

ADMINISTRATIVE PANEL DECISION

Disability Pride New Mexico v. Dionysios McCutcheon
Case No. D2025-4081

1. The Parties

The Complainant is Disability Pride New Mexico, United States of America, represented by The Bennett Law Group, United States of America.

The Respondent is Dionysios McCutcheon, United States of America, appearing pro se.

2. The Domain Name and Registrar

The disputed domain name <disabilitypridenm.org> is registered with DreamHost, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 6, 2025, naming Proxy Protection LLC, Katlyne Gish, and Dennis J. McCutcheon as respondents. On October 7, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 7, 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 in the Complaint – namely, that Dionysios McCutcheon is the sole Respondent. The Center sent an email communication to the Complainant on October 8, 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 amendment to the Complaint on November 14, 2025, naming Mr. McCutcheon as the Respondent.

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 October 16, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 5, 2025.

On October 30, the Respondent requested an extension to file the Response under paragraph 5(b) of the UDRP Rules. The extension was granted and the Response was filed with the Center on November 9, 2025.

On November 11, 2025, the Complainant filed a request to submit a supplemental filing pursuant to Rule 12.

The Center appointed David H. Bernstein as the sole panelist in this matter on November 13, 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.

On November 18, 2025, the Panel issued a procedural order granting the Complainant an opportunity to submit a supplemental submission and granting the Respondent an opportunity to submit a response addressing the Complainant's supplemental submission.

On November 24, 2025, the Complainant submitted a supplemental submission. On December 4, 2025, the Respondent submitted a supplemental submission. On December 15, 2025, the Complainant submitted a second supplemental submission. That same day, the Respondent submitted a submission objecting to the Complainant's second supplemental submission. On December 16, 2025, the Respondent submitted a second supplemental submission.

4. Factual Background

The Complainant, Disability Pride New Mexico, is a 501(c)(3) non-profit corporation organized under the laws of the state of New Mexico. The Complainant's work centers around disability pride and the advancement of disability rights and culture awareness. Kathlyn Gish was previously involved with the Complainant's operations and was considered part of the Complainant's "governing board."

The Complainant is the owner of the trademark DISABILITY PRIDE NEW MEXICO (Reg. No. 7,853,743), which is registered on the Supplemental Register in the United States Patent & Trademark Office ("USPTO"). The registration certificate was issued on July 1, 2025 with a claimed date of first use of July 13, 2024, covering classes 36 and 41. Even though the mark is on the Supplemental Register, the USPTO required a disclaimer of the exclusive right to use of "disability pride," apart from the mark as shown, because those words appeared in the identification of services (which means that they were being treated as a generic reference for those services) and because they are "commonly used in the context of entertainment and educational events as well as for charitable fundraising" in connection with expressing pride in disabilities, such as "Disability Pride Month, Disability Pride Festivals and/or parades."

The Respondent registered the disputed domain name on April 22, 2024. That same day, Ms. Gish sent a text message to individuals associated with the Complainant stating "Im buying [the disputed domain name] on Dennis server and we can try some things. We can transfer it to another host if needed too." On May 8, 2024, Ms. Gish sent an email to website designers stating "[w]e also got the [disputed domain name], which we want to use instead."

Beginning on or around July 2024, the disputed domain name was used by the Complainant for its website. During this time, the disputed domain name resolved to a website that displayed banners, flyers, and other materials funded by the Complainant.

On January 20, 2025, Ms. Gish sent an email to individuals associated with the Complainant stating "I am resigning from the governing board effective today. Thank you." Following Ms. Gish's resignation, the Respondent maintained his status as the holder of the disputed domain name registration.

The Complainant sent a series of demand letters to the Respondent and Ms. Gish between March 8, 2025 and July 2, 2025 seeking transfer of the disputed domain name. On March 9, 2025, the Complainant's

content was removed from the disputed domain name. On March 10, 2025, the Respondent created a new landing page for the disputed domain name which read "Something is Happening! Coming Soon. Disability-Led Disability Pride in New Mexico. We are NOT associated with any 501c3 or other organizations claiming to support Disability Pride this is entirely disability community driven." The Respondent responded to the Complainant's demand letter on July 1, 2025, denying any wrongdoing.

