

ADMINISTRATIVE PANEL DECISION

Dr. Michael W. Piepkorn v. Siddharth Jha, Pier 67 Capital Partners LP
Case No. D2025-4640

1. The Parties

The Complainant is Dr. Michael W. Piepkorn, United States of America, represented by Admon Law Firm, United States of America.

The Respondent is Siddharth Jha, Pier 67 Capital Partners LP, United States of America, represented by The Law Firm of George M. Santana, P.C., United States of America.

2. The Domain Name and Registrar

The disputed domain name <michaelpiepkorn.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 November 7, 2025. On November 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 10, 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 (Domains by Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 11, 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 November 16, 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 November 18, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 8, 2025. On December 4, 2025, the Respondent requested an extension to file a Response. In accordance with the Rules, paragraph 5(e), the new due date for Response was December 19, 2025. The Response was filed with the Center on December 19, 2025.

On December 21, 2025, prior to empanelment, the Complainant submitted an email request for leave to file a Reply.

The Center appointed Phillip V. Marano, David H. Bernstein, and Justin Hughes as panelists in this matter on January 26, 2026. The Panel finds that it was properly constituted. Each member of 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 January 26, 2026, the same day as empanelment, and again on January 30, 2026, the Complainant filed, and then followed up to confirm receipt of, its unsolicited additional submission, styled as a Reply with supporting annexes. The Complainant's contentions in its unsolicited Reply are summarized below.

On February 2, 2026, the Respondent filed an unsolicited email objection to the Complainant's unsolicited Reply.

On February 12, 2026, the Panel issued Procedural Order No. 1, which stated, "Although supplemental filings are generally discouraged unless specifically requested, pursuant to paragraphs 10 and 12 of the UDRP Rules, the Panel has agreed to consider the Complainant's unsolicited Reply and Annexes submitted on January 26, 2026, and reasons will be given in the Decision". It further stated, "Respondent may submit its Sur-Reply of no greater length, specifically a Sur-Reply of 2,100 words and Annexes that do not exceed the total file size of 2MB. Beyond that Sur-Reply, the Panel will not consider any further unsolicited filings from either Party". And it concluded, "The Respondent should submit the above referenced Sur-Reply and any Annexes by Wednesday February 18, 2026 ... The due date for decision in this proceeding is extended to February 26, 2025".

On the same day, the Respondent filed an unsolicited email objection to the inclusion of "Pier 67 Capital Partners LP" in the case caption because "this case or the [Respondent] website at issue has nothing to do with Pier 67 Capital Partners LP". The Complainant in turn filed an unsolicited email reply asserting inter alia that "the website at the disputed domain name contains a copy of a letter from [the Respondent] on behalf of Pier 67 and on its letterhead....".

On February 19, 2026, the Respondent filed its Sur-Reply and supporting annexes. The Respondent's contentions in its Sur-Reply are summarized below.

On February 20, 2026, the Complainant filed an unsolicited email objection to the Respondent's Sur-Reply. On the same day, the Respondent filed an unsolicited email response to the Complainant's objection. The contentions of the Complainant and the Respondent are summarized below.

4. Factual Background

The Complainant is a medical doctor, co-owner of a commercial laboratory, Dermatopathology Northwest, in Bellevue, WA, and co-author of numerous medical textbooks and peer-reviewed articles, which include *Dermatopathology* (2010 and 2020) and *Pathology of Melanocytic Nevi and Malignant Melanoma* (2004 and 2014). Dermatopathology Northwest offers information about its goods and services on its official <dermpathnw.com> commercial laboratory website. The Complainant asserts ownership of the unregistered MICHAEL PIEPKORN MD trademark under both federal and Washington state trademark law, and owns a Washington state registration for the MICHEAL PIEPKORN MD trademark (Reg. No. 1,083,650) that issued on September 18, 2025 and asserts first use priority on January 1, 2004.

Neither party submitted much relevant information to describe the Respondent, apart from the fact that he is an individual who resides in Washington state, and who registered the disputed domain name and listed Pier 67 Capital Partners LP as the registrant organization. The Respondent registered the disputed domain name on June 26, 2025. At the time of this Complaint, the disputed domain name resolved to a website titled "University of Washington Professor Accused of Child Sex Abuse and Other Sexual Misconduct".

