

ADMINISTRATIVE PANEL DECISION

Nuvik USA Inc. v. DNS Administrator, Cykon Technology Limited
Case No. D2025-2236

1. The Parties

The Complainant is Nuvik USA Inc., United States of America ("United States"), represented by Mandelbaum Barrett PC, United States.

The Respondent is DNS Administrator, Cykon Technology Limited, Hong Kong, China.

2. The Domain Name and Registrar

The disputed domain name <nuvik.com> is registered with InterNetX GmbH (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 9, 2025. On June 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 16, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing additional contact details. The Center sent an email communication to the Complainant on June 16, 2025, providing the additional contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint.

The Center verified that 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 July 2, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 22, 2025. On July 18, 2025, the Respondent sent an email communication to the Center requesting the four calendar day extension for Response under paragraph 5(b) of the Rules. On the same date, the Center granted the Respondent's request and fixed the due date for the Response to July 26, 2025. The Respondent submitted its Response on July 23, 2025.

The Center appointed Assen Alexiev as the sole panelist in this matter on July 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 manufacturer of cleaning products and solutions, established in 2019 in the United States as Uniwipe, Inc and renamed to Nuvik USA, Inc. later the same year. According to the Complaint, its brand Nuvik was chosen in 2018. The Complainant's official website is located at the domain <nuvikglobal.com>, registered on February 27, 2019. The website includes a list of global locations of its business in the United States, the United Kingdom, the European Union, Australia, and New Zealand.

The Complainant submits that it has rights in a number of trademark registrations for NUVIK (the "NUVIK trademark"), including the following representative registrations:

- the European Union trademark NUVIK with registration No. 018042103, registered on September 14, 2019 for goods and services in International Classes 3, 5, and 21, registered by Uniwipe Global Limited, United Kingdom, and indicating the address of the Complainant's location in the United Kingdom. This is the earliest registration of the NUVIK trademark, referred to by the Complainant;
- the New Zeland trademark NUVIK with registration No. 1119088, registered on October 24, 2019 for goods and services in International Classes 3, 5, and 21, registered by Uniwipe Global Limited, United Kingdom;
- the United States trademark NUVIK with registration No. 6059865, registered on May 19, 2020 for goods in International Class 3 (with claimed date of first use on December 10, 2019) and 5 (with claimed date of first use on January 8, 2020), registered by Nuvik Global Limited (with previous name Uniwipe Global Limited), United Kingdom; and
- the Australian trademark NUVIK with registration No. 2003479, registered on January 2, 2020 for goods and services in International Classes 3, 5, and 21, registered by Uniwipe Global Limited, United Kingdom.

The Respondent does not dispute that the Complainant has rights in the above trademark registrations.

The Complainant has also registered the domain names <nuvik.co.nz>, <nuvik.co.uk>, <nuvik.com.au>, <nuvik.de>, <nuvik.eu>, <nuvik.uk>, <nuvikeurope.co.uk>, and <nuvikgroup.com>, all registered in 2019 – 2021.

The Respondent is a company, founded in 1997 in Hong Kong, China, and operating in the field of information technology.

The disputed domain name was registered on February 7, 2010. It resolves to a webpage with a contact form and the text: "NUVIK.COM Contact us for any business inquiries".

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.

The Complainant states that one of the key reasons its brand NUVIK was chosen in 2018 was the absence of use of such a unique name worldwide. The Complainant notes that its website at "www.nuvikglobal.com" received 4,400 visitors in the 30-day period ending March 23, 2025, which extrapolates to 52,800 visitors per annum.

The Complainant maintains that it holds statutory and common law trademark rights in the name NUVIK, and submits that the disputed domain name is identical or confusingly similar to its NUVIK trademark, because it incorporates the trademark in its entirety. In the Complainant's view, the disputed domain name is mimicking the exact registered and common law trademark used by the Complainant, creating confusion with it.

