

ADMINISTRATIVE PANEL DECISION

Simon Wernli v. Michael Ambrose, XYZ Invest LLC
Case No. D2025-4907

1. The Parties

The Complainant is Simon Wernli, Switzerland, self-represented.

The Respondent is Michael Ambrose, XYZ Invest LLC, United States of America ("United States"), represented by Grant G. Carpenter, United States.

2. The Domain Name and Registrar

The disputed domain name <spaceplanet.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 26, 2025. On November 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 1, 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 (Registration Private, Domains by Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 2, 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 December 2, 2025.

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 December 4, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 24, 2025. The Response was filed with the Center on December 17, 2025.

The Center appointed Andrew D. S. Lothian as the sole panelist in this matter on January 15, 2026. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is a musician and DJ who has used the name “Space Planet” or “Spaceplanet” since at least 1998. The Complainant is the previous registrant of the disputed domain name and printed the disputed domain name on compact disc album credits both in respect of the URL of the website then associated with the disputed domain name, and in respect of an email address, from about 1998. The Complainant’s music releases have been distributed in Switzerland, Austria, and Germany. An archived screenshot of the said website dated March 16, 2009, shows that, at that time, the Complainant was announcing a musical event under the capitalized name “SPACEPLANET” at a club in Switzerland.

The Complainant has placed the entirety of the entries for the disputed domain name on the Internet Archive “Wayback Machine” into the record in this case. These show that, from around December 12, 2012, the website associated with the disputed domain name stopped featuring the Complainant’s musical activities and appeared to revert to the website of a Swiss web developer. The last entry featuring the Complainant’s own content appears to be that of November 1, 2012. It appears that in late 2024, the disputed domain name was not renewed.

The Complainant does not have registered trademark rights in the name “Space Planet” but claims unregistered rights therein. The discography website “Discogs” lists three albums released by the Complainant in 1997, 1998, and 2000 respectively. These were released under the record label “Phonag Records”. In addition, said website lists some 11 singles and extended plays or “Eps” dating from 1999 to 2009, at least two of which feature the “Spaceplanet” name. The Complainant appears to have a Facebook page with 379 “likes”. The Complainant’s artist page on the Spotify music streaming service indicates that the Complainant receives 727 monthly listeners under the “Spaceplanet” name. The Complainant’s channel on YouTube under the said name, which was created on September 4, 2006, features 24 subscribers and some 11,371 views of six videos which are 14 to 16 years old.

The disputed domain name was registered on January 10, 2025.¹ The Respondent appears to be (1) a United States corporation with a place of business in Nevada, United States, and (2) the said corporation’s representative or office bearer. According to an undated screenshot produced by the Complainant entitled “aktueller Status” (“current status”), the website associated with the disputed domain name is a page provided by the Registrar indicating that the disputed domain name is being offered for sale in the sum of USD 21,499, or lease for USD 466 per month.

Between August 27, 2025, and August 28, 2025, the Complainant and the Respondent’s legal counsel engaged in correspondence. During this correspondence, the Complainant indicated that it was the rightful owner of the disputed domain name for 30 years before it was “lost” following the sale of the Complainant’s company, adding that it had been an established brand since 1994. The Complainant supplied URLs for entries on the Internet Archive “Wayback Machine” in support of its position and indicated that its marketing activities and published materials had consistently used the disputed domain name.

The Respondent’s counsel replied that the disputed domain name expired on October 22, 2025, after which it became available for registration to the general public (given the date of the email, the Panel assumes this was intended to mean October 22, 2024). Said counsel informed the Complainant that it had no trademark registration and no unregistered trademark rights based upon the evidence it had provided. Consequently,

¹The Panel notes that the Complainant’s registration data in its Annex 1 specifies a registration date of January 10, 2024 but the Panel proceeds on the basis of the currently reported RDAP data with a date of January 10, 2025.

said counsel indicated that were the Complainant to commence an administrative proceeding under the Policy, this would result in a finding of Reverse Domain Name Hijacking and open the Complainant up to liability under applicable United States state law for abuse of process.

