ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

Gregorio Martínez López v. Ahmad Ghunaim
Case No. D2026-1715

1. The Parties

The Complainant is Gregorio Martínez López, Spain, self-represented.

The Respondent is Ahmad Ghunaim, South Africa, self-represented.

2. The Domain Name and Registrar

The disputed domain name <thecontent.app> is registered with Hosting Concepts B.V. d/b/a Registrar.eu. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 22, 2026. On April 23, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 24, 2026, 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 (Ahmad Ghunaim) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 24, 2026, 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 April 29, 2026.

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 May 1, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 21, 2026. The Response was filed with the Center on May 14, 2026.

The Center received an unsolicited supplemental filing from the Complainant on May 14, 2026.

The Center appointed Andrew D. S. Lothian as the sole panelist in this matter on May 21, 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 natural person of Spanish nationality domiciled in Spain. The Complainant does not provide any specific information in the Complaint regarding its business activities, other than briefly noting that it operates in the artificial intelligence ("AI") tools field for content creators via the domain name <thecontent.ai>.[1]

The Complainant is the owner of European Union Registered Trademark Number 019257204, in respect of the word mark THECONTENT, filed on October 6, 2025, and registered on February 15, 2026, in Classes 9 and 42. The specification of goods and services includes, inter alia, downloadable mobile applications, computer programs for using the Internet, community and social software, AI software, content management software and systems, computer software, website design and development, and cloud storage services.

The Complainant provides no evidence in the Complaint as to how the said mark has been used, other than mentioning that the Respondent's fields of activity overlap its own, largely focusing upon what it describes as the Respondent's infringing use on the website associated with the disputed domain name. However, in its supplemental filing, the Complainant provides further details of the fact that it operates an AI-powered platform at the domain name <thecontent.ai>. The Respondent provides evidence indicating that the said site is presented as being in "beta," which the Panel takes to mean that it remains under development and has not yet launched all of its features.

As far as use of the Complainant's mark is concerned, beyond its said platform, the Complainant provides evidence in its supplemental filing of a listing on "www.crunchbase.com" of a "Heat Score" for its business, "TheContent," showing a graph beginning on February 13, (presumably 2026 but no year is supplied) at a score of 25/100, and rising to about 79/100 on March 15, and remaining over 75/100 until May 14. As this screenshot was only partially complete, the Panel visited "www.crunchbase.com" on May 29, 2026, at which date the said graph ran from February 28 to May 29, again without specifying the year, which suggests to the Panel that it refers to 2026. The Panel noted that the score was now 71/100, whereby it had changed little from the Complainant's screenshot. The Panel also identified a monthly web visit score for the Complainant's said entry, provided by "Semrush," that had not been present on the Complainant's screenshot. This showed that the Complainant's said site had received 56 monthly visits. The Panel noted that the "Heat Score" was described on said site as "the measure of the market interest, media activity, and Crunchbase profile activity" without differentiating between these elements.

The Complainant also supplied a screenshot of an undated profile on "F6S" for TheContent which indicates that at some point it was seeking investment for its said business, described as an "AI-powered co-creation and predictive intelligence platform for the creator." The Panel attempted to visit the said profile page, again with a view to evaluating any information which may have been missing from the Complainant's screenshot which was limited in size; however, the Panel did not proceed further as registration was required to view the data, and consequently it was not publicly available.

The disputed domain name was registered on March 23, 2026. According to screenshots taken by the Complainant dated March 31, 2026, the website associated with the disputed domain name provides an online service whereby Internet users can access "an AI tool trained on real-world content strategy, viral psychology, and audience growth frameworks" to create "high-performing content" including video ideas, full content scripts, titles and descriptions, a "bio" (biography) generator, and content strategy, including monthly and daily posting plans.

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[1]According to the Panel's research, this domain name was registered on May 23, 2025. With regard to a panel conducting independent research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision, see WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.8.

The Respondent is an individual content creator and entrepreneur of Jordanian origin, currently domiciled in South Africa, which describes itself as "an established and publicly known content creator and entrepreneur, whose personal and corporate social-media presence exceeds three million followers in aggregate across all platforms, and who has independently developed and operates a bona fide Arabic-language AI platform serving Arabic-speaking professional content creators in the MENA region." The Respondent adds that its platform is "operated as part of the Respondent's parent brand, "Nuqtah," and provides its services without charge to qualifying professional content creators participating in its "Nuqtah" creator-support program, with all platform operating costs underwritten by the Respondent and his parent business".