According to the Complainant, the Respondent has no rights or legitimate interests in respect of the disputed domain name and that its sole purpose in maintaining the disputed domain name is to cybersquat on a name that belongs to the Complainant and the Complainant's <nuvikglobal.com> domain name, thus causing a disruption of the business of the Complainant. The Complainant states that it has given no rights to the Respondent, and maintains that the Respondent is not commonly known by the disputed domain name and is not making a legitimate noncommercial or fair use of the disputed domain name, without intent to divert the Complainant's consumers or to tarnish its trademark. The Complainant also points out that the Respondent is not carrying out any activity under the disputed domain name which resolves to a website containing only a "Contact us" link. The Complainant states that the Respondent is unlawfully redirecting Internet traffic from the Complainant's website <nuvikglobal.com>, and in the process has become very disruptive to the Complainant's business.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. It states that it has worldwide coverage of its NUVIK trademark for its goods in International Classes 3, 5, and 21. According to the Complainant, the Respondent cannot possibly argue that it holds a domain name for a generic word or surname, with no particular interest in targeting the Complainant's trademark. The Complainant maintains that the Respondent has registered or acquired the disputed domain name for the purposes of selling, renting, or otherwise transferring the traffic that should be the Complainant's to a competitor, or to hold the Complainant hostage to a sale at inflated prices of its own company name.

The Complainant submits that the disputed domain name is being maintained in bad faith, over five years since the Complainant first registered its websites.

According to the Complainant, the Respondent is intentionally attracting for commercial gain, Internet users to the website at the disputed domain name, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the website at the disputed domain name.

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.

The Respondent states that it was incorporated in 1997 and changed its name in 2001. It states that it is engaged in the import and sale of consumer goods from China to the Hong Kong, China market and also invests in non-infringing domain names. The Respondent maintains that the word “Nuvik” was independently invented by it and was registered as a domain name on February 7, 2010.

The Respondent notes that the Complainant was incorporated under the name Uniwipe, Inc. in February 2019 and was renamed to Nuvik USA, Inc. in March 2019. The Respondent submits that the Complainant was well aware that the disputed domain name was registered by someone else (the Respondent), when it registered the domain name <nuvikglobal.com> and other related domain names in 2019 and 2021, and applied for the NUVIK trademark in different countries. The Respondent notes that the registration of the disputed domain name predates the date of the Complainant’s incorporation, the claimed first use, the trademark registrations, and the Complainant’s domain name registrations by nine years. The Respondent states that it had not heard and could not possibly had knowledge of the Complainant, its trademark, its products and services at the time of registering the disputed domain name.

The Respondent points out that the website at the disputed domain name is showing a single page “Contact us” form, and submits that the Complainant has not provided any evidence how the Respondent could be intentionally seeking to attract, for financial gain, Internet users to its website by creating a likelihood of confusion with the Complainant’s trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent’s website. The Respondent adds that there is no evidence that the Respondent is cybersquatting on the Complainant’s name and that its use of the disputed domain name was “very disruptive to Complainant’s business”.

The Respondent states that it conceived of and registered the disputed domain name, believing that it may in the future be of interest to someone who wanted to adopt a new unique brand. The Respondent maintains that the business of offering non-infringing domain names for sale is well established as a legitimate interest under the Policy. As such, the Respondent was engaged in legitimate business, supported by the Policy.

According to the Respondent, the Complainant made false allegations and assumptions, when no evidence was provided or in fact even existed, led to a very serious concern that the Complainant has abused the UDRP procedure. The Respondent notes that the Complainant falsely alleges that the disputed domain name has been registered and used in bad faith, when no evidence has been provided at all. The Respondent points out that the registration date of the disputed domain name was at least nine years prior to the Complainant’s company incorporation, its claimed first use, its trademark registrations, and its own website registrations. The Respondent states that there is no evidence that the Respondent could have registered the disputed domain name with the knowledge of the Complainant and in bad faith. The Respondent submits that the registration of a domain name prior to the establishment of trademark rights precludes the finding that the registration was in bad faith.