The website prominently explains “Why this site exists” and states “As detailed in sworn testimony contained in public documents, this website compiles allegations of child sex abuse, sexual misconduct, and sexual harassment relating to Dr. Michael Piepkorn”.

The Complainant and the Respondent have a long history that predates this proceeding. Since 2019, they have been embroiled in an acrimonious boundary dispute regarding their neighboring properties, related litigation, and allegations of harassment and defamation. That prior acrimonious dispute has now manifest in this proceeding, and the Panel acknowledges for the record (but ultimately declines to consider for the reasons cited below) their respectively lengthy, extraneous, often hyperbolic, and *ad hominem* argumentation and evidence concerning that ongoing dispute.

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.

The Complainant asserts ownership of the MICHAEL PIEPKORN MD trademark and has submitted argumentation and evidence claiming unregistered common law rights, which include: (i) the argument that the Complainant's trademark is inherently distinctive; (ii) the argument that the Complainant's trademark has acquired secondary meaning because “to the relevant consumers (who distribute or purchase medical textbooks and publications), MICHAEL PIEPKORN MD is an indicator of source”; (iii) copies of two series of medical textbooks co-authored by the Complainant; (iv) the sales volume for one such textbook, totaling 2,797 in 2017; (v) royalty sales revenues for one such textbook, totaling USD 2,425.45 in 2024; (vi) the assertion that the Complainant's “textbooks have enjoyed widespread adoption and considerable commercial success, especially given their specialized fields of dermatology and dermatopathology”; (vii) a sworn statement by the Complainant that, “to the best of my knowledge, the appearance of my brand on these textbooks did in fact result in invitations to review medical publications”; (viii) a sworn statement from the Complainant that highlights accolades, which include “The American Society of Dermatopathology Hermann Pinkus Memorial Lecture Award in 2004” and the “Multiple University of Washington Dermatology Clinical Faculty Distinguished Teaching Award from 2003-2018”; and (ix) a registration for the MICHAEL PIEPKORN MD trademark in the state of Washington that was issued on September 18, 2025 and cites a first use date of January 1, 2004. In support of its argumentation, the Complainant predominantly cites to authority from United States Patent and Trademark Office and the United States federal courts. The Complainant also cites *Adam Anshel v. Domains By Proxy, LLC / Tzvi Milshstein*, WIPO Case No. [D2015-1570](#) with respect to establishing unregistered or “common law” rights in personal name.

The disputed domain name is confusingly similar to the Complainant's MICHAEL PIEPKORN MD trademark, according to the Complainant, because it wholly incorporates the terms MICHAEL and PIEPKORN, yet only omits the term MD which is the “generic designation for a medical doctor”. The Complainant further asserts that a finding of confusing similarity is supported by the Respondent's use of the disputed domain name “for the purpose of disseminating false information that risks tarnishing Complainant's mark and confusing consumers about the quality of Complainant's goods”.

The Complainant further asserts that the Respondent lacks any rights or legitimate interests in the disputed domain name based on: (i) the lack of evidence that the Respondent has offered legitimate goods or services through the disputed domain name; (ii) the Complainant's longstanding trademark rights, which predate registration of the disputed domain name by twenty years; and (iii) the Respondent's failure to use the disputed domain name in connection with “a gripe site that conveys useful information to consumers via a fair use or legitimate non-commercial use of the mark” but instead the Respondent use in connection with “a fount of disinformation and libel that unfairly damages Complainant's mark, and reputation, and creates unwarranted confusion for consumers”. Specifically, the Complainant asserts that “the Web content accuses Complainant of sexual misconduct against minors and of accomplice liability for aiding his children to escape

prosecution for similar misconduct” and “there is simply no basis in fact for either of these claims” which “distorts unfounded allegations from Complainant’s marriage dissolution proceedings, and ... twists Complainant’s payment of his son’s legal fees in a criminal matter that was ultimately dismissed”.

