

## **ADMINISTRATIVE PANEL DECISION**

Jiggle LLC v. CHAD WRIGHT

Case No. D2025-3608

### **1. The Parties**

Complainant is Jiggle LLC, United States of America (“United States”), internally represented.

Respondent is CHAD WRIGHT, United States, represented by John Berryhill, Ph.D., Esq., United States.

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

The disputed domain name <jiggle.com> (the “Domain Name”) 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 September 5, 2025. On September 9, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On September 10, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from named Respondent (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to Complainant on September 10, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on September 12, 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 Respondent of the Complaint, and the proceedings commenced on September 16, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 6, 2025. The Response was filed with the Center on September 17, 2025.

The Center appointed Kimberley Chen Nobles as the sole panelist in this matter on September 19, 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**

Complainant is Jiggle LLC, a limited liability company, organized in Florida in 2024, that offers caffeinated gummies. Complainant owns United States registered trademark number 7,872,129 for the JIGGLE word mark, registered on July 22, 2025.

The Domain Name was created on February 28, 1996, and registered to Respondent since at least as early as 2015, and the record shows that the Domain Name was used in 2018 for PPC advertising related to animated graphics. At the time of the filing of the Complaint, the Domain Name resolved to a registrar parked page where it was offered for sale at USD 350,000.

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

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

In its Complaint, Complainant alleged that the Domain Name was identical or confusingly similar to its JIGGLE trademark. Complainant claimed rights in the JIGGLE mark based on its United States Trademark Registration No. 7,872,129, registered on July 22, 2025, for "caffeine preparations for stimulative use" in Class 5. Complainant asserted that Respondent had no rights or legitimate interests in the Domain Name and that it was registered and used in bad faith. On this last point, the Complaint argued that Respondent offered the Domain Name for sale online for USD 350,000, which far exceeds "registration costs of \$10-20/year". Complainant argues Respondent is engaged in "speculative domain flipping", establishing a pattern of abusive practices.

##### **B. Respondent**

In its Response, Respondent strongly contested the Complaint. As grounds for dismissal of the Complaint, Respondent asserted that Complainant was formed in May 2024 and Complainant's trademark was registered in July 2025.

Respondent noted that the Domain Name was registered to Respondent as early as on May 23, 2015, over ten years before the Complaint was filed. Concerning its legitimate interests in the Domain Name, Respondent alleged that it is an online advertising agency that has legitimately owned the Domain Name since 2015 and showed use of the Domain Name in 2018. In response to Complainant's allegations of bad faith registration and use, Respondent points out that Complainant's trademark rights only arose in 2025, long after the Domain Name's registration to Respondent and shortly after Complainant's formation.

#### **6. Discussion and Findings**

Paragraph 4(a) of the Policy requires Complainant to prove its assertions with evidence demonstrating:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

Having considered the Complaint, the Response, the Policy, the Rules, the Supplemental Rules, and applicable principles of law, the Panel's findings on each of the above-cited elements are as follows:

#### **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 Complainant's trademark and the Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7. Ownership of a trademark registration prima facie satisfies that a complainant has the requisite rights in a mark for purposes of paragraph 4(a)(i) of the Policy. [WIPO Overview 3.0](#), section 1.2.

On this point, Complainant has provided evidence that it is the owner of a United States trademark registration for JIGGLE. The Domain Name is identical to the JIGGLE trademark in which Complainant has rights. Therefore, the Panel finds the first element of the Policy has been established.

#### **B. Rights or Legitimate Interests**

In light of the Panel's finding in respect of the third element of the Policy, it is not necessary to address the second element of the Policy.

#### **C. Registered and Used in Bad Faith**

As the sole basis for bad faith in its Complaint, Complainant alleged that Respondent violated paragraph 4(b)(i) of the Policy: "Respondent appears to have registered the domain name in bad faith because Respondent has no legitimate interest in using the domain name in connection with offering goods or services and is attempting to sell the domain name in excess of its out-of-pocket costs directly related to the domain name."

However, on its face, paragraph 4(b)(i) of the Policy requires more. The Domain Name must have been registered to sell it to "the complainant who is the owner of the trademark or service mark or to a competitor of that complainant." Such facts were never alleged to have existed. The Domain Name was registered to Respondent as early as on May 23, 2015, more than nine years before Complainant was incorporated and more than ten years before Complainant's trademark was registered. As stated in [WIPO Overview 3.0](#), section 3.8.1: "Where a respondent registers a domain name before the complainant's trademark rights accrue, panels will not normally find bad faith on the part of the respondent."

