

ADMINISTRATIVE PANEL DECISION

Rowse Enterprises Inc. d/b/a Set2Close v. Desmer Ayalogu, Set 2 Close
Case No. D2025-5313

1. The Parties

The Complainant is Rowse Enterprises Inc. d/b/a Set2Close, Canada, internally represented.

The Respondent is Desmer Ayalogu, Set 2 Close, Canada.

2. The Domain Name and Registrar

The disputed domain name <set2closegroup.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 December 18, 2025. On December 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 19, 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 (“Set2Close Group / Pinnacle Business Solution”) and contact information in the Complaint. In response to the Center’s invitation to rectify certain formalities in the Complaint, the Complainant filed the first and second amended Complaints on December 26, 2025. The Center sent an email communication to the Complainant on December 29, 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 a third amended Complaint on the same date.

The Center verified that the Complaint together with the amended Complaints 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 January 9, 2026. In accordance with the Rules, paragraph 5, the due date for Response was January 29, 2026. An email communication was received by the Center from an email address associated with the disputed domain name on December 29, 2025. On January 30, 2026, the Center informed the Parties of the commencement of panel appointment process.

The Center appointed Christopher J. Pibus as the sole panelist in this matter on February 2, 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 carries on business as a provider of business consulting services in the field of sales enhancement and business development, with its principal place of business in British Columbia, Canada.

The Complainant asserts that the trademark SET2CLOSE was first used by the Complainant in March 2022, which is supported by the first-use date indicated in its below United States of America ("United States") trademark registration record.

Particulars of the registered trademarks owned by the Complainant are as follows:

- Canadian Trademark – SET2CLOSE, Registration No. TMA1254156 issued August 30, 2024, in Class 35; and

- United States Trademark – SET2CLOSE, Registration No. 7655209 issued January 14, 2025 (application filed on January 17, 2023), in Class 35.

The Complainant's offerings are accessible through its principal website at "www.set2close.io", registered on March 12, 2022.

The disputed domain name was registered on March 14, 2025, and is used in connection with a website purportedly operated by Set2Close Group and offering sales enablement solutions, competing with the Complainant's offering.

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 it owns registered trademark rights for its SET2CLOSE brand, including registrations in Canada where the Respondent has represented to carry on business, as shown in its LinkedIn profile. The Respondent has chosen a domain name confusingly similar to the Complainant's trademark, which differs only by the addition of the term "group", and has chosen to use the disputed domain name to promote similar services as those provided by the Complainant, namely sales enhancement and business consulting. Bad faith is established in spite of belated remedial measures adopted by the Respondent, after receiving notice of the Complainant's claims.

B. Respondent

The Respondent did not submit a formal Response to the Complainant's contentions although it did send an email communication to the Center on December 29, 2025, from an email address associated with the disputed domain name. It did not provide any substantive response, but disputed its registered address as provided in the registration details of the disputed domain name. After receiving a cease-and-desist letter from the Complainant, in late 2025, the Respondent engaged in discussions with the Complainant by way of email exchanges, copies of which were included in the Complainant's productions. In the course of these discussions, the Respondent acknowledged the Complainant's trademark rights in the United States and

Canada, and claimed to have adopted geo-blocking measures to prevent access to its website from Canadian and United States users, after receiving notice of the Complaint.

6. Discussion and Findings

According to paragraph 4(a) of the Policy, in order to succeed, the Complainant must establish each of the following elements:

- (i) the disputed domain name is identical or confusingly similar to the 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 has been 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 shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name and that the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, "group") may bear on assessment of the second and third elements, the Panel finds the addition of such term 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 1.8.

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 the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. In particular, the Complainant has provided evidence of registered trademark rights in the word mark SET2CLOSE which predate the respondent's registration of the disputed domain name. These trademark rights exist in the field

of business consulting and sales enhancement services, extending back as far as March 2022 (as claimed by the Complainant and corroborated by its United States trademark registration records), and these rights were acknowledged by the Respondent in the course of the Parties' discussions. The Respondent has used the SET2CLOSE trademark for what appears to be a similar field of sales-related business operated by the Complainant, in the same Canadian marketplace, without authorization. The Panel thus finds, on balance, that by registering the disputed domain name, the Respondent intended to take unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant as to the origin or affiliation of the website at the dispute domain name. In this regard, the Panel took note of the Respondent's assertion made in the pre-Complaint email exchanges that it operates in Saint Lucia and notes that the Complainant has provided evidence showing that location of the Respondent's company in its LinkedIn profile has been changed from Canada to Saint Lucia following the Respondent's receipt of the Complainant's case-and-desist letter. Noting the above, the Respondent's attempt to repair the situation by geo-blocking access to its website in Canada and the United States is not probative of rights or legitimate interests, and in any event, the purported geo-blocking has not been successfully implemented. See *Net Holding A.Ş., Merit Turizm Yatirim ve İşletme A.Ş. v. Gene M Bleich, seo, efe ates, Kerim Balç*, WIPO Case No. [D2025-4195](#). The Respondent failed to submit a formal Response in the proceedings. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The Panel finds the second element of the Policy has 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.

In the present case, the Panel concludes, on balance, that the Respondent intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark (paragraph 4(b)(iv)). In particular the Panel notes that the Respondent (who had a Canadian address, according to the information provided by the Registrar as well as the evidence provided by the Complainant regarding the Respondent's LinkedIn page) was likely aware of the Complainant's trademark rights and set out to deliberately copy the SET2CLOSE mark, including the mixture of alphabetical elements with a numeral, for offering sales-enhancement services in a field similar to that occupied by the Complainant. The Respondent's belated attempt at geo-blocking access to its website (in December 2025) does not cure bad faith which existed at the time the disputed domain name was registered (in March 2025) and thereafter. In any event the purported geo-blocking was not effective, as the impugned website remains accessible to Canadian users, displaying a full description of available services along with contact information, and a recognizable photograph of the head office of the Toronto Dominion Bank in downtown Toronto.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds that the Complainant has established the third element of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <set2closegroup.com> be transferred to the Complainant.

/Christopher J. Pibus/

Christopher J. Pibus

Sole Panelist

Date: February 16, 2026