ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

SAIL Fusion, Inc v. Fandi Pei
Case No. D2025-3832

1. The Parties

The Complainant is SAIL Fusion, Inc, United States of America ("United States"), internally represented.

The Respondent is Fandi Pei, China.

2. The Domain Name and Registrar

The disputed domain name <sailfusion.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 September 19, 2025. On September 22, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 22, 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 (裴帆迪) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 24, 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 an amended Complaint on September 26, 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 the Respondent of the Complaint, and the proceedings commenced on October 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 23, 2025. The Respondent sent an email communication to the Center on October 8, 2025. The Complainant sent a supplemental filing to the Center on October 14, 2025.

The Center appointed Andrew D. S. Lothian as the sole panelist in this matter on November 4, 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 was originally formed as a limited liability company named SAIL Fusion, LLC in Delaware, United States, on November 12, 2015. On September 6, 2024, the Complainant was converted into a Delaware, United States, corporation pursuant to the Delaware General Corporation Law. At that point, the Complainant became known as SAIL Fusion, Inc. The Complainant is engaged in the medical device business, and shows with reference to a letter dated December 22, 2016 that it has used the name "SAIL Fusion" in connection with regulatory correspondence with the Center for Devices and Radiological Health of the Food and Drug Administration of the United States.

The Complainant is the owner of several federal registered trademarks in the United States:

United States Registered Trademark Number 7892857 for the word mark SAIL FUSION, registered on August 12, 2025 in Class 10 (medical devices), and Class 41 (educational services relating to orthopedic surgery and medical devices).

United States Registered Trademark Number 7892860 for a device and word mark consisting of the words "SAIL FUSION" in a stylized typeface together with a graphical image of two black triangles intersecting with a smaller blue rectangle to give a "bow tie" appearance, registered on August 12, 2025 in Class 10 (medical devices).

A United States trademark application cited by the Complainant in respect of a stylized vertical logo incorporating the term "SAIL FUSION" proceeded to registration during the time that the Complaint was pending, and the Complainant sought to include this in the Complaint by way of a supplemental filing on the date of registration, namely October 14, 2025. However, as discussed below, nothing turns on the newly registered status of this additional trademark.

According to RDAP data, the disputed domain name was registered on February 28, 2020. Little is known of the Respondent other than that it appears to be an individual with an address in China. The website associated with the disputed domain name is a parking page provided by the Registrar, and a historic screenshot provided by the Complainant, dated December 18, 2021, shows a similar parking page, suggesting that this content has probably not changed since it was registered.

On August 12, 2025, the Complainant's CEO wrote to the Respondent introducing the Complainant and reporting that it recently secured federal trademark registrations in the United States in respect of the SAIL FUSION mark, adding "we're looking to align our brand and domain presence accordingly". The Complainant's CEO went on to note that the disputed domain name had remained inactive for some time and offered to purchase it if the Respondent was open to selling. On August 22, 2025, the Respondent replied, stating that the disputed domain name was available for sale at a price of USD 70,000. On August 27, 2025, the Complainant's CEO responded, asserting that the Respondent's proposed price was beyond any reasonable value for the disputed domain name, adding that the term "SAIL FUSION" was a registered trademark, and inviting a proposal at "a reasonable amount", failing which the Complainant was prepared to file a complaint under the Policy. On September 19, 2025, the Respondent replied objecting to the Complainant's manner, indicating that the Respondent had completed "the full trademark-registration process" in its country, and adding that it sold related goods. It therefore rejected the Complainant's overtures in terms that might be described as very strong or intemperate language.

As the Respondent indicated both in its correspondence with the Complainant, and with the Center, that it held one or more corresponding trademarks in China (described in the correspondence with the Center as SAILFUSION, the Panel noting the absence of a space between the two words) the Panel decided that it would check the corresponding publicly available register, in line with its general powers under the Policy (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), section 4.8). The Panel noted that there appear to be some 12 trademarks registered in China for the mark SAILFUSION across 12 use classes with one duplicate, namely Classes 6, 9, 9, 16, 18, 21, 24, 25, 28, 35, 38, 42. None are registered to the Complainant. All of said marks were filed on March 27, 2020 and the owner in each case is a garment trading company in Shenzhen, China. The Panel does not know whether the Respondent is connected to that company.