The Respondent's LinkedIn page, captured by the Complainant on April 18, 2026, describes it as "Content Creator and more", and under "Experience" lists "The Content APP – Freelance Professional" for the period from April 2026 to the present, being one month at that time, with a location of "Oman – remote". It also lists additional experience of "Nuqtah – Temporary" for the period from September 2024 to the present, being one year and eight months, with the same location. The Respondent's earliest visible experience shown on the Complainant's screenshot, which is only a partial copy of the page, consists of two posts as "Content Creator" from 2023, one being "The Palestinian lead of Palestine content on See.tv", with a location of "South Africa – remote". The Respondent also provided evidence supporting the notion that it benefits from a substantial personal social media following.

The Parties have engaged in prior correspondence. On March 31, 2026, the Complainant issued a cease and desist notice by email to the Respondent, alleging infringement of its registered trademark. The Respondent denies receiving this email. The Complainant issued a follow-up email on April 11, 2026, indicating that it had not received a reply to its original email, stating that the website associated with the disputed domain name was meanwhile being modified, and that the Complainant was capturing any changes. The Complainant issued a further follow-up email on April 16, 2026, noting the Respondent's visits to its professional pages on LinkedIn, and proposing an amicable resolution.

On April 18, 2026, the Respondent replied to the Complainant's correspondence asserting that the disputed domain name was being used in connection with "a bona fide, independently developed platform currently under active development, involving substantial technical work and financial investment, as well as initial user testing and onboarding activities". The Respondent added that the disputed domain name contained common, descriptive words, and lacked inherent distinctiveness, adding that it was registered independently and without knowledge of the Complainant. The Respondent also stated that the scope of its platform was not intended to overlap or derive from the Complainant's activities. The Complainant replied on April 21, 2026, disputing that the Respondent had engaged in any substantial investment and indicating that the content on the website associated with the disputed domain name could be generated with a single prompt. The Complainant proposed "a fair offer" that the Respondent transfer the disputed domain name, in return for which the Complainant would assist the Respondent in finding an alternative domain name for its project. On April 22, 2026, the Respondent replied, reiterating that the disputed domain name was being used for a genuine project and declining the arrangement that the Complainant had described as an "offer".

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 relies upon its European Union registered trademark, and contends that the disputed domain name incorporates this in its entirety. The Complainant adds that it has not licensed, authorized or consented to the Respondent's use of such mark in any form, noting that the Respondent does not hold any corresponding registered trademark according to searches conducted in the trademark offices of the European Union and United States of America, and via the WIPO Global Brand Database. The Complainant notes that the Respondent did not file any opposition against the Complainant's trademark application during the statutory opposition period.

The Complainant contends that none of the safe harbors set out at paragraph 4(c) of the Policy apply to the Respondent. The Complainant states that there could be no bona fide offering of goods or services by the Respondent prior to notice of the dispute, because the Respondent's own public LinkedIn profile self-declares its current role at "The Content APP" as beginning in April 2026, being one month as of April 18, 2026, adding that the disputed domain name was registered only eight days before the Complainant's first cease and desist letter. The Complainant asserts that no evidence of bona fide preparations prior to the notice of the dispute exists or could reasonably exist given the timeline, adding that the use of a sign identical to the Complainant's registered mark to offer services that directly overlap with those covered by the mark cannot constitute a bona fide offering under the Policy.

The Complainant contends that the Respondent is not commonly known by the disputed domain name, noting the terms of the Respondent's public identity, as evidenced by its LinkedIn profile and prior professional roles, and asserting that the Respondent has not been identified in any public record as being commonly known as "thecontent" prior to the registration of the disputed domain name. The Complainant asserts that the Respondent is not making any legitimate noncommercial or fair use of the disputed domain name, adding that the website associated with the disputed domain name has been operated as a fully commercial AI content-strategy service with paid subscription tiers in direct competition with the Complainant's services, including an affiliate/referral program. The Complainant states that this use is manifestly commercial and intended for commercial gain, misleadingly diverting Internet users seeking the Complainant's service.

