

ADMINISTRATIVE PANEL DECISION

**AK ASSOCIATES LLC, DOMESTIC LIMITED LIABILITY COMPANY / A. C.
v. Peter Jenkins
Case No. D2025-3087**

1. The Parties

The Complainants are AK ASSOCIATES LLC, DOMESTIC LIMITED LIABILITY COMPANY, United States of America ("United States"), internally represented, and A. C., United States, self-represented.

The Respondent is Peter Jenkins, Australia, self-represented.

2. The Domain Name and Registrar

The disputed domain name <chafezero.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 August 2, 2025. On August 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 5, 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 August 5, 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 amendments to the Complaint on August 5, 6, and 13, 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 August 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 3, 2025. The Response was filed with the Center on August 15, 2025. On August 15, 2025, the Center received unsolicited supplemental filings from both the Complainant and the Respondent.

The Center appointed Steven A. Maier as the sole panelist in this matter on August 18, 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. Identity of Complainants

Both of the named Complainants claim to have an interest in the name or mark CHAFEZERO, which is the subject of two United States trademark applications referred to below. The Panel therefore determines that both the named Complainants have a specific common grievance against the Respondent (see e.g. section 4.11.1 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)")), and that both are proper Complainants in the proceeding.

5. Unsolicited Supplemental Filings

Unsolicited supplemental filings are generally discouraged in proceedings under the UDRP, save where the parties could not reasonably have included the relevant submissions in their original pleadings, or where other exceptional circumstances exist (see e.g. section 4.6 of [WIPO Overview 3.0](#)). Having reviewed the parties' unsolicited supplemental filings in this case, the Panel finds it unnecessary for either party's submission to be admitted.

6. Factual Background

The Complainant AK Associates LLC is a domestic limited liability company registered in the State of Georgia, United States. The Complainant A. C. is the Registered Agent of that company.

The Complainant A. C. is the joint applicant (with another named individual) for United States trademarks, as follows:

- application serial number 99307329 for a word mark CHAFEZERO, filed on July 28, 2025, with the following status as of the date of this Decision: "LIVE/APPLICATION/Awaiting Examination - The trademark application has been accepted by the Office (has met the minimum filing requirements) and has not yet been assigned to an examiner; and
- application serial number 99335994 for a word mark CHAFEZERO, filed on August 13, 2025, with the following status as of the date of this Decision: "LIVE/APPLICATION/Awaiting Examination - The trademark application has been accepted by the Office (has met the minimum filing requirements) and has not yet been assigned to an examiner.

Both applications refer to non-medicated balms in International Class 3.

The disputed domain name was registered on April 21, 2025. It appears at all material times to have resolved to a Registrar's landing page.

The Complainants exhibit an email dated July 29 [year not shown] from the Registrar's domain brokerage service, stating the following:

"Hello A.,

I heard back from the owner of CHAFEZERO.COM and they stated that the domain name is not for sale. They gave no further guidance to the reasons behind this decision but simply stated that they are not interested.

This was in response to the following offer: \$200 USD

I'm happy to try another offer, but if they decline our offer without even a counter offer, it is likely that we will need to be in a different ballpark range (i.e. \$2,500 to \$5,000 USD) for them to reconsider and sell the domain name.

I'd really encourage you to consider your 5-10 year vision with this domain name to see if it's worthwhile to continue the negotiations with a new offer range.

Can you review this update and let me know if we see the value to proceed with a revised offer? Also, please remember there is a 20% commission that will be added to the total if we come to an agreement with the domain owner. Once an agreement is made payment is due within 72 hours."

7. Parties' Contentions

A. Complainant

The Complainants state that they have operated in business since February 2022, and had intended to use the trademark CHAFEZERO in respect of a commercial product. They exhibit documents which they claim to evidence their sourcing of raw materials for this product, from Europe and Australia, since at least May 2024.

The Panel notes at this point that none of the documents exhibited by the Complainants appear to make any reference to the name or mark CHAFEZERO, whether in connection with the Complainants' business organization, their claimed commercial activities or otherwise.

The Complainants claim to have obtained a United States trademark registration for the mark CHAFEZERO. They exhibit in this regard:

(a) what purports to be a certificate of registration issued by the United States Patent and Trademark Office ("USPTO") stating that the mark CHAFEZERO was registered under registration number 99307329 on July 29, 2025. The document includes what appears to be an official seal, together with the signature of the former Director of the United States Patent and Trademark Office;

(b) what purports to be a letter from the "Trademark Compliance Division" of the USPTO, dated July 29, 2025, and comprising an "Advisory Notice" to the Respondent, stating (among other matters):

"This letter is being sent to inform you of a potential conflict regarding your use of the mark "CHAFEZERO" which appears to be substantially similar to a mark currently registered with the United States Patent and Trademark Office (USPTO) under Registration Number 99307329, owned by A. C....";

This letter appears to have been printed on USPTO embossed or watermarked paper, and once again includes what appears to be an official seal, together with the signature of the former Director of the United States Patent and Trademark Office; and

(c) what purports to be an email to the Complainants, dated August 1 [2025], from a “Primary Patent Examiner Assistant” with the USPTO, stating:

“Hi A.,

This is to inform you that, as you mentioned your intent to use this trademark in Australia, you now have permission to do so. Please note that the documentation process related to this matter is expected to begin with 15 to 25 days.

If you have any questions or need further clarification, feel free to reach out at any time.”

The Complainants contend that the disputed domain name is identical to their “registered” trademark CHAFEZERO.