The website to which the disputed domain name currently resolves states that it is a "Disability Pride National Movement Personal Website," and contains a disclaimer stating that the "website is not related to or used for selling or providing any goods or services or commerce in any way, nor is th[e] website connected to any nonprofit or 501c3, or any other organization, or business, or any other entity."

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.

First, the Complainant is the owner of the above-listed trademark registration for DISABILITY PRIDE NEW MEXICO. This registration is evidence of the Complainant's exclusive right to use the DISABILITY PRIDE NEW MEXICO mark in connection with the corresponding goods and services. The Complainant has also devoted substantial time, money, and effort into promoting the DISABILITY PRIDE NEW MEXICO mark and the mark has developed substantial and valuable goodwill that belongs exclusively to the Complainant. The disputed domain name is identical to the DISABILITY PRIDE NEW MEXICO mark and consumers are likely to believe the dispute domain name originates from or is affiliated with, authorized, or endorsed by the Complainant. Thus, the disputed domain name is confusingly similar to the Complainant's mark.

Second, the Respondent has no rights or legitimate interests in the disputed domain name because the Respondent registered the disputed domain name on behalf of the Complainant. The Respondent has not made any demonstrable preparations to use the disputed domain name in connection with a bona fide offering of any good or service, is not commonly known by the disputed domain name, has not acquired any legitimate trademark rights in the disputed domain name, and is not making a legitimate noncommercial or fair use of the disputed domain name. Instead, the Respondent has misappropriated the disputed domain name in order to mislead users of the Complainant's services. The only purpose of the Respondent's continued use of the disputed domain name is to divert traffic intended for the Complainant's website to its own and the Respondent is profiting from the value of the Complainant's mark by using the disputed domain name for its own gain.

Third, the Respondent registered the disputed domain name on behalf of the Complainant and continued to use it in bad faith with intent to divest the Complainant of its property. The Respondent's bad faith is evidenced by: (1) the Respondent's awareness of the Complainant's trademark rights at the time of registration; (2) Ms. Gish's role as a board member and the resulting fiduciary duty she had to the Complainant at the time of registration; (3) the Respondent's actual notice of the Complainant's registered trademark; (4) the Respondent's misappropriation of control of the disputed domain name following Ms. Gish's resignation from the Complainant's board of directors; (4) the Respondent's intentional attempts to attract Internet users to the disputed domain name by creating a likelihood of confusion with the Complainant's trademark and misappropriating the disputed domain name; (5) the Respondent's deliberate suspension and takedown of the Complainant's website hosted on the disputed domain name and the subsequent substitution of the Respondent's own misleading landing page. The Respondent had insider access to the Complainant's board of directors, acquired the disputed domain name on behalf of the Complainant, and has refused to relinquish the disputed domain name, establishing bad faith beyond dispute.

B. Respondent

The Respondent contends that the Complainant has not satisfied all three of the elements required under the Policy for a transfer of the disputed domain name.

First, the Respondent contends that the Complainant's trademark rights are in question for the following reasons: (1) in connection with its trademark application, the Complainant used the disputed domain name as a specimen without proper authorization of the Complainant's board of directors and the Respondent; (2) the disputed domain name also existed prior to the Complainant's trademark application and date of first use in commerce; and (3) the Complainant knew that the trademark was used by third-parties and thus registered the mark in bad faith. The disputed domain name is reflective of a descriptive name associated with the Disability Pride Movement, not a brand. The disputed domain is not confusingly similar to, nor identical to, the Complainant's mark.

Second, the disputed domain name was registered and purchased by the Respondent prior to the Complainant's trademark. The Respondent's and Ms. Gish's history and association with the Disability Pride Movement in New Mexico date back to at least 2008, pre-dating the Complainant's trademark rights. The Respondent is using the disputed domain name in good faith to expand upon and further the Disability Pride Movement.