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 to the Complainant's word mark SAIL FUSION, and that the addition of ".com" is typically disregarded under the Policy. The Complainant adds that it has continuously operated under the name "SAIL Fusion" since its formation in Delaware, United States, in 2015, and has carried that name forward to its present legal status, noting also that it has used this name in official correspondence with the United States Food and Drug Administration since at least December 2016. The Complainant contends that this further establishes rights in the mark predating the Respondent's registration of the disputed domain name in 2020.

The Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name, adding that there has been no bona fide offering of goods or services thereunder, that the disputed domain name has been parked since at least 2021, that the Respondent has not used such name in connection with legitimate business nor is known thereby, and that the Respondent is not making legitimate noncommercial or fair use thereof. The Complainant adds that the Respondent demanded USD 70,000 for the disputed domain name, vastly exceeding registration costs and demonstrating intent to profit from the Complainant's trademark.

The Complainant submits that the disputed domain name has been registered and is being used in bad faith, narrating the terms of its email exchange with the Respondent, adding that the price demanded by the Respondent for the disputed domain name constitutes registration and use primarily for the purpose of selling the domain for valuable consideration well in excess of the Respondent's out-of-pocket costs, and asserting that the tone, content, and false assertions in the Respondent's email underscore the Respondent's bad faith and amount to an attempt to obstruct and intimidate the Complainant and its lawful use of its trademarks. The Complainant notes that it was demonstrably incorporated nearly five years before the Respondent registered the disputed domain name, adding that the Respondent's contrary assertion underscores its bad faith.

The Complainant states that the disputed domain name is passively held, adding that panels under the Policy "consistently hold that passive holding of a domain identical to a distinctive trademark constitutes bad faith". Finally, the Complainant submits that the Respondent's conduct prevents the Complainant from reflecting its trademark in a corresponding domain name, thereby disrupting the Complainant's ability to use its brand online.

B. Respondent

The Respondent did not file a formal Response. However, the Respondent set out its position in an informal email to the Center dated October 8, 2025, in which it expressed its surprise at what it sees as an allegation of regulatory non-compliance. The Respondent states, but does not provide evidence, that it holds the trademark for SAILFUSION in China, adding that its continued ownership is in line with applicable laws. The Respondent asks for the specific details that triggered the Notification of Complaint, and indicates that it wishes to resolve the matter promptly and amicably.

6. Discussion and Findings

6.1. Procedural Issue: Complainant's Supplemental Filing

Paragraph 12 of the Rules expressly provides that it is for the panel to request, in its sole discretion, any further statements or documents from the parties it may deem necessary to decide the case. Unsolicited supplemental filings are generally discouraged, unless specifically requested by the panel. WIPO Overview 3.0, section 4.6.

Panels have sole discretion, under paragraphs 10 and 12 of the Rules, whether to accept an unsolicited supplemental filing from either party, bearing in mind the need for procedural efficiency, and the obligation to treat each party with equality and ensure that each party has a fair opportunity to present its case. The party submitting a supplemental filing would normally need to show its relevance to the case and explain why it was unable to provide that information in the complaint or response (for example, owing to some exceptional circumstance).

As noted in the procedural history section above, the Complainant filed a supplemental filing on October 14, 2025 with an update to the application for a United States registered trademark which it had cited in the Complaint. The Complainant noted that such mark had proceeded to grant on October 14, 2025. As nothing turns on this, and as the administrative proceeding would require to be delayed in order to provide the Respondent with a right of reply to such supplemental filing, the Panel declines to admit it and will proceed to a decision.

6.2. Substantive issues

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 for the purposes of the Policy. WIPO Overview 3.0, section 1.2.1.

Although the Complainant's registered trademark is sufficient for the purposes of this part of the first element assessment under the Policy, it is also convenient to consider here the Complainant's claim to unregistered trademark rights in the corresponding term. The Panel does not find that the Complainant has established such unregistered trademark rights for the purposes of the Policy. In order to do so, the Complainant would have had to demonstrate by way of independent evidence that the mark SAIL FUSION had acquired secondary meaning and had become a distinctive identifier which consumers associated with its goods and services, along the lines indicated by WIPO Overview 3.0, section 1.3, namely evidence demonstrating (i) the duration and nature of use of the mark, (ii) the amount of sales under the mark, (iii) the nature and extent of advertising using the mark, (iv) the degree of actual public (e.g., consumer, industry, media) recognition, and (v) consumer surveys. The Complainant's evidence in this regard was restricted solely to the fact that its corporate predecessor was in legal existence in the United States under a corresponding name from

November 12, 2015, and the fact that it engaged in correspondence (demonstrated by a single letter) with the United States Food and Drug Administration in 2016. This evidence falls far short of the necessary standard.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.0, section 1.7.