The Complainant asserts that the disputed domain name has been registered and is being used in bad faith, noting that by the date the disputed domain name was registered, the Complainant's trademark had been registered for 33 days [the Panel notes in passing that the correct period is 36 days] and had been publicly searchable as a trademark application for 137 days, submitting that the Respondent had actual or constructive notice thereof. The Complainant contends that the Respondent's services offered at the website associated with the disputed domain name overlap with the goods and services protected by the Complainant's mark, and that by using the disputed domain name to offer directly competing services, the Respondent is violating paragraph 4(b)(iv) of the Policy. The Complainant adds that the Respondent's activities disrupt the Complainant's AI content business, via its use of the near identical disputed domain name to the Complainant's <thecontent.ai>, by offering directly competing services in the same commercial space and diverting potential customers, diluting the distinctiveness of the Complainant's mark, and creating confusion in the marketplace.

The Complainant describes several further circumstances which it says are additional indicia of bad faith. First, the Complainant states that the RDAP record relating to the disputed domain name was updated on April 16, 2026, being five days after the Complainant issued an evidence-preservation notice in its cease and desist notice of April 11, 2026, which indicates "responsive alteration of the domain [name] configuration".

Secondly, the Complainant asserts that the current name servers of the disputed domain name, being ns1.dns-parking.com and ns2.dns-parking.com, are inconsistent with a live, sustained commercial operation.

Thirdly, the Complainant asserts that the Respondent's own LinkedIn profile declares its role at "The Content APP" as beginning in April 2026, directly contradicting the Respondent's statement in the email of April 18, 2026, invoking "substantial technical work and financial investment over time".

Fourthly, the Complainant contends that in the Respondent's email reply of April 22, 2026, the Respondent refers to the Complainant's request for transfer as a declined "offer", which the Complainant says reveals a transactional conception of the disputed domain despite no monetary offer ever having been made by the Complainant.
Fifthly, the Complainant notes that the Respondent admits in its reply of April 18, 2026, that it reviewed the Complainant's professional profiles after receiving the Complainant's communications, which the Complainant submits confirms post-notice awareness of the Complainant and its trademark.

Sixthly, the Complainant asserts that the Respondent's own landing page at the disputed domain name, as captured on March 31, 2026, displayed product mockups showing a simulated browser with the URL "contentstrategy.app/workflow", this being a descriptive, non-conflicting alternative domain name that was probably the original working name of the product. The Complainant adds that the Respondent modified these mockups to replace the said URL with “thecontent.app/workflow”, following the Complainant’s first cease and desist letter of March 31, 2026, as evidenced by the screenshot of April 13, 2026, noting that a comparison of screenshots reveals that the page layout, design elements, wizard steps and navigation tabs remain identical in every respect, whereby the only material change is the URL displayed in the simulated browser within the mockup image. The Complainant concludes that this demonstrates that the Respondent had access to, and had initially designed the product around, a descriptive and non-infringing alternative domain name but chose to register the disputed domain name incorporating the Complainant’s mark and attempted to conceal this upon being put on notice, this being (in the Complainant’s submission) a strong indicium of bad faith.

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. In summary, the Respondent contends as follows: [2]

The Respondent asserts that the disputed domain name was selected and registered for purely descriptive reasons without any knowledge of the Complainant or its trademark, and is being used as the primary domain name for an actively operating service.

The Respondent asserts that the disputed domain name is distinguishable from the Complainant’s trademark due to its composition of two ordinary English words forming a descriptive expression “the content” and the generic Top-Level Domain (“gTLD”) “.app”, itself a descriptive domain name reserved by the “.app” registry for applications, whereby the disputed domain name is descriptive of the underlying service of an application for content creators.

The Respondent asserts it is making no reference to the Complainant or targeting the Complainant’s customers, adding that its audience is Arabic-speaking content creators in the MENA region, and noting that its website’s primary user interface defaults to Arabic. The Respondent asserts that there is no plausible market or linguistic overlap between the Parties.