Third, the Respondent registered the disputed domain name in good faith without being asked or requested to. The good faith use of the disputed domain name is consistent with the descriptive nature of the domain name and consists of a disabled individual's reflections and expressions on their lived experiences. The website does not contain any logo, identical name, colors, designs, or features of the Complainant's website. As reflected by the disclaimer shown on the disputed domain name, the disputed domain name is not being used to impersonate, profit from, sell, confuse, or otherwise harm any organization, including the Complainant. Instead, the Respondent is using the disputed domain name in good faith and with the intention to expand and further the Disability Pride Movement in New Mexico and nationally in a way that does not impede or infringe on any trademark.

Finally, the Complainant has engaged in Reverse Domain Name Hijacking in light of the Complainant's material misrepresentations of evidence submitted to the Panel, registration of a trademark without board approval, overstatement of supplemental trademark rights, attempts to claim descriptive language as infringement of the Complainant's trademark rights, submission of this dispute to WIPO knowing that it will likely fail, misleading statements and misrepresentations of fact, lack of evidence showing the Complainant acquired the disputed domain name, and continued use of the disputed domain name and diversion of traffic to the disputed domain name. Reverse Domain Name Hijacking is especially appropriate given the Complainant is represented by an attorney.

6. Discussion and Findings

As a preliminary matter, the Panel notes that the present dispute involves a complex record riddled with competing factual claims. As just a few examples, the parties dispute whether the Respondent and Ms. Gish are partners or whether the Respondent acted alone in acquiring the disputed domain name, whether Ms. Gish was a board member or officer of the Complainant, whether the DISABILITY PRIDE NEW MEXICO mark has achieved secondary meaning, whether the disputed domain name was purchased for the purpose of hosting the Complainant's website, and whether the Complainant had corporate capacity at the time of the disputed domain name registration.

There is a longstanding question among UDRP panelists and commentators regarding how to deal with complex factual cases such as this one.

Some believe that complex cases cannot be properly addressed by the Policy. For example, the view of the authors of UDRP Perspectives, a commentary on various topics related to the Policy, suggests is that the

Policy “is only designed and intended for clear cut cases of cybersquatting” and that, “where the complexity of facts or law cannot be satisfactorily resolved under the limited procedural framework of the UDRP such as where cross-examination and discovery would be appropriate, or where the legal issues at play call into question whether it is a clear case of cybersquatting, dismissal remains appropriate.” This view has been reflected in some UDRP decisions. See, e.g., *TVH Parts Holding NV v. 深圳森麦汉科技有限公司 (sheuzheuseuxaihoukejijovxiaougougsi)*, WIPO Case No. [D2025-0693](#) (denying complaint “not on the merits, but on the broader ground that the case regarding the disputed domain name is part of a wider, more complex trademark dispute between the [p]arties that exceeds the scope of the UDRP” and expressing the view that “the Policy establishes a streamlined, inexpensive administrative dispute resolution procedure intended only for the relatively narrow class of cases of abusive cybersquatting” and “is not an appropriate procedure to adjudicate a complex trademark dispute such as this one, where the [p]anel does not have the benefit of witness testimony, disclosure of documents, or the other appropriate instruments that are typically available to assist a court to resolve a dispute between the [p]arties.”); see also WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 4.14.6.

This Panel believes that dismissing cases on the basis of factual complexity is the incorrect approach, both under the Rules and also as a matter of good public policy. As another commentator has recognized, the “complexity of factual circumstances is not in itself a reason for abdicating making a decision.” Gerald M. Levine, *Domain Name Arbitration, A Practical Guide to the Uniform Domain Name Dispute Resolution Policy* 108 (2d ed. 2019). When faced with such scenarios, panelists should adjudicate the dispute as best they can based on the written record. See generally *Nara Aziza Smith v. Vanessa Clarke*, WIPO Case No. [D2025-1839](#); *magicJack LP v. Domains By Proxy, LLC / JP Schulz*, WIPO Case No. [D2013-0334](#); *National Association of Realtors v. John Fothergill*, WIPO Case No. [D2010-1284](#); *Randan Corp. v. Rapazzini Winery*, WIPO Case No. [D2003-0353](#).

