**

Sole Panelist

Date: May 26, 2025