The Respondent asserts that the words “the content” are descriptively used by multiple businesses to refer to digital content, content creation, content marketing, and content management, including <thecontent.io>, <thecontentstudio.com>, <thecontentmarketer.com>, <thecontentcollective.com>, <thecontentfactory.com>, <thecontent.tv>, <thecontent.com.au>, and <thecontent.co>.

The Respondent asserts that the Complainant’s mark should only be afforded a narrow scope of protection and cannot monopolize the conceptual space across every domain name and geographic market. The Respondent nevertheless acknowledges that the gTLD is typically disregarded for the first element comparison test and indicates that it does not contest the similarity issue for the purposes of such element.

The Respondent asserts that it is making a bona fide offering of goods and services, and has done so before any notice of the dispute, explaining that the disputed domain name is used with “The Content App by Nuqtah”, which is a fully operational Arabic-language artificial intelligence platform providing multiple types of assistance to content creators.

The Respondent provides evidence of what it claims are demonstrable preparations to use the domain name in connection with a bona fide offering of goods or services, asserting that its platform was developed over 125 days of continuous engineering work. While the Respondent asserts that it did not receive the Complainant’s communication dated March 31, 2026, it contends that by that date, the Respondent had operated the website associated with the disputed domain name for eight days

[2]See section 6.1 below for a discussion of the fact that the Response exceeds the prescribed word limit. This summary necessarily truncates the Respondent’s submissions, although the Panel has considered all of them.

The Respondent asserts that it has been commonly known by the disputed domain name. It lists various account names on the Instagram, TikTok, YouTube, and LinkedIn platforms, and provides related screenshots, of which there are three corresponding to the disputed domain name.

The Respondent states that its personal Instagram account, with 716,000 followers, expressly cross-references the disputed domain name in its bio link section, which lists "@thecontent.app" alongside "@nuqtah.tv" and "@nuqtahstudio" as the Respondent's brands, whereby the Respondent states that it has publicly identified the disputed domain name as one of its assets within its follower channel. The Respondent adds that its Instagram handle "@thecontent.app" was joined a full year before the Complainant filed its trademark application, and 18 months before the Complainant contacted the Respondent.

The Respondent asserts that it had no actual or constructive knowledge of the Complainant's trademark at the time of registration of the disputed domain name, adding that it is domiciled in South Africa, whereby it has no commercial activity in the European Union and had no business reason to consult the related trademark register before registering the disputed domain name for its MENA-targeted service. The Respondent notes that the Complainant's mark was registered for only 36 days when the disputed domain name was registered, that the Respondent is not domiciled in the European Union, that the Complainant's commercial footprint is de minimis based on its Instagram account, and that the Complainant's website at <thecontent.ai> operates in beta in the Spanish language.

The Respondent asserts that its choice of the disputed domain name was independent and descriptive. It states that it considered multiple alternatives when acquiring the primary domain name for its platform, including <thecontentapp.com> but chose the disputed domain name because of its shorter visual aesthetic and the descriptiveness of ".app" with the underlying product. The Respondent adds that its commercial use of such a descriptive domain name is itself bona fide and is not, of itself, evidence of bad faith. The Respondent contends that none of the examples of bad faith registration and use in paragraph 4(b) of the Policy apply.

The Respondent states that its website does not compete with that of the Complainant because it is materially different in nature, function, language, and market. The Respondent asserts that the scale of the Complainant's commercial activity is small and incompatible with any allegation of substantial market reputation.

The Respondent states that the Complainant takes its mention of a "declined offer" out of context to suggest a transactional conception of the disputed domain name, noting that the Respondent used the word to refer to the Complainant's demand for transfer of the disputed domain name, noting that the Respondent has never solicited any monetary offer and adding that its refusal to surrender ownership of the disputed domain name was clear and unambiguous, and did not constitute an invitation to negotiate.

The Respondent states that its profile on LinkedIn is not inconsistent with its development timeline, adding that the role start date reflects the Respondent's public assumption of a founder/CEO role after a public launch, not a representation as to when engineering work began.

The Respondent submits that the Complainant's allegations relating to the mock-up changes are misconstrued, asserting that there was no intention to conceal anything and that the factual record is fully traceable in the Respondent's repository.