Complainant had submitted in its Complaint, under Section III(8) and also in its originally filed Annex 4b, that the Domain Name was registered on February 28, 1996, indicating that Complainant was or should have been aware of the possibility of Respondent's ownership and use of the Domain Name many years prior to Complainant's formation and registration of Complainant's trademark, and certainly well before filing of the Complaint. Complainant knew or should have known at the time it filed the Complaint of the possibility that Respondent did not register the Domain Name in bad faith and Complainant knew or should have known it could not prove one of the essential elements required by the Policy. Complainant could certainly have conducted a search in this regard, once the Center had informed Complainant of the registrant's identity on September 10, 2025.

The facts of this case are similar to those in *Charter Communications, Inc., Charter Communications Holding Company, LLC and Charter Communications Operating LLC v. Perfect Privacy, LLC / Sheri K Corwin*, WIPO Case No. [D2017-0040](#). In that case, the panel found that the respondent's registration of the domain name predated the complainant's trademark rights, and therefore, there could be no finding of bad faith registration. See also *John Ode d/ba ODE and ODE - Optimum Digital Enterprises v. Internship Limited*, WIPO Case No. [D2001-0074](#) ("There are ample authorities supporting the view that a trademark that did not

exist at the time the disputed domain name was registered cannot serve as the basis for a claim under the ICANN Policy, since it is impossible for the domain name to have been registered in bad faith.”)

Therefore, the Panel finds that Respondent did not register the Domain Name in bad faith targeting of Complainant or its trademark rights because Complainant had no trademark rights at the time that Respondent registered the Domain Name. [WIPO Overview 3.0](#), section 3.8.1. The Panel finds the third element of the Policy has not been established.

#### **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.

The Panel finds that Complainant's conduct warrants a finding of Reverse Domain Name Hijacking (“RDNH”). To establish RDNH, a respondent typically must show that the complainant knew of its own lack of relevant trademark rights, or of the respondent's rights or legitimate interests in, or lack of bad faith concerning, the disputed domain name.

Here, the evidence demonstrates that Complainant was aware of Respondent's ownership and use of the Domain Name well before filing the Complaint. This is evidenced by Complainant's submission, in its original Complaint, and also in its originally filed Annex 4b, that the Domain Name appeared to be registered on February 28, 1996. Complainant, in its originally filed Complaint, also noted that the Domain Name was offered for sale at USD 350,000 and submitted evidence of the same in its originally filed Annex 3a. These submissions demonstrate that Complainant was aware of Respondent's ownership of the Domain Name before filing the Complaint and that Complainant had researched and considered, or failed to negotiate a price for the Domain Name it was willing to pay.

Moreover, Complainant pled the 1996 registration date of the Domain Name and the 2025 registration date of Complainant's JIGGLE trademark registration. Complainant “knew or should have known at the time it filed the Complaint that it could not prove one of the essential elements required by the Policy.” See *carsales.com.au Limited v. Alton L. Flanders*, WIPO Case No. [D2004-0047](#) (finding Reverse Domain Name Hijacking “where the Respondent's registration of the domain name predates the very creation of the Complainant's trademark”); see also *Proto Software, Inc. v. Vertical Axis, Inc./PROTO.COM*, WIPO Case No. [D2006-0905](#) (finding Reverse Domain Name Hijacking where “the Complainant...on a rudimentary examination of the Policy and its application in this area should have appreciated that the Complaint could not succeed where the Respondent's domain name had been registered three years prior to filing a trademark application or actual use of the mark.”).

The evidence also suggests that Complainant attempted to use the UDRP process for leverage after failing to acquire the Domain Name through negotiation or attempted negotiation. This is an improper use of the UDRP process, as noted in previous cases such as *Charter Communications, Inc., Charter Communications Holding Company, LLC and Charter Communications Operating LLC v. Perfect Privacy, LLC / Sheri K Corwin*, WIPO Case No. [D2017-0040](#) (“This stratagem has been described in many UDRP cases as “a highly improper purpose” and it has often contributed to findings of RDNH.”)

In conclusion, Complainant's actions demonstrate Complainant knew or should have known that it could not prove the essential elements required by the UDRP, particularly given the significant time gap between the domain registration and Complainant's trademark rights. This conduct falls squarely within the circumstances described in [WIPO Overview 3.0](#), section 4.16, justifying a finding of Reverse Domain Name Hijacking.

## **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.

*/Kimberley Chen Nobles/*

**Kimberley Chen Nobles**

Sole Panelist

Date: September 29, 2025