ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Web3 Investments Pty Ltd v. Mira Holdings
Case No. D2025-2250

1. The Parties

The Complainant is Web3 Investments Pty Ltd, Australia, internally represented.

The Respondent is Mira Holdings, United States of America, internally represented.

2. The Domain Name and Registrar

The disputed domain name <blockearner.com> 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 June 10, 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 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 ("Domains By Proxy, LLC") and contact information in the Complaint. The Center sent an email communication to the Complainant on June 11, 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 amended Complaint on June 11, 2025.

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 the Respondent of the Complaint, and the proceedings commenced on June 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 11, 2025. The Response was filed with the Center on July 11, 2025. On July 25, 2025, the Complainant filed an unsolicited supplemental filing.

The Center appointed Andrea Mondini, Sebastian M.W. Hughes, and Andrew D. S. Lothian as the Administrative Panel in this matter on August 5, 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's Block Earner business provides services in the fields of cryptocurrencies and was first registered with the Australian Securities and Investment Commission and the Australian Business Register on September 29, 2021.
The Complainant owns trademark registrations in several jurisdictions, including:

TRADEMARK	JURISDICTION	REGISTRATION NUMBER	REGISTRATION DATE	INTERNATIONAL CLASS
BLOCK EARNER	Australia	2212817	September 3, 2024[1]	9, 36, and 42
BLOCK EARNER	United States of America	7,458,961	July 30, 2024	9, 36, and 42

The Complainant holds the domain name <blockearner.com.au>, which was registered on July 25, 2021, and hosts its main website.

The disputed domain name was previously registered, and upon expiration the Complainant had it on backorder. The Complainant's backorder was unsuccessful, and on December 6, 2021, the disputed domain name was then registered by an entity which immediately placed it for auction. The Complainant, the Respondent and nine other bidders participated in the auction. The Respondent won the auction, and the disputed domain name was registered by the Respondent on December 9, 2021.

The disputed domain name resolves to a website stating in particular that "this domain is registered, but may still be available" with a button "get this domain" and pay-per-click ("PPC") advertising links.

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 as follows:

The disputed domain name is identical to the BLOCK EARNER trademark in which the Complainant has rights, because it incorporates this trademark in its entirety.

[1] The Panel has noted here the date of entry of the mark concerned in the Australian Register of Trademarks. Upon registration in the said Register, the effective date of the mark is backdated to September 30, 2021, being the date of filing.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent has not been authorized by the Complainant to use this trademark, is not commonly known by the disputed domain name, there is no evidence of the Respondent's use, or demonstrable preparation to use, the disputed domain name in connection with a bona fide offering of goods and services before notice of the dispute, and the Respondent has not made a legitimate noncommercial or fair use of the domain name. Rather, the Respondent has used the disputed domain name in connection with a website that offers to sell the domain and contains placeholder or PPC advertising links.

The disputed domain name was registered in bad faith. The Respondent's counteroffer of USD 95,000 after the Complainant initially offered to buy the disputed domain name for USD 2,500 is evidence of bad faith registration and use.

In its Complaint, the Complainant did not mention that the Respondent had purchased the disputed domain name in an auction. In its supplemental filing, the Complainant stated the following in reply to the new factual allegations raised in the Response: the Complainant's Australian trademark BLOCK EARNER (no. 2212817) was allegedly filed and registered on September 30, 2021. The disputed domain name is not a common dictionary term, but is distinctive. While the auction commenced on December 6, 2021, the Respondent acquired the disputed domain name on December 9, 2021. The Complainant's website posted under <blockearner.com.au> was operational since December 7, 2021. The Respondent's decision to acquire the disputed domain name after the Complainant's business had become visible to the public suggests that the registration was made with actual or constructive knowledge of the Complainant's rights. In its Response, the Respondent acknowledges that the individual who was publicly identified as the founder and CEO of the Complainant, participated in the auction, and therefore it may inferred that the Respondent knew or should have known that it was outbidding the legitimate right holder, which supports a finding of targeted acquisition in bad faith. At the time of the auction, the Complainant was a new start-up with capital constraints and was unable to make a higher bid.