The Complainant argues that the Respondent has registered and used the disputed domain name in bad faith for numerous reasons, including: (i) the “toxic falsehoods presented” on the Respondent’s website, which “misrepresent legal findings and conclusions in an attempt to make those falsehoods more believable”; (ii) the Respondent’s attempt to hide its identity behind a privacy service, and the “invented pseudonym” on the Respondent’s website, namely “Victims of Dr. Piepkorn”; (iii) the Respondent’s intentional targeting of the exact MICHAEL PIEPKORN portion of the Complainant’s trademark, which has caused the disputed domain name and the Respondent’s website to appear in the top five Google search results; and (iv) the Respondent’s pattern of bad faith conduct established by their “long sordid track record of bad faith conduct, including frivolous litigation targeting the Complainant and the Complainant’s mark”, which include: (a) fraudulent bankruptcy filings made by the Respondent; (b) the Respondent’s unauthorized practice of law; (c) court orders in an anti-harassment proceeding that expressly found the Respondent was not credible, (d) meritless property claims filed by the Respondent; and (e) a fee-shifting judgment against the Respondent.

In its Reply, the Complainant submits further argumentation and evidence concerning: (a) the Respondent’s use of a privacy registration service, only to remove that service once this proceeding began; (b) the Respondent’s falsification evidence, specifically the removal of a signature page from a third-party declaration; and (c) additional evidence to establish the Respondent’s track record of lying to courts. The Complainant’s Reply did not address the Respondent’s substantive arguments with respect to the first element of the Policy.

Further unsolicited submissions by the Complainant challenge the late timing, as well as the excessive word and file sizes, of the Respondent’s submissions.

B. Respondent

The Respondent contends that the Complainant has not satisfied any of the elements required under the Policy for a transfer of the disputed domain name. Predominantly, the Respondent asserts that the Respondent’s website content is truthful, and that the Complainant “seeks to silence numerous men and women who have raised sexual abuse and harassment claims about [him] ... as documented on [the Respondent’s website]”. The Response is predominantly dedicated to substantiating the truth of the Respondent’s website content with purported sworn testimony and other documentary evidence submitted by the Respondent. As such, the Respondent argues that it has a genuine critical fair use interest in the disputed domain name under the Policy, specifically to disseminate information about, and court documents related to, the Complainant.

The Respondent requests that the Panel apply Washington state law to this proceeding, because that is where the Parties reside, and the Respondent cites “robust free speech rights” from Washington. The Respondent argues that Washington state law specifically provides that use of personal names is permissible when it concerns comment or criticism.

The Respondent asserts that it is improper to apply the Policy to cases involving factual disputes, which can only be determined in a court of law.

Most notably, the Respondent argues that the Complainant’s “authorship is insufficient to establish common law trademark” rights because the Complainant’s “authorship of a few handbooks certainly does not constitute sufficient commercial activity so as to attach a secondary meaning to his name”. Specifically, the Respondent asserts that the Complainant has “provided: (1) [limited to] no information regarding the duration and nature of use of the mark; (2) [very limited] information regarding the amount of sales under the mark; (3) no information regarding the nature and extent of the sales, such as the regions sold, the amount of sales per year; (4) no information regarding the nature and extent of advertising using the mark;

(5) no information regarding the degree of actual public recognition; [and] (6) no consumer surveys”. In support of its argument, the Respondent cites, among other cases, *Betty Liu v. Nicklas Jonow*, WIPO Case No. [D2014-0021](#); *Victor Topa v. Whoisguard Protected / “Victor Topa”*, WIPO Case No. [D2015-2209](#); *Vanisha Mittal v. info@setrillonario.com*, WIPO Case No. [D2010-0810](#); and *Ananyashree Birla v. Ali Madencioglu*, WIPO Case No. [D2013-1123](#). The Respondent also cites *Mr. Cinar Orge Saylan and Mr. Caglayan Orge Saylan v. GKG.NET Domain Proxy Service/The Fact Co., Winston Smith*, WIPO Case No. [D2010-0248](#), wherein “the Panel [did] not find that the Complainants have made an appropriate case with respect to evidencing that a secondary meaning has been associated to Dr. Saylan’s personal name that rises to the level of common law trademark”.

Moreover, the Respondent argues that the Complainant has admitted that the Respondent’s website content has “nothing to do with the quality of the medical publications that Complainant produces” and is “not remotely relevant to the quality of the medical textbooks sold under Complainant’s mark”.

The Respondent further argues that the disputed domain name is not confusingly similar the Complainant’s name because: (i) the Complainant registered additional domain names through a reputation management company to manipulate search engine rankings only after the disputed domain name was registered; and (ii) the Complainant applied for and registered his Washington state trademark registration only after the disputed domain name was registered.