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 claims unregistered trademark rights in the mark SPACEPLANET on the basis that it has used the corresponding name continuously and extensively since the late 1990s in connection with music production, DJ performances, live events and digital music releases, adding that said mark is publicly associated with the Complainant on music releases, CDs, vinyls, event flyers and promotional materials, with the designation "SpacePlanet.com" having been printed on CDs and artwork for many years. The Complainant asserts that it continues to use the said name today including ongoing releases and a music event held on December 27, 2025, adding that it uses the domain name <spaceplanet.ch>, demonstrating long-term use of the said identifier. The Complainant argues that through extensive, continuous, and public use across multiple decades, the said mark has acquired distinctiveness and is recognized by the public as identifying the Complainant's artistic and commercial activities.

The Complainant contends that there is no evidence that the Respondent has ever been commonly known by the said name or has made any bona fide use of the disputed domain name, adding that the Respondent has no connection to it, and has never been authorized, licensed or permitted by the Complainant to use it. The Complainant contrasts these assertions with its position that it has used the said name since the late 1990s for music releases, branding, events, and label identity, and via the domain name <spaceplanet.ch>, up to present day. The Complainant states that the Respondent has made no demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services, adding that it has been registered anonymously through a privacy service and resolves only to a parking page, which it says reinforces the absence of legitimate interest.

The Complainant submits that its longstanding public use of the disputed domain name predates the Respondent's registration of the disputed domain name by decades, adding that due to the visibility of the corresponding name on physical and digital releases, the Respondent could not have been unaware of the Complainant's rights and established reputation when registering the disputed domain name. The Complainant contends that the parking page on the website associated with the disputed domain name suggests that the Respondent acquired it primarily for speculative purposes or to exploit the Complainant's longstanding mark, adding that bad faith is found under the Policy where a respondent intentionally attempts to attract users for commercial gain by creating confusion with a complainant's mark, and that the Respondent's actions fall within this category.

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 and seeks a finding of Reverse Domain Name Hijacking.

The Respondent submits that the Complainant has failed to meet its burden of establishing unregistered trademark rights, noting that specific evidence supporting such an assertion should be included in the Complaint and that where, as here, a mark is comprised solely of descriptive terms which are not inherently distinctive, there is a greater onus on the Complainant to present evidence of acquired distinctiveness and secondary meaning. The Respondent asserts that the Complainant's evidence falls short, because it includes no financial data, sales figures, revenue information, or other quantifiable evidence demonstrating commercial success under the said name, no evidence of advertising expenditures, marketing campaigns,

promotional budgets, or media buys, no evidence of press coverage, reviews in music industry publications, features in mainstream or trade media, or any third-party recognition of the said name, no invoices, no advertising materials showing circulation or reach, and no documentation of any coordinated effort to build brand recognition in the SPACE PLANET name. The Respondent contends that the mere existence of event flyers and presence of the said name on historical CD artwork (from 1996-2009), does not establish secondary meaning without evidence of their distribution, circulation, or commercial impact.

The Respondent states that the limited quantifiable evidence of public recognition in the record undermines the Complaint, based upon Discogs and Spotify monthly listeners, YouTube subscribers and video numbers, which it submits reflect minimal public engagement by, at best, a small, niche following, not the widespread consumer recognition required to establish unregistered trademark rights under the Policy. The Respondent submits that any such use has been subject to significant interruptions, noting that while the disputed domain name was actively used in 2009, by September 11, 2016, it displayed no active website and evidences a cessation or abandonment of use for a substantial period, noting that the Complainant provides no evidence of use between approximately 2009 and 2025, a gap of approximately 16 years, undermining any assertion that goodwill or secondary meaning has been maintained. The Respondent takes issue with the Complainant's production of a Google search for the terms "spaceplanet+dj+s.i.one", which it says artificially combines the disputed domain name with the Complainant's personal DJ name, being a classic example of search result manipulation that tells the Panel nothing about whether consumers independently recognize SPACE PLANET as a trademark. According to the Respondent, this instructs the search engine to return results related to the Complainant, rendering them circular and probative of nothing. The Respondent contends that a proper test would involve evidence (which the Complainant has not produced) indicating that consumers searching for the generic term "space planet" are directed to, or associate that term with, the Complainant's services.