B. Respondent

The Respondent contends as follows:

The Respondent claims to be a professional domain name investor with more than 1,000 generic domain names under ownership and offered for sale.

The combination of the two common words "block" and "earner" forms the so-called generic business name "Block Earner". The Respondent has sold comparable domain names in the cryptocurrencies field for considerable sums, e.g., in the Respondents' case, at USD 77,000, USD 25,000 and USD 15,000, and in the case of third parties, for example, (reported sale price of USD 198,000) and (reported sale price of USD 80,000).

The Respondent decided to purchase the disputed domain name in December 2021 when it became available in a public auction. The domain was expiring on December 6, 2021, so the Respondent chose to participate in the public auction at DropCatch.com. The Respondent believes that one of the Drop Catch bidders with user name similar to the name of the Complainant's CEO was the Complainant. If the Complainant had desired to acquire the disputed domain name, it could have placed a higher bid than the Respondent in the public auction. The Respondent won the disputed domain name at auction for USD 4,050. The next highest bidder was likely the Complainant who offered USD 4,000. The Respondent's registration of the disputed domain name predates the registration of the Complainant's trademark.

Similar “two-word” domains that are currently owned by the Respondent have been purchased at auctions in a similar manner. This is consistent with the Respondent's *bona fide* business plan of acquiring quality memorable domain name to list for sale or lease to the general public, not specifically targeting the Complainant in any way.

The disputed domain name was registered on December 6, 2021, before the Complainant began business operations or used their mark in commerce. The disputed domain name has never been used by the Respondent to interfere in any way with the Complainant’s business, nor to target the Complainant.

The disputed domain has never been offered for sale directly to the Complainant. The Complainant inquired about purchasing the disputed domain name and was offered a purchase price of USD 95,000 by a broker. The Respondent had no idea who was inquiring to buy the disputed domain name. The Respondent's correspondence was held with a broker who did not identify the prospective purchaser to the Respondent. The Respondent submits that this was merely a starting point in the negotiations, and that comparable domains have been sold in this price range by the Respondent and other parties. The UDRP is not intended to be a price arbitration mechanism for ordinary domain purchases on the secondary market.

The Respondent requested a finding of reverse domain hijacking.

6. Discussion and Findings

According to paragraph 4(a) of the Policy, in order to succeed, a complainant must establish each of the following elements:

(i) the disputed domain name is identical or confusingly similar to the 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.

6.1 Procedural Issue: Supplemental Filing

Paragraph 12 of the Rules expressly provides that it is for the panel to request, in its sole discretion, any further statements or documents from the parties it may deem necessary to decide the case. Unsolicited supplemental filings are generally discouraged, unless specifically requested by the panel. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“WIPO Overview 3.0”), section 4.6.

Panels have sole discretion, under paragraphs 10 and 12 of the Rules, whether to accept an unsolicited supplemental filing from either party, bearing in mind the need for procedural efficiency, and the obligation to treat each party with equality and ensure that each party has a fair opportunity to present its case. The party submitting a supplemental filing would normally need to show its relevance to the case and explain why it was unable to provide that information in the complaint or response (for example, owing to some exceptional circumstance).

The Complainant filed an unsolicited supplemental filing on July 25, 2025. In this filing, the Complainant commented, inter alia, on the circumstances surrounding the public auction in which both the Complainant and the Respondent participated. The Panel notes that the Complainant could and should have addressed these facts already in the Complaint. Nevertheless, the comments submitted by the Complainant in its supplemental filing are relevant to the case and are helpful to understand the factual background and identify the disputed and the undisputed allegations. Therefore, the Panel, exceptionally, accepts this unsolicited supplemental filing.

6.2. Substantive issues

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 the trademark BLOCK EARNER for the purposes of the Policy. WIPO Overview 3.0, section 1.2.1.

The Panel finds the entirety of the mark is identically reproduced within the disputed domain name.

The addition of the generic Top-Level Domain ("gTLD") ".com" in the disputed domain name is a standard registration requirement and as such may be disregarded under the confusing similarity test under the Policy, paragraph 4(a)(i). WIPO Overview 3.0, section 1.11.1.

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

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that for a complainant to prove that a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. WIPO Overview 3.0, section 2.1.