The Respondent contends that it engaged in good faith conduct after the dispute arose, reinforcing its absence of bad faith, including the addition of an alternative production domain name under <nuqtah.tv> on April 27, 2026, and an update to the brand presentation to read "The Content App by Nuqtah" on April 27, 2026, in order to subordinate the contested name to the Respondent's parent brand, at the same time refining email-sending practices and domain name references across its website. The Respondent states that these measures, taken at material expense in personal time and engineering work, demonstrate the Respondent's willingness to accommodate the position, including preparing for an adverse outcome without prejudice to the Respondent's rights.

The Respondent requests a finding of Reverse Domain Name Hijacking on a number of bases as set out in the Panel's discussion of that topic below.

C. Complainant's Supplemental Filing

In the supplemental filing, the Complainant contends that the Respondent materially mischaracterizes the Complainant's platform as without AI functionality and as a passive social request board, when the Complainant's platform is a multi-feature AI platform serving professional content creators with analytical predictive tools. The Complainant submits that its system has incorporated and made available since before May 13, 2026 (the date of the Respondent's surface-layer capture) three features, namely a social content-request board in the publicly visible layer, an AI powered analytical engine for social media channels, and an AI-powered content prediction engine, with the latter two AI features (evidence provided) accessible to registered users upon login. The Complainant invites the Panel to create an account and verify the said operational features if it wishes. The Complainant also provides details of the technical substance of its platform, which includes, in summary, AI and machine learning features, a multi-component server-side system and an interactive web-based interface, structured so that different functions are handled by separate modules, which it states is designed to support users across seven languages [noted by the Panel in passing not to include Arabic].

The Complainant asserts that the Respondent's alleged "Nuqtah" parent brand has no independent corporate existence, based upon its searches of the Companies and Intellectual Property Commission of South Africa, and adding that the Respondent has provided no evidence of formal corporate registration for the "Nuqtah" entity, which is, on the evidence before the Panel, a social media handle and informal brand name used by the Respondent as an individual content creator rather than a registered legal entity. The Complainant adds that the name "Nuqtah" is already in commercial use by Saudia Arabia's first NFT marketplace, founded in 2021, and a Riyadh-based AI consultancy serving Saudi Arabian enterprises, neither of which appear to be affiliated to the Respondent although they are in the Respondent's claimed market and sector, which the Complainant submits weakens the Respondent's reliance on this as a legitimizing framework for its use of the disputed domain name.

The Complainant contends that the available evidence relating to the Respondent's claimed Instagram handle "@thecontent.app" is consistent with said account having been created originally under a different name, and subsequently renamed to "@thecontent.app" at a later date, indicating that it shows no evidence of any commercial activity, brand communications, product announcements, or audience engagement, adding that zero posts have been published, suggesting that the follower accounts may have been acquired under the previous identity and that they predominantly exhibit the characteristics of inauthentic or automated accounts, namely random alphanumeric usernames, no profile images, zero posts, and zero following. The Complainant also contends that the Respondent's YouTube channel "@thecontentapp" is similarly devoid of published content and has since been deleted or had its handle changed, whereby both accounts are, on the evidence, dormant name registrations rather than active commercial brand presences, which cannot constitute being commonly known by the disputed domain name.

The Complainant contends that Instagram handle changes are a publicly known platform feature, that account creation dates reflect the date of creation under any name rather than the current handle date, and that no credible explanation exists for why a brand operator would build a social media presence under "The Content App" for eighteen months without registering the corresponding domain name. The Complainant concludes that the Respondent has produced no evidence demonstrating that "@thecontent.app" was in use at any point prior to its awareness of the Complainant's mark. The Complainant submits that the elimination of the Respondent's YouTube channel should be afforded careful scrutiny, because despite the Respondent's reliance upon it in evidence, it was deleted during the pendency of the administrative proceeding, adding that the handle has been changed to the Respondent's personal creator channel, which it says confirms that the YouTube brand identity had no separate existence from the Respondent's personal influencer presence.

The Complainant submits that the Respondent's source code repository is private, whereby its contents cannot be independently verified, and that the forensic report was generated by the Respondent itself, which cannot therefore carry the same evidentiary weight as an independently verifiable public record, whereas by contrast, the Complainant's own platform is publicly accessible and its operational features are independently verifiable by the Panel per the invitation already provided.