The Respondent says that the term "space planet" is inherently generic or descriptive, providing dictionary definitions for each word, and asserting that the disputed domain name is a straightforward combination of two common English words that evoke themes commonly associated with science fiction and astronomy, noting that where a claimed mark consists of such terms, panels under the Policy have held that there is a greater onus on the complainant to present evidence of acquired distinctiveness/secondary meaning, and that this requires substantial evidence of consumer association, a heightened burden that the Complainant has not met. The Respondent adds that the combination of two such words is likewise non-distinctive and open to innumerable legitimate uses across a broad spectrum covering commercial or noncommercial ventures from science or astronomy websites to planetariums. The Respondent argues that provided it uses such words in a manner consistent with their meaning, this may demonstrate a legitimate interest, and that the Complainant cannot monopolize a common, intuitive phrase by asserting use by a niche music project of minimal public recognition.

The Respondent also points out that the Complainant has failed to provide evidence of its claimed ongoing releases under the said name or evidence of the alleged music event on December 27, 2025, noting that those releases for which the Complainant provides evidence are from over a decade ago.

The Respondent submits that the Complainant bears the burden of demonstrating that the Respondent selected the said name because of the Complainant's claimed rights, and that given the obscurity of the Complainant's mark and the inherently descriptive nature of the term, no such inference is warranted. The Complainant asserts that even if the Complainant possessed minimal unregistered trademark rights in the said name, although disputed by the Respondent, the weakness and obscurity of the claimed mark are directly relevant to the Panel's assessment of bad faith the Policy. The Respondent notes that a respondent cannot be found to have registered a domain name in bad faith if it had no knowledge (actual or constructive) of a complainant's claimed rights, and that where a complainant's mark is weak, obscure, geographically limited, or used only in a niche context, the likelihood that a respondent independently selected a generic or descriptive term without any awareness of the complainant increases substantially, adding that the descriptive nature of the said name undermines any inference of bad faith, and that aggregating and holding domain names (usually for resale) consisting of acronyms, dictionary words, or common phrases can be bona fide and is not per se illegitimate under the Policy.

The Respondent contends that the Complainant has failed to prove that the disputed domain name was registered after the Complainant established trademark rights with decades of use and has failed to demonstrate the necessary secondary meaning in the said name. The Respondent states that non-use or passive holding of a domain name does not, by itself establish bad faith registration or use, and may be legitimate where a domain name consists of generic or descriptive terms with inherent commercial value and there is no evidence of targeting a trademark owner, adding that its decision to hold the “inherently valuable” disputed domain name and to publicly offer it for sale is consistent with legitimate domain name investment practices and does not constitute bad faith. The Respondent states that the listing of a domain name for sale is not evidence of bad faith where, as here, it consists of descriptive terms with no evidence of targeting the Complainant. The Respondent contends that the asking price for the disputed domain name reflects the legitimate market value for a short, two-word domain name containing commercially attractive dictionary words, and adds that this reflects a standard in the domain name aftermarket known as a “premium generic domain”. The Respondent says that there is no evidence that the price is inflated and set with specific reference to the Complainant, which might evidence bad faith. The Respondent produces evidence of an aftermarket appraisal showing an averaged out price of USD 43,980, adding that the listed price is well below this, and noting that there is no evidence that the Respondent has attempted to contact the Complainant, has offered the disputed domain name to the Complainant specifically, or otherwise engaged in conduct suggesting that it was registered for the purpose of selling it to the Complainant at an excessive price.

The Respondent states that its use of a privacy service is a neutral, widely accepted, lawful practice which is not, in itself, evidence of bad faith, adding that the Complainant has not provided evidence that the Respondent used such a service for an improper purpose. The Respondent submits that the Complainant’s allegation that it registered the disputed domain name with knowledge of the Complainant’s reputation and intends to create confusion with the Complainant’s mark is unsupported by the evidence, repeating its position regarding the minimal public recognition of the Complainant’s said name, the gaps in its use, and the lack of the Complainant’s apparent fame or widespread use, adding that the Complainant does not allege that the Respondent accessed its website, attended the Complainant’s events, listened to the Complainant’s music, or had any contact with or knowledge of the Complainant’s activities. The Respondent points out that the disputed domain name resolves to a standard marketplace listing without content referencing the Complainant, with no use of the Complainant’s branding, no offering of music-related services, and no evidence of any attempt to divert or confuse Internet users seeking the Complainant’s services, adding that there is no evidence of actual confusion, consumer complaints, or misdirected communications.

