

## **ADMINISTRATIVE PANEL DECISION**

Infomaniak Network SA v. asset manager, gv, llc  
Case No. D2025-1978

### **1. The Parties**

The Complainant is Infomaniak Network SA, Switzerland, represented by UNEMARQUE.CH Donata Campiche Pugliese, Switzerland.

The Respondent is asset manager, gv, llc, United States of America "United States".

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

The disputed domain name <ksuite.com> is registered with TurnCommerce, Inc. DBA NameBright.com (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 16, 2025. On May 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 19, 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 (UNKNOWN / UNDISCLOSED) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 20, 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 both May 21 and May 22, 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 May 23, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 12, 2025. The Response was filed with the Center on June 9, 2025. The Respondent sent email communications to the Center on June 10, 2025, and June 11, 2025 relating to the panel constitution process.

The Center appointed Warwick A. Rothnie as the sole panelist in this matter on June 25, 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 Swiss company which, according to its Wikipedia page annexed to the Complaint, is Switzerland's largest cloud computing company. According to the Wikipedia page, the company, or the business, was originally founded in 1990 but has undergone several changes in focus over time. The Wikipedia page states that by 2016 the Complainant had three data centers, managed more than 200,000 domain names, 150,000 websites and 350 radio/TV stations.

One of the services which the Complainant offers is "kSuite". According to another Wikipedia page also annexed to the Complaint, "kSuite" is a cloud-based productivity and collaboration suite. The services it provides include email, cloud storage, browser-based video conferencing, a chat platform and digital calendar. Neither the Complaint nor the Wikipedia page clearly indicate when the Complainant started offering this service or using the trademark. A screenshot included in Annex 5 to the Complaint, which appears to be promoting the Complainant's service, does include a date in October 2020 "21/10/2020 / Applications / 2 minutes de lecture".

The Complainant is the registered owner of Swiss Registered Trademark No 808609, KSUITE, which was registered with effect from January 15, 2024 in respect of a wide range of relevant goods and services in International Classes 9, 35, 38 and 42.

The Complainant is also the holder of International Registration No 1817490, KSUITE, based on the Swiss registration and designating Canada, the United States, African Intellectual Property Organization the United Kingdom, Tunisia, the European Union, Algeria and Morocco. The International Registration was registered on June 17, 2024.

The United States application, Serial Number 79407540, KSUITE, is still under examination and has not yet proceeded to registration.

According to the Whois Report, the disputed domain name was registered on December 11, 2004.

On October 8, 2024, the disputed domain name resolved to a webpage at "www.namingsystem.com" from which the disputed domain name was offered for sale with a "Buy Now" price of USD 3,032. Unfortunately, the Complainant made an offer of USD 3,000, which was refused.

At some point after this, the disputed domain name ceased to resolve to that webpage. In March 2025, according to the Complaint, the disputed domain name was "activated" but "there is no concrete use." Apparently, when clicking on the "About Us" link, one was redirected to a "ksuite" page on "www.domaindirectory.com" – a public repository of premium domain domains which were available for sale, partnering, trading or developing. On that page, the disputed domain name was advertised as "accepting offers" as were the domain names <booksuite.com>, <talksuite.com>, <stocksuite.com> and <fucksuite.com>.

At the time this decision is being prepared, the disputed domain name resolves to a webpage which states, "Welcome to Ksuite.com" and underneath that banner heading states : "Join a vibrant community of developers, influencers, and entrepreneurs on ksuite.com, all using the versatile CONTRIB token to power their token economies" and "Add your site to ksuite.com today". There are a number of other buttons or links for domain names with the same "Join a vibrant community..." text including <carsnetwork.com>, <venturebook.com>, <profilesuite.com> and others.

## 5. Discussion and Findings

Paragraph 4(a) of the Policy provides that in order to divest the Respondent of a disputed domain name, the Complainant must demonstrate each of the following:

- (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.