The applicable Top-Level Domain ("TLD") in a domain name (here ".com"), is viewed as a standard registration requirement and as such may be disregarded under the first element confusing similarity test. WIPO Overview 3.0, section 1.11.1. Likewise, the absence of a space in the disputed domain name is of no consequence as spaces are not permitted in domain names for technical reasons.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

The requirements of paragraph 4(a) of the Policy are conjunctive. A consequence of this is that failure on the part of a complainant to demonstrate one element of the Policy will result in failure of the complaint in its entirety. Accordingly, in light of the Panel's findings in connection with the third element assessment under the Policy, no good purpose would be served by addressing the issue of the Respondent's rights or legitimate interests in the disputed domain name.

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.

As a minimum requirement, a complainant must typically show that the respondent registered the disputed domain name with the complainant or its rights in mind, and with intent to target these unfairly. In the present case, the Respondent is based in China and the Complainant is based in the United States. The Complainant provided no evidence concerning the extent or reach of its trademark whereby the Panel might reasonably be able to infer any knowledge of the same on the part of the Respondent, far less any intent to target it.

The panel in *Fakir Elektrikli EV Aletleri Diş Ticaret Anonim Şirketi v. Development Services, Telepathy, Inc.*, WIPO Case No. D2016-0535, noted that "the fact that a respondent is in a different jurisdiction than a complainant is something that some people can consider to be of greater significance than it actually is, particularly if the complainant has a significant online presence". Here, however, there is no evidence of any reputation on the Complainant's part outside the United States, and none in China in particular, whether by way of any such significant online presence or otherwise. The Complainant thus fails to establish this minimum requirement. Furthermore, the disputed domain name is composed of two ordinary English words, albeit not typically juxtaposed in day-to-day language. Based on the evidence before it, the Panel considers that it is not improbable that the Respondent might have adopted this term independently of the Complainant or its rights.

For completeness, dealing with the Complainant's submissions on this topic, the Panel considers that, in this case, nothing turns on the asking price placed by the Respondent on the disputed domain name. Although the amount requested most probably exceeds the Respondent's out-of-pocket registration costs, a legitimate registrant is entitled to place what price it wishes on its domain name, and without something more (notably evidence from which it is reasonable to infer the Respondent's prior knowledge of the Complainant's rights as discussed above) the asking price alone does not necessarily lead to a finding of the Respondent's bad faith in the circumstances of the present case.

Likewise, the fact that the disputed domain name has been passively held does not automatically lead to a finding of bad faith registration. Factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put. WIPO Overview 3.0, section 3.3. Here, as noted above, the disputed domain name consists of two ordinary English words, whereby the only distinctiveness is that these words are not typically juxtaposed. It is conceivable that a domain name registrant could independently come up with the same combination of words in a domain name. As noted above, no evidence of the extent of the Complainant's reputation has been supplied. The Respondent did supply a response, albeit an informal one, and does not appear to be concealing its identity (other than using a privacy service to mask its publicly available registration details as is not uncommon). Finally, given that the term in the disputed domain name is not particularly distinctive and there is no evidence suggesting that the Respondent did not come by the term independently, it is plausible that the disputed domain name could be put to good faith use, as the Respondent suggests (albeit does not evidence) that it is, in China.

Finally, the fact that the Respondent produced a reply featuring strong or intemperate language when threatened with a complaint under the Policy does not, in and of itself, demonstrate bad faith in the circumstances of the present case. While intemperate language may not be helpful to the flow of business communications, it must be said that registrants in good faith might well produce such a response if unexpectedly threatened with formal proceedings just as much as a registrant in bad faith might do so.

The Panel notes for completeness that although it identified the existence of third party owned SAILFUSION trademarks in China it places no reliance upon these as there is no evidence before the Panel that the Respondent has any connection to them.

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

7. Decision

For the foregoing reasons, the Complaint is denied.

/Andrew D. S. Lothian/
Andrew D. S. Lothian
Sole Panelist
Date: November 14, 2025