The Complainant asserts that its platform at <thecontent.ai> was operational, and its startup profile was published on "F6S" and "Crunchbase", which the Complainant says are internationally recognized startup registration and investor-discovery platforms, in both cases before the date when the Respondent registered the disputed domain name [the Panel notes in passing that this is not shown on the corresponding screenshots]. The Complainant adds that its LinkedIn presence under "TheContent.ai" brand had accumulated 217 connections before the disputed domain name was registered, which figure it asserts reflects its deliberate B2B go-to-market strategy, pursuant to which this presence was the primary channel, adding that the Respondent's comparison between channels and follower numbers conflates two different commercial strategies and target audiences, whereby it should be accorded no weight.

The Complainant notes that although the Respondent states that it did not receive the Complainant's emails of March 31, 2026 or April 1, 2026, the Respondent annexes the complete text of the Complainant's emails of April 11, 2026, April 16, 2026, and April 21, 2026, adding that the Respondent characterizes the Complainant's email of April 21, 2026 as "coercive" without acknowledging that it followed two deliberate non-responses on the Respondent's part. The Complainant adds that it acknowledged in the email of April 21, 2026, that the Respondent "may have genuinely invested significant time and money," which the Complainant says reflects its good faith attempt to reach a commercial resolution rather than acknowledging the legitimacy of the Respondent's use of the disputed domain name.

6. Discussion and Findings

6.1. Procedural Issue: Response Exceeds Word Limit

Pursuant to paragraph 5(c)(i) of the Rules and paragraph 11(b) of the Supplemental Rules, the word limit for the portion of the Response which relates specifically to the statements and allegations contained in the Complaint is 5,000 words. The Response exceeds this word limit by about 800 words, or around 17.5 per cent. The Panel considered whether to require the Respondent to amend the Response so that it complied with the word limit and decided that, as the Complainant had already answered it in terms of its supplemental filing, and as the amount by which it exceeded the word limit was not excessive, it would not require such amendment. However, in line with the view of the panel expressed in *European Handball Federation v. domain admin, Xedoc Holding SA / Whois Privacy Services Pty Ltd*, WIPO Case No. D2016-0057 (where the word count in the response was 8,980 words) the Panel notes that, although it has taken into account all of the Respondent's arguments, it reminds parties that they should strictly adhere to the prescribed word limits. In light of the size of the Response, the terms of the Respondent's contentions, as summarized above, have been substantially truncated.

6.2. Procedural Issue: Complainant's Supplemental Filing

Paragraph 12 of the 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 generally discouraged, unless specifically requested by the panel. WIPO Overview 3.1, section 4.6.

Panels have sole discretion, under paragraphs 10 and 12 of the Rules, whether to accept an unsolicited supplemental filing from either party, bearing in mind the need for procedural efficiency, and the obligation to treat each party with equality and ensure that each party has a fair opportunity to present its case. The party submitting a supplemental filing would normally need to show its relevance to the case and explain why it was unable to provide that information in the complaint or response (for example, owing to some exceptional circumstance).

As noted in the procedural history section above, the Complainant filed a supplemental filing on May 14, 2026. The Complainant asserted that there were exceptional circumstances for this, notably that the Response contained material factual misrepresentations, a selective and deliberately incomplete presentation of the Complainant's platform, and new factual allegations including assertions regarding the Respondent's corporate structure and parent brand and the technical substance of its code repository. The Complainant asserted that it could not have anticipated these matters at the time of filing the Complaint, and that they required a specific, limited rebuttal.

The Panel considered that it was appropriate to admit the Complainant's supplemental filing and likewise would ordinarily have provided the Respondent with an opportunity to answer this, but determined that this would have given rise to avoidable delay and was unnecessary given the Panel's decision to deny the Complaint, as discussed below.

6.2. Substantive Issues

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 Select UDRP Questions ("WIPO Overview 3.1"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

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 3.1, section 1.7.

The applicable Top-Level Domain ("TLD") in a domain name (e.g., ".com", ".club", ".nyc") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. WIPO Overview 3.1, section 1.11.1.