Paragraph 15(a) of the Rules directs the Panel to decide the Complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable.

### A. Identical or Confusingly Similar

The first element that the Complainant must establish is that the disputed domain name is identical with, or confusingly similar to, the Complainant's trademark rights.

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 of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has proven ownership of a registered trademark for KSUITE in Switzerland.

The pending application in the United States does not qualify as a trademark right for the purposes of the Policy prior to registration. [WIPO Overview 3.0](#), section 1.1.4. The International Registration has matured into registrations in some designated jurisdictions but not others. According to the Madrid Monitor, the jurisdictions which have not yet resulted in registrations are Canada, Morocco, Tunisia and the United States; registrations being recorded in the African Intellectual Property Organization, Algeria, the European Union and United Kingdom. In any event, having regard to the global nature of the Internet, the fact of the registration in Switzerland is sufficient for this requirement under the Policy. [WIPO Overview 3.0](#) section 1.1.2.

The comparison of the disputed domain name to the Complainant's trademark simply requires a visual and aural comparison of the disputed domain name to the proven trademarks. This test is narrower than and thus different to the question of "likelihood of confusion" under trademark law. Therefore, questions such as the scope of the trademark rights, the geographical location of the respective parties, the date they were acquired and other considerations that may be relevant to an assessment of infringement under trademark law are not relevant at this stage. Such matters, if relevant, may fall for consideration under the other elements of the Policy. See e.g. [WIPO Overview 3.0](#), section 1.7.

In undertaking that comparison, it is permissible in the present circumstances to disregard the generic Top-Level Domain (gTLD) component as a functional aspect of the domain name system. [WIPO Overview 3.0](#), section 1.11.

Disregarding the ".com" gTLD, the disputed domain name is identical with the Complainant's trademark.

Accordingly, the requirement under the first limb of the Policy is satisfied.

## **B. Rights or Legitimate Interests**

In view of the Panel's conclusions under the third limb of the Policy, it is unnecessary to consider this requirement as the Complaint must fail.

## **C. Registered and Used in Bad Faith**

Under the third requirement of the Policy, the Complainant must establish that the disputed domain name have been both registered and used in bad faith by the Respondent. These are conjunctive requirements; both must be satisfied for a successful complaint: see e.g. *Group One Holdings Pte Ltd v. Steven Hafto*, WIPO Case No. [D2017-0183](#).

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 difficulty here is that the disputed domain name was first registered in 2004. That is, the disputed domain name was first registered about 20 years before the Complainant registered its trademark. Even if the Panel were to take a charitable view that the date of October 21, 2020 appearing on a screenshot included in the Complaint was around the date the Complainant started using its trademark, the disputed domain name was still registered some 16 years earlier.

As the Complaint does not provide any evidence to find a date of use of the KSUITE trademark beginning before these dates, therefore, there can be no suggestion that the disputed domain name was first registered with knowledge of the Complainant's trademark.

The Complainant seeks to address this by providing details of a domainIQ report which appears to show that there were changes in the Whois Records e.g. in January and March 2025 and, prior to that, the last changes were recorded in November 2023. The report also shows changes to the nameservers on similar dates.

The Complainant says these changes, coupled with the change in the website to which the disputed domain name resolved between October 2023 and March this year indicate there was a change of ownership in the intervening period so that good faith registration should be tested at the January or March 2025 date.

The Panel accepts that the requirement of registration in good faith falls to be assessed when the Respondent (or perhaps a related party of the Respondent) became the registrant. The issue here is whether the Complainant has established there was in fact a change in who held the disputed domain name.

The Respondent says not. The Respondent claims it has been the registrant since 2004. The Respondent says the disputed domain name was registered for its "brandable domain value" resulting from "k" being a common software or technology prefix and "suite" describing a collection, especially a software collection. To that end, the Response includes evidence that the Respondent owns, or has owned, a number of other "x" + "suite" domain names. The Respondent claims over time there have 100 such domain names.