The Respondent notes that the Complainant also falsely alleges that the Respondent’s intention is “to hold Complainant hostage to a sale at inflated prices of its own company name”. The Respondent states that at no time throughout the over 15 years of the Respondent’s registration of the disputed domain name has it ever solicited the Complainant to purchase the disputed domain name or used the disputed domain name for anything that infringed the Complainant’s rights.

The Respondent points out that the Complainant, being properly represented by legal counsel, brought this Complaint without any evidence to support its serious allegations of bad faith registration and use.

According to the Respondent, the Complainant's legal counsel should reasonably have been aware of the slim chance of success. On this basis, the Respondent requests the Panel to make a finding that the Complainant has abused the UDRP procedure and has engaged in Reverse Domain Name Hijacking.

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 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 shown rights in respect of the NUVIK trademark for the purposes of the Policy. As discussed in section 1.4.1 of the [WIPO Overview 3.0](#), a trademark owner's affiliate such as a subsidiary of a parent or of a holding company, or an exclusive trademark licensee, is considered to have rights in a trademark under the UDRP for purposes of standing to file a complaint. The Panel accepts that the same approach is justified here, where the trademark holder appears to be an affiliate of the Complainant, and where the Respondent does not dispute the Complainant's trademark rights for the purposes of the Policy. As noted in section 4 above, the earliest registration of the NUVIK trademark was made on September 14, 2019 in the European Union. This is nine years after the registration of the disputed domain name in 2010, but this fact does not by itself preclude the Complainant's standing to file a UDRP case, nor a panel's finding of identity or confusing similarity under the first element. [WIPO Overview 3.0](#), section 1.1.3.

The Complainant also claims having common law trademark rights in the brand NUVIK for the purposes of the Policy, arising from its continuous business activities through the website at the domain name <nuvikglobal.com>. This domain name was registered on February 27, 2019, and the registration of the NUVIK trademark in the United States, referred to by the Complainant, claims that its first use was made on December 10, 2019. The Complainant has not provided any evidence of the types required to establish common law trademark rights (see [WIPO Overview 3.0](#), section 1.3), so it has failed to establish having common law trademark rights. In any case, its business activities through the website at the domain name <nuvikglobal.com> could have started only after its registration in February 2019.

The entirety of the NUVIK trademark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the NUVIK trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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

B. Rights or Legitimate Interests

Since the Complainant has failed to establish the third element of the Policy, there is no need to address this element.

C. Registered and Used in Bad Faith

The disputed domain name was registered by the Respondent in 2010. The Complainant was established in 2019, it and registered the NUVIK trademark and the domain name <nuvikglobal.com> in the same year. In this situation, the Respondent could not have known of the then non-existent business of the Complainant in 2010, when it registered the disputed domain

name. There is also no evidence in the case to suggest that at any point in time the Respondent has somehow targeted the Complainant and its trademark through its use of the disputed domain name.

Considering the above, the Complainant has failed to establish that the Respondent has registered and used the disputed domain name in bad faith targeting of the Complainant or its trademark rights.

Therefore, 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. [WIPO Overview 3.0](#), section 4.16.

The Complainant is represented by counsel. It alleges that the registration of the disputed domain name was an “intentional trademark and copyright infringement” and was made “to hold the Complainant hostage to a sale at inflated prices of its own company name”, that “the infringing domain is mimicking the exact registered and common law marks used by Complainant”, and that “[t]he sole purpose in maintaining the name nuvik.com was, and is, to cybersquat on a name that belongs to [the Complainant]”.

The Complainant however makes the above very serious allegations in spite of the fact that the disputed domain name was registered nine years before the Complainant and its trademark came into existence, and without submitting any supporting evidence. It must have been evident to the Complainant and to its counsel that in such circumstances it is unlikely for the Respondent to have targeted the Complainant with the registration of the disputed domain name, and that the Complaint cannot succeed. The Complainant nevertheless filed the Complaint and included the above statements in it, without addressing the issue that the disputed domain name was registered nine years before the Complainant and its trademark.

Considering the above, the Panel finds that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Assen Alexiev/

Assen Alexiev

Sole Panelist

Date: August 5, 2025