The Respondent also argues it has not registered or used the disputed domain name in bad faith because: (i) the Respondent did not hide its identity behind a privacy registration service; (ii) the Complainant previously tried and failed to obtain a protective order to block disclosure of documents on the Respondent’s website; (iii) the appropriate cause of action for the “toxic falsehoods” alleged by the Complainant is a defamation action, not the Policy; (iv) the Respondent has not: (a) sought any compensation for the disputed domain name; (b) sought to make a different or pretextual commercial use of the disputed domain name; (c) harmed any business competitor; (d) sought to hide the purpose of the Respondent’s website; (e) asserted any affiliation with the Complainant, but instead included a prominent disclaimer of affiliation; (f) sought to avoid these proceedings; (g) registered any other domain names targeting the Complainant; or (h) engaged in a pattern of registering domain names comprising personal names in the past.

Finally, the Respondent further asserts that the Complainant has engaged in Reverse Domain Name Hijacking because the Complainant “neglects to mention that he sought to have the website removed under the guise that he believes it is ‘defamatory’” and “he cannot ... try to use these proceedings to bully his victims into silence by trying to take down a website under the pretext of a ‘trademark violation’”.

The Respondent also claims the Complainant has lied to the Panel about: (i) the Respondent masking its identity; (ii) the Complainant’s prior efforts to disable the Respondent’s website claiming defamation; (iii) prior court orders that found no harassment by the Respondent; (iv) the disclaimer that appears on the Respondent’s website; and (v) the application and registration date of the Complainant’s state trademark, which occurred after the Respondent registered the disputed domain name.

In its Sur-Reply, the Respondent submits further argumentation and evidence concerning: (i) alleged changes to the registration data and the Respondent website after this proceeding was commenced; (ii) the Complainant’s failure to rebut the Respondent’s evidence to establish that this Complaint was filed in bad faith, and constitutes Reverse Domain Name Hijacking; and (iii) denial of the allegation that the Respondent altered any sworn testimony evidence.

Further unsolicited submissions by the Respondent challenge the unsolicited nature of the Complainant’s Reply and subsequent objections unsolicited correspondence from the Respondent.

6. Discussion and Findings

To succeed in its Complaint, the Complainant must establish in accordance with paragraph 4(a) of the Policy:

1. the disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights;
2. the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
3. the disputed domain name has been registered and is being used in bad faith.

Preliminary Issue: Identity of the Respondent

The Parties dispute the inclusion of Pier 67 Capital Partners LP in the case caption, and the Respondent requested removal of its personal name from the case caption. Paragraph 1 of the Rules defines the Respondent as “[...] the holder of a domain-name registration against which a complaint is initiated”. The Panel retains discretion to determine the respondent upon which the case should proceed. Section 4.4.5 of the WIPO Overview of WIPO Panel Views on Select UDRP Questions (“[WIPO Overview 3.1](#)”).

Here, at the point when the Complaint was filed, the holder of the disputed domain name, according to the Registrar verification on November 10, 2025, was “Siddharth Jha, Pier 67 Capital Partners LP”. It is therefore clear to the Panel that the Respondent originally registered the disputed domain name as “Siddharth Jha, Pier 67 Capital Partners LP”. Therefore, the Panel regards the Respondent in this administrative proceeding as “Siddharth Jha, Pier 67 Capital Partners LP”.

Preliminary Issue: Unsolicited Supplemental Filings

Paragraph 10 of the UDRP Rules vests the panel with the authority to determine the admissibility, relevance, materiality and weight of the evidence, and also to conduct the proceedings with due expedition. Paragraph 12 of the UDRP 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 therefore generally discouraged. Panels have repeatedly affirmed that 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 unforeseen or exceptional circumstance). [WIPO Overview 3.1](#), section 4.6.

In the present case, each party has repeatedly lodged unsolicited email correspondence, objections, responses, and filings with the Center, even after the Panel specifically warned that “the Panel will not consider any further unsolicited filings from either Party”. The only supplemental filing requested by the Panel was a Sur-Reply from the Respondent, which was authorized primarily to maintain fairness to the Respondent as the non-initiating party. Nevertheless, the Parties in this case have each proven themselves to be incorrigible with respect to unsolicited supplemental filings. While the Panel has read and considered each unsolicited supplemental filing, and the Panel has attempted to summarize all such filings in this decision, the Panel wishes to make it clear that no argumentation or evidence outside of the Amended Complaint and the Response had any material impact on the Panel’s decision.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. [WIPO Overview 3.1](#), section 1.7.

