

ADMINISTRATIVE PANEL DECISION

Hyper Labs, Inc. v. Peter Brodsky
Case No. D2025-3166

1. The Parties

The Complainant is Hyper Labs, Inc., United States of America (“United States”), represented by Baker Botts L.L.P., United States.

The Respondent is Peter Brodsky, United States.

2. The Domain Name and Registrar

The disputed domain name <hyperscience.com> is registered with Gandi SAS (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 7, 2025. On August 8, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 11, 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 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 August 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 2, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 10, 2025.

The Center appointed W. Scott Blackmer as the sole panelist in this matter on September 12, 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 corporation established under the laws of the State of Delaware, United States, and headquartered in New York, New York, United States. The Panel notes that the online database of the Delaware Division of Corporations shows that the Complainant was incorporated on May 23, 2014.¹ The Complainant “offers software and services related to automated document analysis” under the mark HYPERSCIENCE, as described on the Complainant’s website at “www.hyperscience.ai”. The Complainant provides SaaS (software as a service) analytics capabilities using a proprietary platform with generative AI (artificial intelligence), allowing customers to mine their own back-office data more quickly and meaningfully.

The Complainant holds trademark registrations including the following:

| Mark | Jurisdiction | Reg. Number | Reg. Date | Goods or Services |
|------------------------|---------------------------------------|-------------|------------------|-------------------|
| HYPERSCIENCE (word) | International (multiple designations) | 1437907 | October 30, 2018 | IC 9 |
| HYPERSCIENCE (word) | United States | 5814729 | July 23, 2019 | IC 9 |

The Complainant’s application for trademark registration in the United States (on which the international trademark was based) was filed on May 25, 2018. That application claimed first use of the mark in commerce in September 2015. However, the Complaint asserts that the “Complainant has used the HYPERSCIENCE mark as a trademark since at least May 2014” and claims that it acquired distinctiveness as a common law mark because of its “regular and widespread use”. The Complainant’s website names major clients such as the United States Social Security Administration, Volkswagen, and Charles Schwab, and it includes a “Newsroom” feature and reports from industry sources such as Gartner praising the Complainant’s solutions, as well as other signs of media and industry recognition such as a 2025 award for top “Intelligent Document Processing” solution.

The disputed domain name was registered on August 12, 2005, and is registered to the Respondent Peter Brodsky, listing no organization, a postal address in the United States, and a Gmail contact email address. The Panel notes that although the disputed domain name was created in 2005, it was likely acquired by the Respondent much more recently, in contemplation of the Complainant’s business then under development. The Internet Archive’s Wayback Machine shows that until December 2014 the disputed domain name resolved only to landing pages offering the disputed domain name for sale or displaying science-related pay-per-click advertising links. From December 2014, the archived screenshots show a landing page referring to the Complainant and then, from April 2017, the Complainant’s website or, more recently, redirecting to the Complainant’s website at its current address.

The Complainant explains that the Respondent Mr. Brodsky was a founder and the first president of the Complainant, and the Complainant avers that he acquired the disputed domain name on behalf of the Complainant. The Complaint does not say when exactly the Respondent registered the disputed domain name or explain the circumstances of the Complainant’s separation from the company, but the Complainant is clear that the Respondent is no longer employed with the Complainant and has not replied to the Complainant’s requests to transfer the disputed domain name. (A press release on the Complainant’s website dated March 3, 2022, says that the Respondent “stepped down” as CEO.) The Complainant states that it was obliged to shift to another domain name that it could manage for its website, email, and back-end facilities, using the domain name mentioned above, <hyperscience.ai>, which, the Panel notes, was registered on April 20, 2023. The Panel notes that at the time of this Decision, the disputed domain name redirects to the Complainant’s website. The record does not disclose whether this redirection is effected with the Respondent’s cooperation.

¹Noting the general powers of a panel articulated in paragraphs 10 and 12 of the Rules, it is commonly accepted that a panel may undertake limited factual research into matters of public record, as the Panel has done in this proceeding. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ([WIPO Overview 3.0](#)), section 4.8.

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 that the disputed domain name is identical or confusingly similar to its common law and registered HYPERSCIENCE mark.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name, as the Complainant registered the disputed domain name only on behalf of the Complainant as its employee. The Complaint attaches a "Founder Invention, Non-Disclosure, Non-Competition and Non-Solicitation Agreement" ("Founder's Agreement") dated May 23, 2014, and signed by the Respondent, both for himself individually and on behalf of the Complainant as its president. The Complainant cites provisions of the Founder's Agreement that assign the Respondent's interest in certain "Developments" to the Complainant. "Developments" are "discoveries, ideas, inventions, improvements, enhancements, processes, methods, techniques, developments, software, and works or authorship, whether patentable or not". The Respondent also agrees to "cooperate fully" with respect to procurement, maintenance, and enforcement of "copyrights, patents, and other intellectual property rights". The Complainant argues that the Respondent has violated these provisions by refusing to transfer the disputed domain name and cannot claim a bona fide interest in maintaining the associated website when he has no further position in the Complainant's business.

