

ADMINISTRATIVE PANEL DECISION

Office Ally, Inc. v. Lue Gilson, Office Ally
Case No. D2025-3720

1. The Parties

The Complainant is Office Ally, Inc., United States of America ("United States"), represented by Nelson Mullins Riley & Scarborough LLP, United States.

The Respondent is Lue Gilson, Office Ally, United States, self-represented.

2. The Domain Name and Registrar

The disputed domain name <officeallymagic.com> is registered with Squarespace Domains II LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 12, 2025. On September 12, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 15, 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 (Redacted for Privacy, Office Ally) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 16, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint.

The Respondent sent email communications to the Center on September 16, 2025. On September 18, 2025, per the Complainant's request, the administrative proceedings were suspended. On October 16, 2025, the proceedings were reinstituted. On the same day, the Complainant filed an amended Complaint.

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 the Respondent of the Complaint, and the proceedings commenced on October 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 10, 2025. The Response was filed with the Center on November 9, 2025. On November 11, and 12, 2025, the Parties submitted Supplemental Filings to the Center. The Panel has reviewed and accepted these Supplemental Filings and has given them due consideration in rendering the Decision.

The Center appointed Evan D. Brown as the sole panelist in this matter on November 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 healthcare technology company that offers cloud-based solutions to healthcare providers, independent physician associations (“IPAs”), and health plans. It owns the trademark OFFICE ALLY, for which it enjoys the benefits of registration in a stylized form (United States Reg. No. 7153725, registered on September 5, 2023). The Complainant’s website is located at the domain name <officeally.com>.

The disputed domain name was registered on August 20, 2025. The Respondent has not used the disputed domain name with an active website, there having been only a “Coming Soon” landing page. However, the Complainant has provided evidence, unrefuted by the Respondent, that the Respondent has set up MX Records to be associated with the disputed domain name, indicating actual or intended use for sending and receiving email messages.

On October 2, 2025, in connection with settlement discussions, the Respondent sent an email to the Complainant’s counsel in which the Respondent first raised the issue of selling the disputed domain name to the Complainant. On October 8, 2025, counsel for the Complainant invited the Respondent to set forth the selling price the Respondent was seeking. On October 15, 2025, the Respondent replied to the Complainant’s email stating she would be willing to transfer ownership of the disputed domain name for USD 50,000.

5. Parties’ Contentions

A. Complainant

The Complainant contends that the disputed domain name is identical or confusingly similar to the Complainant’s trademark; that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and that the disputed domain name was registered and is being used in bad faith.

B. Respondent

The Respondent generally disputes the assertions of the Complainant under all three elements of the Policy. She claims that she registered the disputed domain name while enrolled in business development courses with the goal of launching a legitimate business aimed at helping small businesses with bookkeeping, invoices, and tax preparation; such services she claims are unrelated to the Complainant’s services.

As to the first element, the Respondent argues that the addition of the word “magic” creates a distinctive expression unrelated to the Complainant and denies any knowledge of the Complainant or its mark at the time of registration.

Regarding the second element, the Respondent asserts that she had a bona fide intention to use the disputed domain name for a legitimate business and chose the phrase “office ally” descriptively. She denies ever misleading users or using the disputed domain name to send emails or suggest affiliation with the Complainant.

As to the third element, the Respondent maintains that she had no knowledge of the Complainant at the time of registration, did not use the disputed domain name for any deceptive activity, and acted transparently during the settlement discussions. She emphasizes that she only responded with a sale price after the Complainant's counsel invited her to do so.

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (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. The Panel finds that all three of these elements have been met in this case.

A. Identical or Confusingly Similar

This first element functions primarily as a standing requirement. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.7. The Complainant has demonstrated its rights in the OFFICE ALLY mark by providing evidence of its trademark registration. See [WIPO Overview 3.0](#), section 1.2.1.

The disputed domain name incorporates the OFFICE ALLY mark in its entirety along with the term “magic” which does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's OFFICE ALLY mark. See [WIPO Overview 3.0](#), section 1.8. The OFFICE ALLY mark remains recognizable for purposes of establishing confusing similarity under the Policy.

It is standard practice when comparing a disputed domain name to a complainant's trademark to disregard the generic Top-Level Domain (“gTLD”) such as “.com”. See [WIPO Overview 3.0](#) at 1.11.1.

The Panel finds that the Complainant has established this first element under the Policy.