A first difficulty with the Complainant's argument is that the domainIQ Report included in the Complaint does not show the details of the changes to the Whois Record or the nameservers. Apparently, a subscription is required for that information.

Secondly, the materials submitted in Annex 7 to the Complaint relating to the changed nature of the use of the disputed domain name indicate that the disputed domain name at that time was, or remained, associated with "www.domaindirectory.com" which describes itself as a reseller of premium domain names (that is, the business the Respondent claims to be in). "www.domaindirectory.com" was also identified on "www.namingsystem.com" (where the disputed domain name was offered for sale in October 2024) under the heading "About Us" as a related entity.

Thirdly, the jumble of images “annexed” to the Response indicates that a number of entities are associated with the Respondent including “Global Ventures”, “VNOC” and “Contrib”. Contrib is identified also on the website which the disputed domain name currently resides. “Global Ventures” may be an expansion of the letters comprising the Respondent’s current name.

Fourthly, the Panel’s review of the Wayback Machine captures of the disputed domain name shows a patchy history. As far back as at least February 5, 2016, however, the capture on that date included a scroll stating that “This domain belongs to the Global Ventures network” and invited the browser to “join our exclusive community of like minded people on ksuite.com”. The capture also includes a badge “Contrib Member”.

It is far from clear to the Panel how some of the screenshots included in the Annexes to the Response or on the Wayback Machine are consistent with the purpose for the registration claimed in the Response.

However, the screenshots and captures do suggest continuous ownership by the Respondent or interests closely associated with the Respondent. In these circumstances and the absence of more precise details about the changes in the Whois Record identified by the Complainant, the Panel cannot reject the Respondent’s claim to have held the disputed domain name since its registration in 2004. As there is no evidence to suggest that the Complainant was using its trademark then, let alone that it was well-known or might otherwise have come to the Respondent’s notice, the Panel cannot find that the disputed domain name was registered in bad faith. [WIPO Overview 3.0](#), section 3.8.

Accordingly, the Complainant has not established the third requirement under the Policy and so cannot establish all three requirements under the Policy.

#### **D. Reverse Domain Name Hijacking**

The Respondent claims there should be a finding of reverse domain name hijacking on the basis that the Complaint was clearly doomed to fail and the Complainant should have known that before filing the Complaint. According to the Respondent, the Complainant having failed in its attempt to buy the disputed domain name has filed the Complaint in this case.

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 3.0](#), section 4.16.

This is not an appropriate case for a finding of reverse domain name hijacking.

First, the Respondent may have chosen to conceal its identity behind a privacy service. That is not illegal or necessarily evidence of some sort of inappropriate behaviour. Having chosen that course, however, the Respondent can hardly complain about someone else’s inability to identify it. All the more so where, as here, the nature of the website to which the disputed domain name resolved changed following the Complainant revealing its interest and there were also changes (of some sort) in the Whois Record and the nameservers.

Secondly, as already mentioned, some of the uses of the disputed domain name revealed in the Respondent’s “annexes” and also the website to which the disputed domain name currently resolves do not appear to sit comfortably with the Respondent’s claimed purpose in registering the disputed domain name.

Thirdly, after the Complaint was filed, an associate of the Respondent posted on social media accusing the Complainant of theft and trying to steal the Respondent’s domain name from it. Representatives of the Respondent also communicated directly with officers of the Complainant at both their work and personal addresses making similar allegations.

The Respondent seeks to justify this conduct as arising out of “genuine frustration”.

That is no excuse. This conduct was clearly inappropriate and in breach of the Respondent's obligations under the Policy to communicate in relation to the dispute with the Center and copy all other parties. Rules 2(h).

Taking these matters together, the Panel declines to make a finding of reverse domain name hijacking.

## **7. Decision**

For the foregoing reasons, the Complaint is denied.

*/Warwick A. Rothnie/*

**Warwick A. Rothnie**

Sole Panelist

Date: July 9, 2025