The Complainant argues that the Respondent acted only as the Complainant's agent in registering the disputed domain name. "But, regardless of Respondent's bad faith at the time of registration, [the Respondent's] continued use of the domain with no rights to do so, and failure to transfer the Domain Name despite multiple requests, is unquestionably in bad faith." The Complainant cites other UDRP decisions involving former employees or contractors retaining domain names registered for their organizations, such as *Accenture Global Services Limited v. David Jentz*, WIPO Case No. [D2021-3275](#), "Accenture"), discussed further below. The Complainant infers that the Respondent retains the disputed domain name improperly to disrupt the Complainant's business or to extort a sales or lease price in excess of the Respondent's out-of-pocket expenses.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

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 3.0](#), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark (the registered HYPERSCIENCE word mark) for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the Complainant has established unregistered trademark or service mark rights in HYPERSCIENCE for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3. It is difficult to establish on this record exactly when these rights likely accrued.

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 has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise. The Respondent does not dispute that he no longer has an interest in the Complainant and therefore no legitimate interest in the disputed domain name, and the Respondent does not allege, for example, an interest in the disputed domain name for its dictionary meaning.

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.

The Respondent’s conduct here does not squarely fit the examples of bad faith given in the Policy, paragraph 4(b), as the Respondent has not attempted to sell the disputed domain name to the Complainant, has no pattern of cybersquatting, is not claimed to be disrupting the business of a competitor, and has not used the disputed domain name to misdirect Internet users to another site for commercial gain. The Complainant does claim that the Respondent has disrupted the Complainant’s business, by compelling the Complainant to shift its operations to another domain name that it controls, and the Complainant worries that the Respondent will ultimately present unreasonable demands to transfer the disputed domain name to the Complainant. Meanwhile, the disputed domain name simply redirects to the Complainant’s current website, which does not appear to cause the Complainant injury.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1. The Complainant argues that this is such a case: the Respondent was meant to acquire the disputed domain name from the outset as the Complainant’s agent, and failing to transfer it to the Respondent constitutes bad faith and raises the prospect of future harm.

To prevail on allegations of bad faith, the Complainant must demonstrate the probability that the Respondent intended to somehow attack the Complainant. This is problematic on the record in this proceeding. The Complainant observes that the Respondent was a founder and first president of the Complainant and therefore presumably aware of the Complainant and its business plans when registering and using the disputed domain name. The Complainant, however, has not established when and under what

circumstances the Respondent acquired the disputed domain name, nor has it convincingly established when the HYPERSCIENCE sign was adopted as a mark. The Complainant incorrectly asserts that “regardless of Respondent’s bad faith at the time of registration, [the Respondent’s] continued use of the domain with no rights to do so, and failure to transfer the Domain Name despite multiple requests, is unquestionably in bad faith”. This reveals a misunderstanding of the Policy, paragraph 4(a), which, by its terms, requires evidence of bad faith both in the registration and in the use of the disputed domain name.

The disputed domain name was created in 2005. The Panel notes that screenshots from the Internet Archive’s Wayback Machine show that the disputed domain name resolved to a landing page in December 2014 with a “Hyper Labs” logo and the words “Coming Soon”, while in September 2015 the landing page presented the Complainant’s “HyperScience” logo with the message, “HyperScience is an artificial intelligence startup. We’re currently in stealth.” The Internet Archive’s Wayback Machine does not have archived screenshots of a developed, multipage website until April 2017. That website included a press release about the Complainant’s participation in an industry event and named investors (but not customers).

On these facts, and with reference to the Factual Background section above, it is reasonable to conclude as follows: the Complainant was established as a company, with the Respondent as president, in May 2014. The record contains no contemporaneous documentary evidence or witness declaration concerning the circumstances of the Respondent’s registration of the disputed domain name, but the Respondent likely acquired the disputed domain name, registering it in his own name, sometime between May and December 2014, when the first Hyper Labs “Coming Soon” message was archived. The Complainant claims common law protection for the HYPERSCIENCE mark from May 2014 (despite claiming first commercial use in May 2015 in its United States trademark application), but this is likely overreaching. There is no evidence that the Complainant made its online SaaS platform publicly available before 2017, and operating “in stealth” as the Complainant said on its landing page for more than two years is hardly the usual way for a brand to acquire market recognition sufficient for common law trademark protection. The Complainant could not have easily acquired common law rights in the HYPERSCIENCE word mark for Policy purposes before 2017, when it apparently launched its online-based SaaS platform via its website, and the Complainant then obtained trademark registrations in 2018 and 2019. These dates are all after the time when the Respondent likely registered the disputed domain name in 2014.