It is true that the Policy is intended to be an expedited process based normally on a single round of written submissions, and that proceedings under the Policy generally do not involve discovery or live testimony.¹ Given that the record is only a written record, without discovery or cross-examination, it is not surprising that there are sometimes circumstances in which the facts are not entirely clear, or are hotly contested, or both. However, this does not mean that UDRP panelists cannot or should not rule in these cases. Instead, a panel faced with complex or disputed facts should adjudicate the dispute “as best it can, drawing reasonable inferences when appropriate and using a preponderance of the evidence standard to make fact findings.” *Deal Hill Systems Ltd. v. Gregiry Santana d/b/a Invicta*, WIPO Case No. [D2002-0404](#); see also *Bootie Brewing Company v. Deanna D. Ward and Grabbootie Inc.*, WIPO Case No. [D2003-0185](#) (“[J]ust because the record is complex does not mean that the Panel should decline to review it. Rather, the Panel’s obligation when faced with such disputed facts is to make the best findings it can, by a preponderance of the evidence, based on the record submitted.”).

In applying the preponderance of the evidence standard, panels should keep in mind that the burden of proof rests on the complainant. Thus, where the scales of justice weigh one way or the other, the panel should decide in the direction that has the most weight – even if it may be a close call. However, where the scales of justice are evenly balanced – in other words where the parties’ dueling positions are truly tied – the panel should rule that the complainant has failed to carry its burden of proof and deny the complaint. See, e.g., *Tribeca Film Center, Inc. v. Lorenzo Brusasco-Mackenzie*, WIPO Case No. [D2000-1772](#) (In this case, the complainant alleged that the respondent made an oral offer to sell the domain name, but the respondent vehemently denied having done so. The panel denied the complaint because “it is impossible to reconcile the affidavits or to determine which report of the facts more likely than not is correct. The Panel thus is unable to determine whether or not an offer to sell was made. The burden of this uncertainty falls upon Complainant because, pursuant to Paragraph 4(a) of the Policy, it is Complainant who bears the burden of

¹Actually, the Rules, paragraph 15, do contemplate the possibility of an in-person hearing in exceptional cases, but the Panel is not aware of any Panel that has ever held such an in-person hearing. This case does not present an exceptional situation that justify a departure from the general practice of deciding UDRP disputes solely based on the written submissions.

proving bad faith. Although it is a close decision, the Panel is constrained to find that Complainant has not met its burden of proving by a preponderance of the evidence that an offer to sell was made.”).

The Panel recognizes that, when adjudicating complex cases, there may be a degree of risk given the limited tools available to parties and the panel to discover the relevant facts and test the veracity of the parties’ allegations. At the same time, adjudicating complex cases is the proper approach given that any errors can be addressed by the parties in subsequent litigation. See, e.g., paragraph 4(k) of the Policy. Adjudicating complex cases in this way is not only consistent with the Rules and the Policy, but it also is a matter of good public policy. Otherwise, respondents will be incentivized to purposefully complicate the record or create artificial or unnecessary factual disputes in order to avoid a decision under the Policy (which, as a practical matter, results in a decision in favor of the respondent). Proceeding in this way is all the more important now, given the rise; of easily-accessible AI-derived tools that can be used to create documents. It is also to be noted that – as was the case here – the parties may supplement the record with additional submissions in the event they believe the other party is misrepresenting the facts; as a matter of practice, this should be raised to the panel who is able to issue a procedural order if there is a particular fact which is in need of clarification (again, as was the case here).

Indeed, in cases involving competing claims, the panel is still charged with rendering a decision; ultimately, the panel must assess whether it has sufficient information in order to be able to render a decision on the matter presented. If there are contested and/or complex matters, the job of a panel requires making a judgment call, and in some cases that determination may benefit from a procedural order.

In accordance with the above, the Panel will proceed with adjudicating the present dispute in awareness of the factual complexities it presents.

With respect to the parties’ supplemental submissions, the Panel has considered them to the extent they are responsive to the Panel’s request for further information, but has disregarded the parts that simply reargue the points previously made or submit evidence that could and should have been submitted with the initial Complaint and Response. See generally [WIPO Overview 3.0](#), section 4.6 (“the party submitting or requesting to submit an unsolicited supplemental filing should clearly show its relevance to the case and why it was unable to provide the information contained therein in its complaint or response (e.g., owing to some “exceptional” circumstance)”).