The Panel notes that the Respondent asserts on this topic that the Complainant's mark may only be afforded a narrow scope of protection and cannot monopolize the conceptual space across every domain name and geographic market. These matters are not appropriate to the first element discussion and will be considered in connection with the second and third elements below. WIPO Overview 3.1, section 1.7. The Panel also notes that the Respondent effectively concedes the position on the first element assessment.

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 that 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 3.1, 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. The Complainant's case is based upon its submissions that the disputed domain name incorporates its trademark in its entirety, that the Complainant has not licensed, authorized or consented to the Respondent's use of such mark in any form, that the Respondent does not hold any corresponding registered trademark, that the Respondent did not file any opposition against the Complainant's trademark application during the statutory opposition period, and that none of the safe harbors set out at paragraph 4(c) of the Policy apply to the Respondent. The Panel therefore turns to the Respondent's case in rebuttal.

The essence of the Respondent's case is that it is using the disputed domain name, or a name corresponding to it, in connection with a bona fide offering of goods or services, and has made demonstrable preparations to do so before it received notice of the dispute. The Respondent's position is also that the disputed domain name and gTLD are composed of dictionary words, which it says that it combined independently of the Complainant's mark to represent "the content app", being descriptive of its Arabic-focused content generation service. The Respondent's case regarding demonstrable preparations to use the disputed domain name consists of its timestamped code repository dating back to January 8, 2026, which the Panel is invited to verify, and the dates of assumption of certain of its Instagram and YouTube handles.

The Panel notes the Respondent's submission that the SHA-1 hash of the repository constitutes a cryptographic fingerprint of the entire commit history, whereby such history is inherently tamper-evident. The Panel does not disagree, at a general level, with the fact that version control systems operate in this manner. However, the evidential value of this submission depends upon independent verification of the specific repository in question, noting that the Respondent's "forensic report" appears to be self-generated rather than an independent expert report or other formal documentary attestation confirming the integrity and provenance of the repository history which the Panel could accept. In the present case, suitable verification of the Respondent's code would require the Panel to access a third-party development environment and to execute a series of technical commands in order to reproduce and validate the asserted hash values. The Panel does not consider this appropriate or necessary within the scope of an administrative proceeding under the Policy, not least because the Panel is not equipped to act as a forensic examiner of technical systems. In any event, taking the Respondent's case at its highest, all that this would establish is that the Respondent had been developing an AI content system with effect from January 8, 2026. What it would not establish, and what is not established on the evidence before the Panel, is that the Respondent's alleged preparations involved the use of the disputed domain name or a name corresponding thereto, even if it can be shown (as the Respondent asserts) that the Respondent's other brand, "Nuqtah" is included in the code.

There is evidence from the Respondent of the use of a name corresponding to the disputed domain name at an earlier date, namely the Instagram handle "@thecontent.app" which the Respondent says was joined a full year before the Complainant filed its trademark application, and 18 months before the Complainant contacted the Respondent. However, the Complainant's submissions in the supplemental filing cast doubt upon the Respondent's position regarding this handle and indeed its alleged YouTube handle of a similar name, each of which might have provided an earlier date for its preparations to use a name corresponding to the disputed domain name had they not been so challenged.

Nevertheless, the concerns raised by the Complainant regarding the evidence of prior use of social media handles would not on their own lead to a conclusion that the Respondent is unable to demonstrate rights and legitimate interests in the disputed domain name. The Panel determines on the evidence that the Respondent appears to be a genuine operator in the content business, rather than a cybersquatter as such, and that it is not implausible on the basis of the repository evidence, such as it is, that before receiving notice of the dispute the Respondent was developing a content management system under a working title, and then registered and used the disputed domain name at a somewhat later stage in furtherance of that project. This goes some way towards demonstrating rights and legitimate interests in terms of paragraph 4(c)(i) of the Policy. The fact that the Respondent's "Nuqtah" brand may be a social media handle rather than a registered legal entity, as asserted by the Complainant, does not in the Panel's view undermine that aspect of the Respondent's case.

The Respondent's evidence that it chose a domain name representing the descriptive phrase "the content [.] app", having decided to represent the "app" component via the available ".app" gTLD, is also reasonably plausible on the record before the Panel. It follows that the Panel must examine whether the use of such a phrase in the disputed domain name would itself allow the Respondent to claim rights or legitimate interests in the meaning of the Policy.