After reviewing the available record, and for reasons that will be explained in more detail under the third element, the Panel finds that a decision on this second element is unnecessary and will proceed directly to analyze whether the third element of paragraph 4(a) of the Policy is satisfied.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith. Bad faith under the UDRP is broadly understood to occur where a respondent intentionally takes unfair advantage of or otherwise abuses a complainant's mark, sometimes described as "targeting" such mark. To facilitate assessment of whether this has occurred and bearing in mind that the burden of proof rests with the complainant, UDRP paragraph 4(b) provides for four non-exclusive scenarios that constitute evidence of a respondent's bad faith, WIPO Overview 3.0, section 3.1. One of these scenarios is that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name.

In the present case, the evidence before the Panel indicates that the Respondent, who is a professional domain name investor, offered the disputed domain name for sale through a brokerage service who requested a sale price of USD 95,000. On the one hand, it is clear to the Panel that this asking price exceeds any out-of-pocket costs associated with the disputed domain name. On the other hand, panels under the Policy have found that the practice of registering a domain name for subsequent resale (including for profit) does not in itself support a claim that the respondent registered the domain name in bad faith with the primary purpose of selling it to a trademark owner (or its competitor), WIPO Overview 3.0, Section 3.1.1. In the present case, the evidence demonstrates that the Respondent did not negotiate directly with the Complainant, but merely advertised the disputed domain name for sale on a third-party platform to the public at large. Subsequently, the parties negotiated through an intermediary service so that neither the Respondent nor the Complainant seemingly knew with whom they were negotiating. Therefore, the Complainant has not presented adequate evidence permitting an inference that the Respondent has registered or acquired the disputed domain name primarily for the purpose of transferring it specifically to the Complainant – for example that the asking price was only attainable to the Complainant, as opposed to being valued by third parties – or one of its competitors pursuant to UDRP paragraph 4(b)(i). See *Intel Corporation v. Mira Holdings, Inc., and Domain Admin*, WIPO Case No. D2024-4776.

Nor are there further circumstances resulting from the records that could lead the Panel to the conclusion that the Respondent's aim in registering the disputed domain name was to profit from or exploit the Complainant's trademark. In particular, the disputed domain name is not connected to a website capitalizing on the Complainant's trademark or targeting it e.g., through links to Complainant's competitors, WIPO Overview 3.0, section 3.1.1.

Furthermore, the Panel does not take the initial asking price of USD 95,000 as an indication that the Respondent knowingly targeted the Complainant and its marks in bad faith. It rather results from the evidence filed by the Respondent (including hyperlinks to third party reported sales) that other domain names relating to cryptocurrencies, composed of two dictionary terms, have been sold in the past four years for substantial sums, e.g., in the Respondents' case, at USD 77,000, USD 25,000 and USD 15,000, and in the case of third parties, for example, (reported sale price of USD 198,000 and reported sale price of USD 80,000).

Although the word combination "block earner" does not have a dictionary meaning, it is nevertheless a combination of two dictionary words. Moreover, the Panel notes that the Australian trademark BLOCK EARNER (no. 2212817) was filed on September 30, 2021, but was registered on September 3, 2024, i.e., long after the registration of the disputed domain name (and not on September 30, 2021, as alleged by the Complainant). The Complainant contends that the Respondent had actual or constructive knowledge of the Complainant's rights when it acquired the disputed domain name, because the Complainant's website posted under <blockearner.com.au> was operational since December 7, 2021, and because the founder and CEO of the Complainant, participated in the auction. However, the Panel notes that the Complainant's website became operational only approximately 51 hours before the Respondent's acquisition of the disputed domain name, and that at that point in time the auction was already ongoing. Moreover, it is improbable that the names of the bidders were disclosed while the auction was ongoing, as this information is usually made available to the participants once the auction has closed. But even if his name had been available, it is improbable that the Respondent would have realized at that point in time that one of the nine bidders was the Complainant's CEO, also because his username in the auction did not exactly correspond to his real name. The circumstances in the present case do not describe a scenario where a complainant's sudden notoriety triggers a respondent to register a domain name opportunistically. On the contrary, the timing of the disputed domain name's acquisition was instead caused by the fact that it had dropped and was registered, then auctioned – something entirely beyond the Respondent's, and even the Complainant's control. In addition to the Parties, nine other bidders made a bid on the disputed domain name while the auction was running, which supports the fact that the term "block earner" was perceived to have independent value as a phrase. See *Intel Corporation v. Mira Holdings, Inc., and Domain Admin*, WIPO Case No. D2024-4776,.