The Complainants submit that the Respondent has no rights or legitimate interests in respect of the disputed domain name. They state that they have never authorized the Respondent to use their CHAFEZERO trademark and that the Respondent has no independent rights in the disputed domain name. They contend, in particular, that the disputed domain name has remained “undeveloped, parked and broker-listed”, which cannot give rise to any rights or legitimate interests on the Respondent’s part.

The Complainants submit that the disputed domain name was registered and is being used in bad faith. They contend in particular that, as evidenced by the communication with the Respondent’s broker, the disputed domain name can only have been registered for the purpose of selling it to the Complainants for a sum in excess of the out-of-pocket costs associated with its registration (paragraph 4(b)(i) of the Policy).

The Complainants request the transfer of the disputed domain name.

B. Respondent

The Respondent submits that he registered the disputed domain name in conjunction with the development of a new product for a company named the Skin Federation Pty Ltd, which has launched nine skincare products since its inception in Australia in 2019. He asserts that the Complainants filed trademark applications only in response to his registration of the disputed domain name. He contends that the Complainants initially attempted to purchase the disputed domain name from him for USD 200, but pivoted to the present proceedings once that approach was unsuccessful. The Respondent seeks a finding of Reverse Domain Name Hijacking accordingly.

8. Discussion and Findings

In order to succeed in the Complaint, the Complainants are 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 Complainants have 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. Identical or Confusingly Similar

The Complainants rely on what they claim to be registered United States trademark rights in the mark CHAFEZERO, registered on July 29, 2025, under registration number 99307329. However, the Complainants do not have any such trademark registration. The filing under application number 99307329 is

an application only, the latest information available from the USPTO confirming that it awaits examination and has not yet been assigned to an examiner. A trademark application, as opposed to registration, does not invest the applicant with trademark rights for the purpose of the first element under the Policy.

In the circumstances, the Panel finds the purported certificate of trademark registration as exhibited by the Complainants to be a forgery, as is also the case with the Complainants' other two other exhibits referred to above, which also purport to be documents emanating from the USPTO. The Panel will make further reference to this issue below.

Nor can the Complainants establish unregistered or common law trademark rights in the mark CHAFEZERO. To demonstrate any such rights, the Complainants would need to show that the mark had been used by them in commerce to the extent that it had become recognized by the public (or a relevant section thereof) as a distinctive identifier associated with the complainant's goods and/or services (see e.g. section 1.3 of [WIPO Overview 3.0](#)). In this case, however, despite claiming to have traded since 2022, and to have acquired raw materials in connection with the relevant product since May 2024, the Complainants have failed to produce any evidence of any use by them whatsoever of the name or mark CHAFEZERO at any time.

The Complainants have therefore failed to establish the first element under the Policy, and the Complaint must necessarily fail.

B. Rights or Legitimate Interests, and C. Registered and Used in Bad faith

In the light of the Panel's findings in respect of the first element under the Policy, it is unnecessary to proceed to any determination under the second or third elements. The Panel observes, however, that it would be impossible for the Complainants to establish registration and use of the disputed domain name in bad faith where there is no evidence that the Respondent knew, or could have known, of the Complainant's (supposed) use of the mark CHAFEZERO prior to the date of registration of the disputed domain name.

C. 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.

In this case, it appears from the evidence exhibited by the Complainants themselves, that they initially sought to purchase the disputed domain name from the Respondent for USD 200, only turning to the present proceedings once that commercial approach had failed. The Panel also notes in this regard that the suggestion of a higher offer was one made by the Registrar's broker service, and not by the Respondent himself, who had merely rejected the Complainants' offer without further comment.

Of considerably greater concern, however, is that the Complainants appear to have exhibited forged documents in support of their Complaint. With specific reference to the documents itemized as (a), (b) and (c) in section 5A above:

(a) the supposed certificate of trademark registration cannot be genuine, since, as is clear from an examination of the relevant USPTO records, the Complainants did not obtain a United States trademark registration on July 29, 2025 (i.e. the day after filing their application), and their application continues to await examination as of the latest available status report;

(b) to the knowledge of the Panel, it is not the practice of the USPTO to send out "advisory" communications to third parties such as that exhibited by the Complainants. Further, the document refers once again to a non-existent trademark registration as of July 29, 2025, which was only at that time an application (which had been filed the previous day);

(c) to the knowledge of the Panel once again, it is not the practice of the USPTO to “permit” the registrant of a United States trademark to use that mark in Australia (or any other foreign jurisdiction), nor would it have any jurisdiction to do so. Nor is there any documentary procedure to give effect to any such “permission”, as claimed in the purported email.

The Panel can only reasonably conclude, therefore, that the Complainants have attempted to pervert the process of the UDRP by the submission of forged documents in support of their Complaint, which they know, or should have known, had no reasonable prospect of success. The Panel further notes the apparently false certification provided by the Complainants, namely, that the information contained in the Complaint was complete and accurate to the best of their knowledge, and was not being presented for any improper purpose.

Accordingly, the Panel has no hesitation finding this to be a case of Reverse Domain Name Hijacking, and indeed one of the most egregious such cases that the Panel has encountered.

7. Decision

For the foregoing reasons, the Complaint is denied. Moreover, the Panel finds that the Complaint has been brought in bad faith and constitutes an attempt at Reverse Domain Name Hijacking.

/Steven A. Maier/

Steven A. Maier

Sole Panelist

Date: September 1, 2025