B. Rights or Legitimate Interests

The Panel evaluates this element of the Policy by first looking to see whether the Complainant has made a prima facie showing that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. If the Complainant makes that showing, the burden of production of demonstrating rights or legitimate interests shifts to the Respondent (with the burden of proof always remaining with the Complainant). See [WIPO Overview 3.0](#), section 2.1; *AXA SA v. Huade Wang*, WIPO Case No. [D2022-1289](#).

On this point, the Complainant asserts, among other things, that (1) the Complainant has not licensed or otherwise authorized the Respondent to use the OFFICE ALLY mark, (2) the Respondent has not been commonly known by the disputed domain name, (3) the disputed domain name is identical or confusingly similar to the Complainant's OFFICE ALLY mark and thereby carries a high risk of implied affiliation, effectively impersonating and suggesting sponsorship or endorsement by the Complainant, (4) the Respondent's passive holding does not establish rights or legitimate interests in the disputed domain name because the OFFICE ALLY mark is a coined term with no dictionary meaning and is known only as the Complainant's trademark.

These assertions establish a prima facie case¹. The burden of production thus shifts to the Respondent. See [WIPO Overview 3.0](#), section 2.1.

Paragraph 4(c)(i) of the Policy allows a respondent to demonstrate rights or legitimate interests by showing “demonstrable preparations” to use the domain name for a bona fide offering of goods or services. [WIPO Overview 3.0](#), section 2.2, outlines examples of such preparations, including evidence of business planning, investment in branding, or promotional activities.

The Panel finds the Respondent’s assertion that she had a bona fide intention to use the disputed domain name for a legitimate business and chose the phrase “office ally” descriptively to lack credibility. The Respondent has not provided any evidence of this nature. Her assertions remain unsupported by documentation or credible contemporaneous evidence. The Panel finds that such bare-bones assertions are insufficient to overcome the Complainant’s prima facie showing. See *Rivian IP Holdings, LLC v. Perfect Privacy, LLC / Kelvin Jung*, WIPO Case No. [D2020-3304](#).

Accordingly, the Panel finds that the Complainant has established this second element under the Policy.

C. Registered and Used in Bad Faith

The Policy requires a complainant to establish that the disputed domain name was registered and is being used in bad faith.

The Panel finds it unlikely, despite the Respondent’s assertions, that the Respondent was unaware of the Complainant and its OFFICE ALLY mark when registering the disputed domain name. It is implausible to believe that one planning to offer services in the business-support space under the name “office ally” would not have encountered the Complainant’s established brand and website. Continuing with such plans after acquiring that knowledge supports a finding that the Respondent was targeting the Complainant and its mark.

Although the Respondent has not used the disputed domain name in connection with an active website, this does not preclude a finding of bad faith under the doctrine of passive holding. See *Washpoppin, Inc. v. jp curtis*, WIPO Case No. [D2025-2381](#), citing [WIPO Overview 3.0](#), section 3.3. Relevant factors include the failure of the respondent to provide evidence of good faith use or credible business plans. As discussed above, the Respondent’s assertions of planned legitimate use are sparse and unsupported.

Moreover, the Respondent’s conduct in raising the possibility of selling the disputed domain name to the Complainant and then seeking USD 50,000 (an amount exceeding the out-of-pocket registration costs in the absence of any evidence from the Respondent to the contrary) further supports a finding of bad faith. See *Philip Morris USA Inc. v. Leonard Gabriel Jr*, WIPO Case No. [D2019-0230](#). The Panel finds disingenuous the Respondent’s implication that it was the Complainant who initiated the sale discussion, as the evidence in the case - a part of which was omitted in the Respondent’s initial submission - indicates that the Respondent initiated the proposal to sell the disputed domain name to the Complainant.

The Panel finds that, in the overall circumstances of the case and based on the available record, the Complainant has established this third element under the Policy.

¹ In regard to the assertion that the Respondent is not commonly known by the disputed domain name and while is true that the Respondent has listed its organization as “Office Ally” when registering the disputed domain name, the Panel does not accept that the mere citation of that name on the Whois is sufficient to establish that the Respondent has been commonly known by the disputed domain name for the purposes of paragraph 4(c)(ii) of the Policy. [WIPO Overview 3.0](#), section 2.3.

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 <officeallymagic.com> be transferred to the Complainant.

/Evan D. Brown/

Evan D. Brown

Sole Panelist

Date: November 26, 2025