

## **ADMINISTRATIVE PANEL DECISION**

Boris Starkov v. Luis Mariscal  
Case No. D2025-2457

### **1. The Parties**

The Complainant is Boris Starkov, United Kingdom, self-represented.

The Respondent is Luis Mariscal, United States of America, self-represented.

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

The disputed domain name <gibberlink.com> is registered with Dynadot Inc (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 21, 2025. On June 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 26, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Respondent sent email communications on June 27, 28, 30 and July 1, 2025.

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. The Response was filed with the Center on July 5, 2025.

The Center appointed Jeremy Speres as the sole panelist in this matter on August 7, 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 one of the developers of an acoustic data transmission protocol called GibberLink that allows artificial intelligence agents to communicate with one another in their own unique language using sound.

The project won the top prize at the ElevenLabs Worldwide Hackathon event held on February 22 – 23, 2025. It was first uploaded to a public open-source software repository on the GitHub platform on February 23, 2025. On the same day, a demonstration video for the project was uploaded to YouTube, where it has subsequently received over 10 million views. The project was revealed on X (Twitter) on February 24, 2025, by a popular user who posts on technology matters - Georgi Gerganov.

The Complainant's GIBBERLINK mark is registered under United Kingdom Trademark Registration No. UK00004167682 GIBBERLINK in class 9, having a registration date of May 23, 2025.

The disputed domain name was registered on February 24, 2025, and currently redirects to a Registrar parking page offering the disputed domain name for sale for USD 45,000. The Respondent's evidence shows that the disputed domain name previously resolved to a website describing the history of the Complainant's GibberLink project (mentioning the Complainant as a developer), describing how it quickly gained notoriety online, and featuring a "Domain for Sale" button redirecting to a sales page for the disputed domain name at the Registrar's domain name marketplace. That website also featured a disclaimer at the bottom stating:

"Note: This website (gibberlink.com) is a standalone, unofficial project created for informational and novelty purposes. It is not affiliated with or endorsed by the official Gibberlink project, its developers, or any related entities."

#### **5. Parties' Contentions**

##### **A. Complainant**

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

Notably, the Complainant contends that the disputed domain name was registered and has been used in bad faith in order to profit off of the notoriety of the Complainant's mark by offering the disputed domain name for sale.

##### **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 he is a domain name investor and has a legitimate interest in offering the disputed domain name for sale "reflecting independent interest in a trending, open-source project." The Respondent claims that his website previously hosted at the disputed domain name shows his intentions of using it for "informational and novelty purposes".

## 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 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 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 proving 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.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent, for his part, claims to have a legitimate interest in the disputed domain name for "informational" and "novelty" purposes, however, this is contradicted by the Respondent's listing of the disputed domain name for sale. As discussed further in relation to bad faith below, it is likely that the Respondent's intentions were rather to sell the disputed domain name to the Complainant for valuable consideration in excess of its documented out-of-pocket costs. This cannot confer rights or legitimate interests. *Sistema de Ensino Poliedro Vestibulares Ltda., Editora Poliedro Ltda. v. Anonymize, Inc. / STANLEY PACE*, WIPO Case No. [D2022-1981](#).

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

### 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.

For the following reasons, the Panel finds that it is more likely than not that the Respondent registered and has used the disputed domain name with a view to selling it to the Complainant for valuable consideration in excess of its documented out-of-pocket costs, falling within paragraph 4(b)(i) of the Policy.

The disputed domain name was registered prior to registration of the Complainant's trademark, which typically precludes a finding of bad faith. [WIPO Overview 3.0](#), section 3.8.1. However, as per the [WIPO Overview 3.0](#), section 3.8.2: In certain limited circumstances where the facts of the case establish that the respondent's intent in registering the domain name was to unfairly capitalize on the complainant's nascent (typically as yet unregistered) trademark rights, panels have been prepared to find that the respondent has acted in bad faith where the domain name was registered prior to the complainant's trademark rights accruing. Such scenarios include registration of a domain name: (i) shortly before or after announcement of a corporate merger, (ii) further to the respondent's insider knowledge (e.g., a former employee), (iii) further to significant media attention (e.g., in connection with a product launch or prominent event), or (iv) following the complainant's filing of a trademark application.

In this case, on the Respondent's own version the Complainant's project was "trending" and had already enjoyed a fair amount of public exposure when the Respondent registered the disputed domain name. It is noteworthy that the Respondent registered the disputed domain name the day after the Complainant publicly revealed his project and on the same day that the Complainant's project was popularized on X (Twitter). The Respondent's erstwhile website specifically referenced the Complainant and his project and offered the disputed domain name for sale. The Respondent's listing of the disputed domain name for sale for a significant sum contradicts his stated "informational" and "novelty" intentions, and the sales price is, in the absence of any evidence to the contrary from the Respondent, more than likely in excess of the Respondent's out-of-pocket costs directly related to the disputed domain name.

In the circumstances, it appears likely that the Respondent sought to capitalize on the quickly growing notoriety of the Complainant's project and its nascent trademark rights by opportunistically registering a domain name identical to the Complainant's project name and listing it for sale with a view to selling it to the Complainant. This falls squarely within paragraph 4(b)(i) of the Policy.

The Panel finds that the Complainant has established the third element of the Policy.

## 7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <gibberlink.com> be transferred to the Complainant.

*/Jeremy Speres/*

**Jeremy Speres**

Sole Panelist

Date: August 14, 2025