The Respondent seeks a finding of Reverse Domain Name Hijacking on the basis that the Respondent’s counsel’s letter advised the Complainant that it had no registered trademark or demonstrable unregistered rights based on the evidence provided, that the disputed domain name was registered after its expiration when it became publicly available, that pursuing this Complaint would be a waste of the Complainant’s money, and that filing the same would almost certainly result in such a finding. The Respondent states that, nevertheless, the Complainant proceeded with its filing without addressing the claimed deficiencies or providing additional evidence, adding that this decision to proceed despite notice that its claims lack merit demonstrates bad faith, and the deficiencies in the Complaint are not subtle or debatable but are fundamental.

The Respondent concludes that the Complainant has resorted to the Policy in an improper attempt to reclaim the disputed domain name, to which it no longer has any legal right, which it says is the type of abuse that Reverse Domain Name Hijacking is designed to deter, adding that the Policy is not a mechanism for recovering domain names lost through administrative oversight, inaction, or failure to maintain registration.

6. Discussion and Findings

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 claims unregistered trademark rights in the mark SPACE PLANET. In order to establish such unregistered trademark rights, a complainant must typically demonstrate by way of independent evidence that such mark has acquired a secondary meaning and has become a distinctive identifier which consumers associate with its goods and services, along the lines indicated by [WIPO Overview 3.0](#), section 1.3, for example, 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.

[WIPO Overview 3.0](#), section 1.3 goes on to note that specific evidence supporting assertions of acquired distinctiveness should be included in the complaint, adding that conclusory allegations of unregistered or common law rights, even if undisputed in the particular UDRP case, would not normally suffice to show secondary meaning. In cases involving unregistered or common law marks that are comprised solely of descriptive terms which are not inherently distinctive, there is a greater onus on the complainant to present evidence of acquired distinctiveness/secondary meaning.

Here, the Respondent's contention that the term "space planet" is comprised of solely descriptive terms which are not inherently distinctive does not find favor with the Panel. While both are dictionary words, and both might be linked to astronomy or science fiction, the juxtaposition of the words is somewhat distinctive in that "space" and "planet" are in some respects opposites of one another, and despite what the Respondent says, they do not comprise a "common, intuitive phrase". A planet is not space, and space is not a planet. A planet is found "in space" but "space planet" is not to the Panel's knowledge a common or descriptive term like "spaceman" or "spacesuit". In other words, if a domain name is comprised of dictionary words that are unusual bedfellows and together amount to a distinctive phrase, the Panel does not consider that the greater onus described in section 1.3 of the [WIPO Overview 3.0](#) necessarily falls upon a complainant.

Turning to the evidence of secondary meaning produced by the Complainant here, the Panel acknowledges the Respondent's criticisms that a series of album releases do not necessarily, in and of themselves, demonstrate any public recognition in the absence of evidence of the extent of distribution. However, as is indicated on at least one of the Complainant's album covers, companies were engaged to distribute said album in three separate territories, namely Germany, Austria, and Switzerland, often known as the DACH countries. It would be surprising if such activity (and the release of multiple albums or singles/EPs over the years) produced no public recognition in the name "Space Planet", and indeed, some evidence of recognition is available from the monthly users of streaming services under the Complainant's artist name. The numbers may be small, but nevertheless amount to repeated month-on-month streams of the Complainant's music under the name concerned. Likewise, there have been only limited views of the Complainant's videos on the eponymous YouTube channel, and no recent content has been uploaded, but 11,000 views over the years is not an insignificant number. The Complainant's Facebook page, which was inserted into the evidence, provides limited support for the fact that the alleged concert or livestream at the end of December 2025 did take place, and points to a video of this event hosted on the Complainant's personal YouTube page which has had over 200 views. There is also evidence showing that the Complainant had adopted the term "Space Planet" by 1996 and has therefore used it for a lengthy period, whilst accepting that there is an equally lengthy gap for its use in the evidential record that cannot be overlooked.