In the view of the Panel, therefore, while it is conceivable that that the Respondent might have identified the Complainant's interest, it is more probable based on the evidence on the record that it did not, and was simply following its usual business practice of acquiring at auction a domain name that it thought it could sell at a profit.

Therefore, in the circumstances of this case, the Panel determines that the concept of constructive notice does not apply (WIPO Overview 3.0, section 3.2.2.). Accordingly, and without any further evidence, the Panel cannot assume that the Respondent knew or should have known of the Complainant's Australian BLOCK EARNER pending trademark application and business.

In the Panel's view, the Complainant has therefore failed to demonstrate that the Respondent knew or should have known that the registration of the disputed domain name was targeting or referencing the Complainant's pending trademark application in its acquisition and subsequent offer for sale of the disputed domain name. Consequently, the Panel finds that the third element of the Policy has not been established, and the Complaint fails.

E. 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 ("RNDH") 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.

In the case at hand, the Respondent requested the Panel to make a finding of RDNH, because rather than negotiating down the price of USD 95,000 requested by the broker, the Complainant filed this UDRP complaint. The Respondent is of the opinion that the Complainant made the decision to not increase its offer to possibly reach a middle ground, and instead chose to file a UDRP complaint to try to get control of the disputed domain name. In the Respondent's view, this is bad faith and constitutes RDNH.

Reasons articulated by panels for finding RDNH include: (i) facts which demonstrate that the complainant knew it could not succeed as to any of the required three elements – such as the complainant's lack of relevant trademark rights, clear knowledge of respondent rights or legitimate interests, or clear knowledge of a lack of respondent bad faith, (ii) facts which demonstrate that the complainant clearly ought to have known it could not succeed under any fair interpretation of facts reasonably available prior to the filing of the complaint, including relevant facts on the website at the disputed domain name or readily available public sources such as the WhoIs database, (iii) unreasonably ignoring established Policy precedent notably as captured in this WIPO Overview – except in limited circumstances which prima facie justify advancing an alternative legal argument, (iv) the provision of false evidence, or otherwise attempting to mislead the panel (v) the provision of intentionally incomplete material evidence – often clarified by the respondent, (vi) the complainant's failure to disclose that a case is a UDRP refiling, (vii) filing the complaint after an unsuccessful attempt to acquire the disputed domain name from the respondent without a plausible legal basis, and (viii) basing a complaint on only the barest of allegations without any supporting evidence (WIPO Overview 3.0, section 4.16 with further references).

It is acknowledged amongst prior UDRP panels that the mere lack of success of the complaint is not, on its own, sufficient to constitute RDNH, WIPO Overview 3.0, loc. cit. Furthermore, the Panel is of the opinion that none of the above circumstances apply in the case at hand: in particular, the Complainant did not file the Complaint after an unsuccessful attempt to acquire the disputed domain name from the Respondent without a plausible legal basis. When the disputed domain name was acquired by the Respondent, the Complainant had been recently established as a company and had a pending application for the trademark BLOCK EARNER. Finally, the Panel observes that during negotiations, the Complainant did not know who the underlying domain name holder was, since the correspondence was held with a broker, and the Respondent was at that time concealing its true identity behind a privacy provider. Therefore, the Complainant could not know if the Respondent was not targeting the Complainant and its pending trademark application BLOCK EARNER and was thus entitled to put the Respondent to the proof on this issue. The

Panel therefore finds that the Complaint was not brought in bad faith and does therefore not constitute an abuse of the administrative proceeding.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Andrea Mondini/
Andrea Mondini
Presiding Panelist

/Sebastian M.W. Hughes/
Sebastian M.W. Hughes
Panelist

/Andrew D. S. Lothian/
Andrew D. S. Lothian
Panelist
Date: August 19, 2025