

ADMINISTRATIVE PANEL DECISION

OfferBee Home, Inc. v. Jason Moss

Case No. D2025-4517

1. The Parties

The Complainant is OfferBee Home, Inc., United States of America ("United States"), represented by Davis McGrath LLC, United States.

The Respondent is Jason Moss, United States, represented by Motsnyi IP Group, Serbia.

2. The Domain Name and Registrar

The disputed domain name <offerbee.com> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 31, 2025. On November 3, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 4, 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. On November 4, 2025, the Center sent an email communication to the Complainant requesting clarification on the Complaint. The Complainant filed an amended Complaint on the same date.

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 November 5, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 29, 2025. The Response was filed with the Center on November 29, 2025.

The Center appointed William F. Hamilton as the sole panelist in this matter on December 8, 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 operates the website at “www.offerbeehome.com”, which provides an online portal for the marketing, sale, and rental of real estate.

The Complainant is the owner of US Trademark Registration No. 7,819,093 for the OFFERBEE composite mark (“the Mark”). The Mark was registered on June 3, 2025, with a claim of first use as of May 3, 2021.

The Respondent is an entrepreneur involved in real estate and Internet businesses (see Respondent’s Declaration (the “Declaration”) as Respondent’s Annex 1). He is also a YouTuber, with his YouTube channel having over 3,000 subscribers, see Respondent’s Annex 2 (screenshots of Respondent’s LinkedIn profile and YouTube channel).

The Respondent acquired the disputed domain name on February 9, 2024, from a domain name broker for USD 2,272.17 and the disputed domain name is used in connection with a website also offering services related to real state.

The Respondent spent USD 9,580.05 to create his website (Respondent’s Annexes 1 and 6).

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 confusingly similar to the Mark because it adopts the word OFFERBEE of the Mark. The Complainant asserts that it had well established rights in the Mark when the Respondent acquired the disputed domain name and it is unknown if the Respondent actually performs any services using the disputed domain name.. The Complainant asserts that the Respondent registered and used the disputed domain in bad faith to target the Complainant for commercial gain by attracting Internet users to its own website.

B. Respondent

The Respondent claims he was unaware of the Complainant or the Mark when he acquired the disputed domain name. He argues that the Complainant has failed to establish unregistered trademark rights that date back to 2021 for this proceeding. Since the Mark was registered a year after the disputed domain name, and he claims the Complainant has not proven any common law rights in the Mark, the Complainant lacked trademark rights when the Respondent acquired the disputed domain name. Additionally, the Respondent states that the decision to obtain the domain was made with his business partner, and he has spent thousands of dollars on purchasing and developing the disputed domain name’s website. He also asserts that the term “bee” is common in the real estate broker market and has provided evidence of other names he considered, and also noted that the Complainant has not provided any evidence over its reputation associated with the Mark or of the Respondent’s alleged targeting.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed the Complainant must satisfy the Panel that:

(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 was registered and is being used in bad faith

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 of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7. The Complainant has established rights in the Mark by virtue of its United States registration

The Panel finds the mark is recognizable within the disputed domain name. The disputed domain name incorporates the entire word portion of the Mark. Accordingly, the disputed domain name is identical to the Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of the design component of the Mark terms may bear on the assessment of the second and third elements, the Panel finds the design component of the Mark does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.10.

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 that the Respondent has rebutted the Complainant's prima facie case.

The Panel observes that, before notice to the Respondent of the dispute, the Respondent used the disputed domain name in connection with a real estate business. [WIPO Overview 3.0](#), section 2.2.

Although the Complainant, who launched in 2021, has provided evidence of use of the Mark prior to the Respondent's acquisition of the disputed domain name, aside from two screenshots of its website in 2021, it has not provided evidence relating to the use or reputation of the Mark to indicate that the Respondent was aware of the Complainant's Mark and business when acquiring the disputed domain name; in essence, the Complainant seeks to rely on its priority with the USPTO dating to its claimed first use in commerce but does little to show its use of the Mark prior to the Respondent's acquisition of the disputed domain name.

The Respondent notes that his registration of the disputed domain name predates the date of application and registration of the Complainant's Mark. While this acquisition is after the Complainant's claimed first use in commerce, it predates the Complainant's application to the USPTO.

It is less clear to the Panel how to interpret the evidence of discussions with its business partner concerning the naming of the project and choice of disputed domain name. While on the one hand the correspondence does show a number of other options that were considered (one thread seems to explore “homes” being in the domain name), some were rejected as they were acknowledged to correspond to existing businesses or competitors, none of which include the Complainant. The Panel notes that the Respondent suggests a low level of recognition of the Complainant, and claims not to have been aware of the Complainant’s existence.

The Panel finds the second element of the Policy has not 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 Panel further notes that it does not need to address the third element, as the Complainant has failed to prove the second element. However, the Panel believes that a brief discussion of the third element is appropriate.

The Respondent has claimed that it was unaware of the Mark (which was registered after the disputed domain name) or the Complainant, based on the Respondent’s Declaration. The Respondent has demonstrated through its Annexes that the Respondent is active in real estate and Internet businesses, thus, not a prototypical cybersquatter, not previously involved in domain name disputes. The Respondent has also provided evidence that the disputed domain name was chosen as the word “bee” is apparently used by others in the real estate brokerage industry to signify activity, hard work, and diligence.

The Complainant has not provided any evidence of revenue figures, advertising expenses, press coverage, third-party references, or market penetration data to support claims of unregistered rights in the Mark that could have been known by the Respondent when it acquired the disputed domain name.

The Panel finds, on balance, that the Complainant has failed to establish that the Respondent acquired the disputed domain name in bad faith targeting the Complainant or its trademark rights because the Complainant has failed to provide evidence that such claimed trademark rights were known by the Respondent at the time that the Respondent acquired the disputed domain name.

The Panel notes that the Policy is designed to address clear cases of abusive domain name registration, and is not intended to resolve trademark disputes between parties with competing business interests.

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

7. Decision

For the foregoing reasons, the Complaint is denied.

/William F. Hamilton/

William F. Hamilton

Sole Panelist

Date: December 22, 2025