Paragraph 4(a) of the Policy provides that, to obtain transfer of a domain name, a complainant must prove each of the following:

- (i) the 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 domain name; and
- (iii) the respondent’s domain name has been registered and is being used in bad faith

A. Identical or Confusingly Similar

Among the hotly contested issues in this case is whether the Complainant has trademark rights in the mark DISABILITY PRIDE NEW MEXICO. Unfortunately for the Complainant, the Panel finds, based on the evidence submitted in the record, that the Complainant has not carried its burden of proving trademark rights.

The Complainant’s mark is registered on the USPTO Supplemental Register. Such a registration reflects a finding by the USPTO that, as of the time of the application, the mark was merely descriptive and lacked secondary meaning. Under United States law, marks that are merely descriptive, and that have not been shown to have acquired distinctiveness, may be registered on the Supplemental Register, but that registration does not establish trademark rights and does not confer any of the usual presumptions that accompany a mark registered on the Principal Register (such as prima facie evidence of validity, ownership, and distinctiveness). Thus, the fact of a Supplemental Registration is not evidence that the Complainant

owns trademark rights in the name DISABILITY PRIDE NEW MEXICO. See [WIPO Overview 3.0](#), section 1.2.2 (“under US law a supplemental registration does not by itself provide evidence of distinctiveness to support trademark rights.”).

The Complainant also claims that “[b]y virtue of [the] Complainant’s use of [the DISABILITY PRIDE NEW MEXICO mark]” the mark “has developed substantial and valuable goodwill that belongs exclusively to the Complainant.” To establish common law rights, the Complainant would need to show that its mark has acquired distinctiveness through secondary meaning. Id. (“Complainants relying on trademark registrations listed solely on the USPTO Supplemental Register are expected to show secondary meaning in order to establish trademark rights under the Policy because under US law a supplemental registration does not by itself provide evidence of distinctiveness to support trademark rights.”). Secondary meaning can be demonstrated through a range of factors, “such as (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.” Id., section 1.3. Where, as here, the mark is comprised solely of descriptive terms, “there is a greater onus on the complainant to present evidence of acquired distinctiveness/secondary meaning.” Id. Given that the USPTO has indicated (in its office action and email communications with the Complainant) that the DISABILITY PRIDE portion of the mark is a common reference for services related to disability pride (which the Panel takes to mean that it is generic or merely descriptive) and that the NEW MEXICO portion of the mark is geographically descriptive for where the Complainant offers its services, the Complainant faces a high bar to prove that the mark has acquired distinctiveness.

The Complainant has not submitted sufficient evidence to demonstrate the requisite secondary meaning to establish trademark rights. The Complainant alleges that the DISABILITY PRIDE NEW MEXICO mark “has acquired distinctiveness and goodwill through sustained use, media attention, and public recognition” and “has acquired distinctiveness and goodwill,” but these are conclusory allegations, not factual allegations that establish secondary meaning. The Complainant has provided some evidence of its use of the phrase DISABILITY PRIDE NEW MEXICO on a banner, table display, and promotional materials, but this evidence merely shows that the Complainant has used the phrase; it does not show that the phrase has become distinctive in the minds of consumers as an indicator of source. Although it is possible that there are facts that could establish secondary meaning, the Complainant has not alleged facts on which the Panel can rely for such a finding. For example, the Complainant has not submitted evidence of sales revenues, advertising, unsolicited media attention, or brand recognition surveys to establish that consumers interpret the phrase DISABILITY PRIDE NEW MEXICO as a designation of source as opposed to a descriptor. The absence of evidence sufficient to establish secondary meaning is fatal to an attempt to establish common law rights in this descriptive phrase for purposes of this proceeding (though it does not prevent the Complainant from trying to establish trademark rights in other fora or proceedings). See [WIPO Overview 3.0](#), section 1.3.