In contrast to the express protection for personal names provided for under the United States Anti-Cybersquatting Consumer Protection Act (15 USC §1125(d)(2), the Policy does not explicitly provide standing for personal names that are not registered or otherwise protected as trademarks. To have standing to file a UDRP complaint, a complainant would need to establish by a preponderance of the evidence that the personal name is being used as a trademark (i.e., as a source-identifier in trade or commerce). That

generally will require a showing that the name is used in commerce as a distinctive identifier of the complainant's goods or services. Making broad unsupported assertions regarding the use of a personal name in trade or commerce generally will not demonstrate unregistered or common law rights for purposes of standing to file a UDRP complaint. Even in cases where a disputed domain name and website content clearly target a personal name, that fact is generally not enough to overcome a failure by the complainant to submit specific evidence showing use of the name as a distinctive source identifier. [WIPO Overview 3.1](#), section 1.5.

Moreover, when considering standing under the Policy, panels tend to carefully review certain types of automatic or unexamined registered trademarks, such as state registrations in the United States of America. Because these registrations are unexamined, they are not accorded the same deference as federal registrations and generally do not, on their own, satisfy the "rights in a mark" standing requirement under the Policy. In such cases, allegations and evidence sufficient to establish secondary meaning to support a finding of common law or unregistered trademark rights may be required by the panel. [WIPO Overview 3.1](#), section 1.2.

Thus to establish unregistered or common law trademark rights for purposes of the Policy, complainant must show that its mark has become a distinctive identifier which consumers associate with complainant's goods and/or services. Specific evidence demonstrating such acquired distinctiveness is required, rather than mere conclusory assertions of common law trademark ownership. Such evidence may include: (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 consumer, public and media recognition; and (v) consumer surveys.

Here, the Complainant has submitted very limited evidence of acquired distinctiveness, as detailed in the above Factual Background and the Complainant Contentions sections. The evidence submitted by the Complainant was limited to: (i) the Complainant's name on several co-authored textbooks (yet those books had other marks on the cover, and the name was not presented in any way that would be perceived as a brand or trademark or anything other than the author's or editor's name); (ii) a sworn, yet self-serving and factually unsupported assertion of consumer recognition; (iii) mention of, without context, two academic awards or accolades; (iv) one year of sales volumes for one textbook; and (v) one year of sales royalties for another textbook, neither of which exceed USD 3,000 or 3,000 units. This evidence is insufficient to carry the Complainant's burden of showing that his personal name has acquired distinctiveness, and therefore functions as a common law trademark that supports standing for purposes of the Policy. On this key point, the Panel agrees with the argumentation and prior panel citations submitted by the Respondent.

Moreover, the Panel disagrees with the Complainant's arguments that authority from the United States federal courts and United States Patent and Trademark Office ("USPTO") support his claim of trademark rights in his personal name. In *Brooks v. Creative Arts By Calloway*, 93 U.S.P.Q.2d 1823 (TTAB 2010), on which the Complainant relies, the USPTO's Trademark Trial and Appeal Board ("TTAB") held that a personal name that is not merely a surname "is registrable on the Principal Register without a showing of secondary meaning, and thus is deemed to be inherently distinctive under the Lanham Act if the record shows that it is used in a manner that would be perceived by purchasers as identifying the services in addition to the person". *Id.* at 1829.

The Complainant does not have a federal registration and this is not an action for registration of his personal name. Rather, the question here is whether, for purposes of the Policy, the Complainant has shown common law trademark rights in the name MICHAEL PIEPKORN MD. Moreover, although the TTAB has not enunciated a clear standard for "identifying the services in addition to the person", the Complainant plainly does not meet that standard on this record. That high bar has been met by celebrities like Johnny Carson, whose name was found to be registrable in relation to entertainment services. *In re Carson*, 197 USPQ 554 (TTAB, 1977). The TTAB has even found some famous names not to identify services: like Ray "Boom Boom" Mancini – the boxer whose well-known nickname "Boom Boom" – was found to be viewed by the public solely as a professional boxer's nickname, not as a source of boxing services. *In re Mancino*, 219 USPQ 1047 (TTAB, 1983).