The Panel determines, taking all of the above evidence into account, that the Complainant has established unregistered trademark rights in the SPACE PLANET mark, albeit only marginally. While this is sufficient for the first part of the first element test under the Policy, section 1.3 of the [WIPO Overview 3.0](#) notes that even where a panel finds that a complainant has UDRP standing based on unregistered or common law trademark rights, the strength of the complainant's mark may be considered relevant in evaluating the second and third elements, whereby the Panel will return to the Respondent's corresponding challenges to the Complainant's evidence.

The Panel finds the Complainant has established unregistered trademark or service mark rights for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical 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

In respect of the third element assessment under the Policy, 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 this case, the Respondent is based in the United States, and the Complainant is based in Switzerland. The Complainant's evidence did not suggest that the extent or reach of its unregistered trademark would have come to the attention of the Respondent (and the Respondent expressly denies this) nor did the Complainant demonstrate that in registering and using the disputed domain name, including offering it for general sale, the Respondent had an intent to target the Complainant's said mark.

The Panel notes that the Respondent registered the disputed domain name after it had dropped and returned to the general pool for registration. This does not therefore seem to be a case involving a "drop caught" domain name where the Respondent might have been objectively aware that the Complainant held the registration immediately prior, and might thereby have been on notice that the Complainant possessed rights in a corresponding trademark (see, for example, *Supermac's (Holdings) Limited v. Domain Administrator, DomainMarket.com*, WIPO Case No. [D2018-0540](#)). Even had the circumstances of this case led the Respondent to such an awareness, the typical research it might have conducted on multiple entries for the disputed domain name in the Internet Archive "Wayback Machine" would have suggested that the disputed domain name had most probably been abandoned by the artist which had formerly used it, based upon apparent inactivity since as long ago as 2012. On that topic, the Google search produced by the Complainant is of no avail, since the Respondent would not have known to search both against "space planet" or "spaceplanet" and the Complainant's DJ name. The best evidence here would have been the production of a Google search purely for "space planet" or "spaceplanet", ideally time-limited to the period before the Respondent's registration of the disputed domain name, and based upon servers in the Respondent's location rather than that of the Complainant, thus showing extent and reach of the claimed mark.

In these circumstances, the Panel does not consider that the Complainant's case has established that the Respondent registered the disputed domain name with the Complainant in mind and with intent to target its rights in the SPACE PLANET mark. On the evidence before the Panel, such rights are limited in nature and there is no reason to believe that they came to the Respondent's attention or that its intent in registering the disputed domain name was to sell it specifically to the Complainant. Consequently, the Complaint fails.

The evidence in the case file as presented does not indicate that the Respondent's aim in registering the disputed domain name was to profit from or exploit the Complainant's trademark.

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.

Here, the Respondent seeks the corresponding finding because its counsel pointed out what it saw as the weaknesses of or flaws in the Complainant's case before it proceeded to file the Complaint, and yet the Complainant decided to proceed without making any modifications. Nevertheless, the Panel found contrary to the Respondent's position that the Complainant was able to establish unregistered trademark rights in the mark SPACE PLANET. As discussed above, the Panel considers that there is some distinctiveness in the term, and consequently the Complainant had legitimate suspicions regarding the Respondent's registration of the disputed domain name and its offer for sale (albeit that the Panel has found no evidence of Respondent targeting).

The Panel considers that the Complaint was not wholly without merit and therefore was not brought in bad faith. There is evidence, albeit limited, of the Complainant's ongoing use of the mark, not least from the monthly listeners and the recent livestream. Moreover, the Complainant owned the disputed domain name for many years prior to its registration by the Respondent, and appears to have assumed the offering of the disputed domain name for sale was directed at it as the prior registrant. In these circumstances, the Panel considers that the Complainant was entitled to put the Respondent to the proof as to whether it was being targeted via the registration of the disputed domain name. The fact that such proof has failed does not necessarily mean that the Complainant brought the Complaint in bad faith.

The Respondent's request for a finding of Reverse Domain Name Hijacking is denied.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Andrew D. S. Lothian/

Andrew D. S. Lothian

Sole Panelist

Date: January 29, 2026