

ADMINISTRATIVE PANEL DECISION

One Earth Technologies Limited v. Domain is For Sale
Case No. D2025-2847

1. The Parties

The Complainant is One Earth Technologies Limited, New Zealand, internally represented.

The Respondent is Domain is For Sale, United States of America, represented by Law Offices of Grant G. Carpenter, United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain name <specialstudio.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 July 18, 2025. On July 18, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 21, 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 (Not available (privacy-protected)) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 22, 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 the amended Complaints on July 22, 2025, and July 29, 2025.

The Center verified that the Complaint together with the amended Complaints 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 30, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 19, 2025. The Response was filed with the Center on August 11, 2025. Unsolicited supplemental filings were received from the Complainant on July 31, 2025, and August 12, 2025, and from the Respondent in reply, on August 12, 2025.

The Center appointed Steven A. Maier as the sole panelist in this matter on September 3, 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.

The Panel has determined in this case to admit the Complainant's unsolicited supplemental filing and the Respondent's reply to that filing. While unsolicited filings are generally discouraged in proceedings under the UDRP, the Panel takes account of the fact that the Complainant is not professionally represented and also notes that the Respondent is not prejudiced by the admission of these filings.

4. Factual Background

The Complainant is a company incorporated in New Zealand. It is a supplier of sustainable lighting, furniture and homeware products under the name and trademark SPECIAL STUDIO.

The Complainant is the owner of New Zealand trademark registration number 1250013 for the word mark SPECIAL STUDIO, registered on May 1, 2024.

The Complainant submitted an application for a United States trademark for the word mark SPECIAL STUDIO on April 30, 2024. That trademark was registered under registration number 7885657 on August 12, 2025, and therefore after the date of the Complaint.

The Complainant operates a website at "www.specialstudio.co" and "www.specialstudio.co.uk", offering online sales of its products.

The disputed domain name was registered on May 29, 2023.

The disputed domain name has resolved to a website, offering the disputed domain name for sale at the price of USD 17,199.

5. Parties' Contentions

A. Complainant

The Complainant submits that it has used the mark SPECIAL STUDIO since at least March 2021 and that the trademark represents a growing international brand. It contends that, although its New Zealand trademark was registered after the date of registration of the disputed domain name, it had nevertheless established unregistered or common law trademark rights in the SPECIAL STUDIO mark by virtue of its continuous commercial activity under that trademark dating back to 2021.

In support of its contentions, the Complainant exhibits e.g., the following:

- undated screenshots of a webpage at "www.specialstudio.co" and its Instagram account;
- an Instagram screenshot dated March 27, 2021, featuring a SPECIAL STUDIO logo and "Coming Soon" message;
- an example order for one of its products dated January 21, 2022;
- a spreadsheet detailing over 200 product orders, including a number from Australia and the United States; and
- an article from "Architecture Now" dated July 5, 2022, featuring one of the Complainant's products.

The Complainant submits that the disputed domain name is identical to a trademark in which it has rights.

The Complainant submits that the Respondent has no rights or legitimate interests in the disputed domain name. It states that it has never authorized the Respondent to use its SPECIAL STUDIO mark and that the Respondent has not been known independently by that name. The Complainant contends that the Respondent's offer to sell the disputed domain name for USD 17,199 cannot be deemed a bona fide commercial activity, since the Respondent is clearly seeking to capitalize on the Complainant's goodwill in the SPECIAL STUDIO mark by offering the disputed domain name for sale at an inflated price.

For similar reasons, the Complainant submits that the disputed domain name has been registered and is being used in bad faith, and represents a classic case of "cybersquatting".

The Complainant requests the transfer of the disputed domain name.

B. Respondent

The Respondent contends that the Complainant has failed to establish any enforceable trademark rights prior to the Respondent's registration of the disputed domain name, and that the Complainant's evidence is insufficient to demonstrate any consumer recognition of the SPECIAL STUDIO trademark as being distinctive of the Complainant.

The Respondent submits that the mark SPECIAL STUDIO is not inherently distinctive, as comprising two dictionary words in combination, which could naturally designate a recording studio, photography studio, design art workshop or production company, among many other possibilities.

The Respondent further contends that the Complainant's evidence, including for example its Instagram presence and a single media article, fails to establish that its mark SPECIAL STUDIO has become a widely recognized global brand. It points to the fact that the Complainant has omitted to include evidence of matters such as its sales revenue or promotional spend. It asserts that the Complainant is, in fact, small New Zealand design studio with only a regional footprint, and notes that it has fewer than 14,000 followers on its Instagram account.

The Respondent submits that it did not register the disputed domain name to create an association with the Complainant or its trademark, but rather to include the disputed domain name in its portfolio of brandable, dictionary or descriptive domain names, acquired for their commercial appeal. It states that its domain name portfolio includes numerous names featuring the terms "special" or "studio", for example, <specialshapes.com>, <specialfavors.com>, <specialvideo.com>, <givingstudio.com>, <summerstudio.com>, and <watchstudio.com>. (While the Respondent does not provide the date of registration of the domain names in question, Whois searches against the names in question suggest that they were registered, in the majority of cases, several years prior to the date of the Complaint. ¹)

The Respondent submits that the price requested for the disputed domain name is reflective of its market value and is not an indication of registration in bad faith. It provides evidence that it has offered the domain names <summerstudio.com> and <watchstudio.com> for sale at USD 28,669 and USD 18,999 respectively (although it provides no evidence of actual sales).