However, the Complainant was formed in May 2014, and as founder and first president of the Complainant, the Respondent could have known about the company’s branding plans when he (presumably) acquired the disputed domain name in 2014. Thus, bad faith registration still may be inferred based on the Respondent’s anticipation of the Complainant obtaining trademark rights in the HYPERSCIENCE mark. See [WIPO Overview 3.0](#), section 3.8.2.

The Complainant cites the Founder’s Agreement and argues that the Respondent reveals bad faith by violating the terms of that Founder’s Agreement in retaining the disputed domain name. This argument is inconclusive, as the Founder’s Agreement does not expressly address domain names. The cited provisions of the Founder’s Agreement expressly refer to intellectual property rights, and while a domain name could become a trademark under national law (see *United States Patent and Trademark Office et al. v. Booking.Com B.V.*, 591 U.S. 549 (U.S.S.C., June 30, 2020), this requires evidence, and here above all, the omission of the Founder’s Agreement to specify domain names as intellectual property is construed against the Complainant). The Founder’s Agreement lists the Respondent’s “Prior Developments” in an annex, which does not include the disputed domain name, and also covers “Developments” that the Respondent might produce during his tenure with the Complainant, but these are defined as such things as “discoveries, ideas, and inventions”, which on their face do not necessarily apply to domain names.

The Complainant cites UDRP decisions such as *Accenture* where panels have inferred bad faith in both the registration and use of a domain name retained by a former employee, who clearly registered the domain name corresponding to an established trademark on behalf of a complainant. The *Accenture* panelist reasoned as follows:

“Moreover, if done on the request of his employer, one would expect the registration details to reflect this fact, i.e., the Domain Name would not be registered in the Respondent’s name (or if for arguments’ sake this was done for claimed expediency, that it would be transferred to the Complainant within a reasonable time thereafter). Again, the ACCENTURE mark is well-known and is a coined word. As such, the Panel can conceive of no good-faith basis upon which Respondent could have registered and used the Domain Name in his own right and for his personal ends.”

By contrast, the domain name registration in the current proceeding was effected by one of the founders of the Complainant, probably shortly after the company was formed and before it had a trademark, under circumstances for which there is no evidence in the record. There is no record here concerning an agreement among the founders about ownership of the domain name or responsibility for maintaining it. It is not even certain that the disputed domain was registered after the Complainant was formed or plans were made to establish the mark in question. It cannot be ascertained from this record whether the Respondent, while no longer president, retains an ownership or other interests in the Complainant; it is notable that the disputed domain name still redirects to the Complainant’s website. The Complainant asks the Panel to disregard these uncertainties and infer bad faith simply from the Respondent’s subsequent refusal to transfer the disputed domain name to the Complainant after being replaced as president of the company and based on a Founder’s Agreement that obliged him to assign intellectual property rights to the Complainant.

In the Panel’s view, the posture of this proceeding is less like *Accenture* than like those proceedings where panels have concluded that the underlying dispute concerns issues between former business partners and involves contractual interpretation that lie beyond the scope of the UDRP. See, e.g., *Darley Newman, DCN Creative L.L.C. v. Chip Ward, Lambda Cubed LLC*, WIPO Case No. [D2020-0829](#) (complex dispute between co-founders was not suitable for resolution in a UDRP proceeding); *Careflight Australia Limited v. Domain Admin, Protection Service INC d/b/a PrivacyProtect.org / CareFlight Australia Limited*, WIPO Case No. [D2016-1624](#) (declining to transfer domain name where the dispute distills down to issues between shareholders rather than cybersquatting); *The Thread.com, LLC v. Jeffrey S. Poploff*, WIPO Case No. [D2000-1470](#) (it is misguided to attempt to “shoehorn” a business dispute between former partners into a proceeding designed to adjudicate cybersquatting). Here, key issues such as the determination of the Parties’ intent with respect to the acquisition and maintenance of the disputed domain name, the planning for an eventual trademark, and the contractual interpretation of the Founder’s Agreement would be better weighed in a judicial proceeding with access to documentary discovery and witnesses than in a UDRP proceeding.

The Panel finds the third element of the Policy has not been established.

7. Decision

For the foregoing reasons, the Complaint is denied.

/W. Scott Blackmer/

W. Scott Blackmer

Sole Panelist

Date: September 26, 2025