Given that the Complainant has failed to establish trademark rights, the Panel finds the first element of the Policy has not been established.

B. Rights or Legitimate Interests

After considering the totality of the record, the Panel finds that the Respondent lacks rights or legitimate interests in the disputed domain name.

There is no dispute that the disputed domain name formerly was used for the Complainant’s website. The Respondent argues that he had only an “informal” arrangement that allowed the Complainant to use the disputed domain name to host its website. He states that the disputed domain name was never a corporate asset of Complainant, that he was not requested to register the disputed domain name by, for or on behalf of the Complainant, that he was not holding it in trust for the Complainant, that there are no communications with the Complainant that contradict his position that the parties had only an “informal” relationship, that he had no agreement with the Complainant with respect to the disputed domain name, and that there is a lack of any reference to the acquisition of the disputed domain name in the Complainant’s board minutes.

These arguments belie the obvious nature of the relationship between the parties. It is not credible that the Respondent, who has some kind of relationship with Ms. Gish (who herself had a relationship with the Complainant, despite her technical and not credible argument that she never served on the Board of the Complainant), registered the disputed domain name entirely on his own and allowed the Complainant only to make temporary, informal use of the disputed domain name for its main website, subject to his right to pull the website down at any moment. Rather, the Panel finds – after reviewing the arguments of the parties, their extensive annexes, and their supplemental submissions – that the Respondent registered the domain name specifically for the benefit of the Complainant, with the understanding that the Complainant had the right to use the disputed domain name for its website.

That the Parties failed to document an agreement about how to treat the disputed domain name in the event of future disputes between the parties is unfortunate, since it has now contributed to the present dispute. Because the Panel has found that the Complainant has not submitted sufficient evidence to establish trademark rights, the Complainant is not able to obtain transfer of the disputed domain name through this proceeding. Whether it will be able to establish rights with a more robust record, or based on different legal theories, will have to be left to others to decide.

But this Panel is strongly of the view that the Respondent's conduct deprives it of any claim to rights or legitimate interests in the disputed domain name for purposes of the Policy. It is telling that, just a few weeks after Ms. Gish informed the Complainant that she was "resigning from the governing board," the Respondent removed the Complainant's content from the website to which the disputed domain name resolved, and replaced it with a note that said "Something is Happening! Coming Soon. Disability-Led Disability Pride in New Mexico. We are NOT associated with any 501c3 or other organizations claiming to support Disability Pride this is entirely disability community driven." That shows that the Respondent recognized that the "NM" reference in the disputed domain name would be understood as a reference to "New Mexico," which is of course consistent with the way in which the Complainant used the disputed domain name for its website. But now, the Respondent suggests that "NM" is intended to mean "National Movement," and the website to which the disputed domain name resolves states that it is a "Disability Pride National Movement Personal Website." The Panel finds that this is pretextual, and is a post-hoc justification for why the Respondent has removed the Complainant's content from the website and is now using the disputed domain name for his own competing disability pride- related website. See generally [WIPO Overview 3.0](#), section 2.5.2 (assessment of fair use may involve a variety of factors including whether the disputed domain name has been registered and is being used for legitimate purposes and not as a pretext for commercial gain or other such purposes inhering to the respondent's benefit, whether the respondent reasonably believes its use to be truthful and well-founded, and whether the domain name registration and use by the respondent is consistent with a pattern of bona fide activity).

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

C. Registered and Used in Bad Faith

For the reasons articulated above, the Panel finds, based on the record before it, and with recognition of the limitations on UDRP panels in assessing hotly-disputed, complex factual records, that the Respondent's use of the disputed domain name was in bad faith. However, the Policy requires a showing of bad faith use *and* bad faith registration. In other words, the Complainant must show that, when the Respondent registered the disputed domain name, he did so in bad faith at that time, with the bad faith intent to take advantage of the Complainant's trademark rights. Here, the Complainant has failed to allege, let alone shown by a preponderance of the evidence, that the Respondent registered the disputed domain name in bad faith. Putting aside the question about whether the Complainant had trademark rights at the time, the Complainant appears to have been aware that the Respondent was registering the disputed domain name on its behalf, and therefore, with its consent. Indeed, Ms. Gish specifically confirmed that to the Complainant when she wrote: "I'm buying [the disputed domain name] on Dennis server and we can try some things. We can transfer it to another host if needed too." In light of this record, the Panel finds that the Respondent did not register the disputed domain name in bad faith. *HMK Bilcon 2017 A/S v. Peter Erlangsen*, WIPO Case No. [D2018-2233](#) (complainant did not address whether it had consented to respondent's registration of the

disputed domain name in respondent's own name while he served as a board member of complainant, and therefore complainant failed to prove bad faith registration).