On that question, federal courts in the United States of America have consistently held that at common law an individual's personal name is presumptively descriptive in relation to goods or services coming from that individual and, therefore, secondary meaning must be shown. *Rex Real Est. I, L.P. v. Rex Real Est. Exch., Inc.*, 80 F.4th 607, 619 (5th Cir. 2023); *Tana v. Dantanna's*, 611 F.3d 767, 774 (11th Cir. 2010); *Quiksilver, Inc. v. Kymsta Corp.*, 466 F.3d 749, 760 (9th Cir. 2006); *Perini Corp. v. Perini Const., Inc.*, 915 F.2d 121, 125 (4th Cir. 1990); *Tonawanda St. Corp. v. Fay's Drug Co.*, 842 F.2d 643, 648 (2d Cir. 1988); *Zimmer v. Olenych*, 108 F.Supp.3d 369 (E.D. Va. 2015) (recognizing difference between common law trademarks and USPTO rule under *Brooks*). See also 2 J. Thomas McCarthy, *McCarthy on Trademarks & Unfair Competition* § 13.2 (4th ed. 2014) (noting that the rule for registering personal name trademarks under the Lanham Act is different from the common law rule that personal names require proof of secondary meaning). In fact, in *Brooks* the TTAB recognized "the general requirement that secondary meaning be shown for a personal name, for such name to be protectible in an infringement case focusing on use, rather than registration of the mark". 93 U.S.P.Q.2d. at 1829, fn. 4. As at least one court subsequently observed, while *Brooks* "reiterates a 50-year-old rule governing the registration of personal names as trademarks, [it] does not change the equally well settled rule that a personal name that has not been [federally] registered is not protectable as a trademark without a showing of secondary meaning". *Franklin Mint Co. v. Manatt, Phelps & Phillips, LLP*, 184 Cal.App.4th 313, 337, fn. 13 (2010).

Panels have recognized this same requirement under the Policy, such that even well-known individuals in business may not have common law trademark rights where they have not used their personal name as a source identifier for goods or services. *Victor Topa v. Whoisguard Protected / "Victor Topa"*, WIPO Case No. [D2015-2209](#) (transfer denied); *Philippe Pierre Dauman v. Dinner Business*, WIPO Case No. [D2013-1255](#) (transfer denied); *Ananyashree Birla v. Ali Madencioglu*, WIPO Case No. [D2013-1123](#) (transfer denied).

Accordingly, the Panel finds the first element of the Policy has not been established.

B. Rights or Legitimate Interests

The Complainant has failed to satisfy the first element of the Policy. Therefore, the Panel need not consider the rights or legitimate interests of the Respondent.

As to the allegations back and forth between the Complainant and the Respondent, the Panel has understood from the inception of this dispute that the Complainant objects to the content made available at the disputed domain name. The Panel's disposition here does not address the truth or falsehood of any of that content. Nor does the decision here address whether that content is libelous or defamatory under applicable law.

C. Registered and Used in Bad Faith

The Complainant has failed to satisfy the first element of the Policy. Therefore, the Panel need not consider whether the disputed domain name was registered or used in bad faith by the Respondent.

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 3.1](#) section 4.16.

The Panel does not view the Complainant's failure to proffer sufficient evidence of common law trademark rights as a basis on which to find Reverse Domain Name Hijacking. Moreover, apart from the multitude of unsolicited supplemental correspondence, objections, and filings from both Parties, and the hyperbolic nature of both Parties' submissions, the Panel cannot identify any clear-cut abuse of this administrative

proceeding that would warrant a finding of Reverse Domain Name Hijacking. The Panel also declines to wade through all of the hyperbole in this matter only to further muddy the waters of the ongoing acrimonious dispute between the Parties with a finding of Reverse Domain Name Hijacking.

The Panel therefore finds that the Complaint has not been brought in bad faith and that it does not constitute an attempt at Reverse Domain Name Hijacking.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Phillip V. Marano/

Phillip V. Marano

Presiding Panelist

/David H. Bernstein/

David H. Bernstein

Panelist

/Justin Hughes/

Justin Hughes

Panelist

Date: February 26, 2026