The Respondent further submits that the Complainant has offered no evidence that the Respondent targeted, or even knew of, the Complainant's trademark at the date it registered the disputed domain name (although it does not expressly deny such knowledge).

¹ As discussed in section 4.8 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), 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.

The Respondent seeks a finding of Reverse Domain Name Hijacking against the Complainant. It states that the Complainant knew, or should have known, that it could not succeed in the Complaint, given its lack of any evidence to support enforceable rights in the SPECIAL STUDIO mark, or any distinctiveness in that name, prior to the date of registration of the disputed domain name.

6. Discussion and Findings

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are that:

- (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.

A. Supplemental Filings

The Center notified the Parties that under the Rules no express provision is made for Supplemental Filings by either party, except in response to a deficiency notification or if requested by the Center or the Administrative Panel. Paragraphs 10 and 12 of the Rules in effect grant the Panel sole discretion to determine the admissibility of Supplemental Filings.

Here, the Panel has considered the Supplemental Filings provided by the Complainant, as well as the Respondent's Supplemental Filings. The Panel in its discretion decides that this is an appropriate case in which to admit and consider the Parties' Supplemental Filings insofar as they provide additional information or arguments.

B. Identical or Confusingly Similar

The Complainant has established that it is the owner of a New Zealand trademark registration for the mark SPECIAL STUDIO. That trademark was registered on May 1, 2024, and therefore well before the date of the Complaint. While the trademark was registered after the date of registration of the disputed domain name, i.e., May 29, 2023, the first element under the policy functions primarily as a "standing" requirement, and that matter is therefore immaterial for the purposes of comparison (although it may be material to considerations under the second and third elements).

The Panel therefore finds that the disputed domain name is identical to a trademark in which the Complainant has rights.

C. Rights or Legitimate Interests

In the light of the Panel's findings under the third element of the Policy, below, it is unnecessary for the Panel to reach a determination in respect of the second element.

D. Registered and Used in Bad Faith

In order to succeed in its Complaint, the onus is on the Complainant to establish, on the balance of probabilities, that the Respondent both registered and has used the disputed domain name in bad faith. To demonstrate registration in bad faith, the Complainant must show that the Respondent either knew, or should have known, of its trademark at the date it registered the disputed domain name, and did so primarily for the purpose of taking unfair commercial advantage of the Complainant's goodwill attached to that trademark.

In this case, the Panel finds that the Complainant has failed to demonstrate that it was the owner of any relevant trademark rights at the date the disputed domain name was registered. Its earliest trademark registration was dated May 1, 2024, some 11 months after the date the disputed domain name was registered. Nor has the Complainant established that it had obtained common law or unregistered trademark rights at the relevant date. While it has shown that it was an active trading entity, with ongoing orders including some international customers, and that one of its products had been the subject of a media article, the Panel finds that these matters fall below the standard necessary to establish unregistered trademark rights. As observed in section 1.3 of [WIPO Overview 3.0](#), "... the complainant must show that its mark has become a distinctive identifier which consumers associate with the complainant's goods and/or services." Evidence to support such a contention will commonly include overall sales revenues, advertising and promotion spend, and media and industry recognition, as well as a significant level of consumer engagement. These factors are of particular importance where the (claimed) trademark is lacking in inherent distinctiveness, as is the case with the Complainant's trademark SPECIAL STUDIO, consisting of two dictionary terms and without any coined or otherwise distinctive element.

Furthermore, the Panel finds the Respondent's explanation for its registration of the disputed domain name to be credible. As observed above, the trademark SPECIAL STUDIO comprises two dictionary words in combination. Even if the combination resulted in some minor level of distinctiveness, the Panel accepts the Respondent's contention that there are many legitimate uses to which the disputed domain name could theoretically be put by parties unconnected with the Complainant. The Panel also accepts that the registration of the disputed domain name was consistent with other names included in the Respondent's trademark portfolio, i.e., those including the terms "special" or "studio", which had been registered some years prior to the date of the Complaint, and indeed the Complainant's first use of the SPECIAL STUDIO mark.

The Complainant has therefore failed to meet the burden of demonstrating that the Respondent registered the disputed domain name primarily for the purpose of targeting the Complainant's trademark rights and of taking unfair commercial advantage of the goodwill attaching to those rights. The third element under the Policy is not therefore established and the Complainant must necessarily fail.

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. 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.

While the Complaint in this case has been unsuccessful, the Panel does not consider a finding of Reverse Domain Name Hijacking to be appropriate. First, the Respondent is a domain name investor and should be assumed therefore to have conducted appropriate searches before registering the disputed domain name. While the Complainant has been unable to establish registered or unregistered trademark rights at the date the disputed domain name was registered, the Panel does not discount the possibility that the Respondent was in fact aware of the Complainant and its business as at the relevant date (although without evidence, such knowledge would not necessarily entail targeting as opposed to the possibility of legitimate concurrent use). Secondly, the price requested by the Respondent for the disputed domain name raises questions in the mind of the Panel as to whether any party other than the Complainant, currently operating an established business under the relevant trademark, could reasonably be expected to meet that price. As stated above, while the Respondent provides examples of comparable domain names and their asking prices, it does not provide evidence of actual comparable sales.

While these considerations do not alter the Panel's finding in respect of the third element for the reasons set out above, the Panel is not of the view that a finding of Reverse Domain Name Hijacking is warranted in this case.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Steven A. Maier/

Steven A. Maier

Sole Panelist

Date: September 17, 2025