The Respondent should not find vindication in the Panel's decision. As discussed in the preceding section, the Respondent's conduct is questionable at best. But the Panel's role in UDRP proceedings is not to sit as a court in equity. Rather, the Panel's task is to adjudicate whether a complainant has shown entitlement to transfer or cancellation under the specific, contract-based terms of the Policy. The UDRP is not a general domain name policy and is not designed to resolve all disputes in the domain name system. *The Thread.com, LLC v. Jeffrey S. Poploff*, WIPO Case No. [D2000-1470](#). This principle frequently is invoked in cases such as this, in which former partners battle over a domain name that was registered at a time of harmony, but is now a pawn in the parties' disharmony. *SAGE Development Authority v. Peter Little Horn*, WIPO Case No. [D2025-3791](#).

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 Respondent requests a finding of Reverse Domain Name Hijacking for a variety of reasons. The Panel notes particular concern over the Complainant's misrepresentations of case law, the [WIPO Overview 3.0](#), and evidence. First, the Complainant cites to "*Juicy Couture v. Chinasupply*, WIPO Case No. [D2010-2128](#)," "*Trinity Christian Center v. Gifford*, WIPO Case No. [D2009-1493](#)," and "*GFA Brands v. Smith*, WIPO Case No. [D2008-0592](#)" - all cases that do not exist (or that are miscited). The Complainant also cites to "*Société des Produits Nestlé S.A. v. Pro Fiducia Treuhand AG*, WIPO Case No. [D2001-0916](#)." This case does not support the Complainant's cited proposition. The Complainant also cited sections of the [WIPO Overview 3.0](#) that do not support the Complainant's propositions, and improperly quoted in its submissions documents it submitted as evidence. It is unclear to the Panel whether these errors are the result of AI use/hallucinations, a lack of diligence on the part of the Complainant or its attorney, or an intentional attempt to mislead the Panel. Regardless, in some circumstances, such conduct would support a finding of Reverse Domain Name Hijacking. E.g., *Victor Adam Bosak III v. Robert Rogers, R D Rogers LLC*, WIPO Case No. [D2025-4174](#) (finding Reverse Domain Name Hijacking where the Complainant has cited several nonexistent cases and several actual cases that did not stand for the proposition for which they were cited for).

However, Reverse Domain Name Hijacking "is an equitable remedy that should not be granted in situations where the Respondent itself has engaged in questionable conduct." *Premium Blend, Inc. v. Michael Eymer*, WIPO Case No. [D2025-3012](#). Here, the Respondent has also engaged in questionable conduct, as he appears to have misrepresented his and Ms. Gish's activities, attempted to mislead the Panel, and has advanced incredulous arguments. In light of the hyperbolic submissions by both parties, and their overly aggressive litigation tactics in this proceeding, the Panel declines to enter a finding that the Complaint constitutes an attempt at Reverse Domain Name Hijacking. In the words of the Bard (as well as other panels facing similar situations), "a plague o' both your houses!" See, e.g., *HCCI Professional Protective Services, LLC v. Jonathan McMaster / Anonymize, Inc.*, WIPO Case No. [D2022-1668](#); *Car Advisory Network, Inc. v. Journal Community Publishing Group, Inc.*, WIPO Case No. [D2008-0717](#); *Rudy Rojas v. Gary Davis*, WIPO Case No. [D2004-1081](#).

7. Decision

For the foregoing reasons, the Complaint is denied.

/David H. Bernstein/

David H. Bernstein

Sole Panelist

Date: December 18, 2025