On this point, it may be noted that panels have held that merely registering a domain name comprised of a dictionary word or phrase would not by itself automatically confer rights or legitimate interests on the respondent. Mere arguments that a domain name corresponds to a dictionary term/phrase may not be sufficient, and panels will consider the overall facts and circumstances of the case when assessing such arguments. Although panels have not found it strictly necessary for the disputed domain name to be used to host content that corresponds to the dictionary meaning, such use would support a respondent's attempt to rebut the claim made against it of a lack of a right or legitimate interest. WIPO Overview 3.1, section 2.10.1.

In the present case, the Panel finds that the Respondent is indeed using the disputed domain name to host content that corresponds to a descriptive reading of the disputed domain name taken as a whole, that is, an app that generates content. The Panel therefore turns back to WIPO Overview 3.1, section 2.10.1, which continues: As long as the disputed domain name is being used in a way that does not trade off the complainant's trademark, and where there are no other indicia of cybersquatting, such use may support the respondent's claim to a right or legitimate interest.

It may therefore be seen that, although the question of whether a respondent is targeting a complainant's mark typically arises under the third element assessment, the consensus view described in section 2.10.1 of the WIPO Overview 3.1 requires the Panel to consider, for the purposes of the second element, whether the disputed domain name is being used in a manner that trades off the complainant's trademark or otherwise bears indicia of cybersquatting.

The Panel does not find indicia of cybersquatting in this case, and can readily accept the plausibility of the Respondent's choice of the disputed domain name as a term descriptive of its intended purpose. There was no approach by the Respondent to the Complainant regarding a sale of the disputed domain name, noting that the initial contact came from the Complainant, and on the present record there does not appear to be much if any in the way of established goodwill on the part of the Complainant's business and trademark that the Respondent might have been targeting. There is extremely limited evidence on the record of any notoriety that the Complainant might have established (other than possibly among interested investors in its platform) that might have suggested that the Respondent was making any kind of preemptive strike regarding the registration of the disputed domain name. It is true that the registration of the disputed domain name comes about a month after the Complainant's trademark was registered but the record does not support an inference that this timing was anything other than coincidental, and it is not suggestive of targeting in terms of the overall facts and circumstances of the case.

The Respondent's use of the disputed domain name in respect of its intended marketplace is likewise reasonably plausible and matches, in general terms, its existing professional profile. As noted above, it is not of any particular significance to the evidential analysis that the Respondent's primary brand may not have an underlying registered legal entity. Consequently, it appears to the Panel to be more probable than not that the registration of the disputed domain name, coming on the heels of the Complainant's trademark registration, is nothing more than a coincidence, particularly given the descriptive use that the Respondent asserts that it is making, a use that is corroborated by its evidence that many unrelated entities have also selected and use the term "the content" in the same way. The Panel is satisfied that such use can include another descriptive word qualifying "the content", such as "The Content Box" or, in the Respondent's case, "the content [.] app".

One aspect of the evidence that nevertheless gives the Panel pause is the issue of the Respondent's Instagram handle and its YouTube channel, both of which are put forward as evidence of earlier use of a term corresponding to the disputed domain name some time before the Complainant's mark was registered. The Complainant raises legitimate concerns regarding this evidence in its submissions, including the fact that an Instagram handle can be changed, that the authenticity of the Respondent's followers may be questioned, and that the Respondent's YouTube channel has apparently been deleted or moved. These concerns reduce the weight to be attached to this particular aspect of the evidence, but they do not, in the Panel's view, taint the entirety of the Respondent's case on rights and legitimate interests. The evidence in question relates to that part of the Respondent's case that it has made earlier demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods and services before it received notice of the dispute. There is, in any event, sufficient evidence on the record, including the Complainant's own screenshots of the website associated with the disputed domain name dated March 31, 2026, indicating that the Respondent had made actual use of the disputed domain name before receiving notice of the dispute, as opposed to merely demonstrable preparations. The Panel concludes that such use is more probably than not being made in connection with a bona fide offering of goods and services.

Crucially, there is insufficient evidence before the Panel that would raise any inference that the Respondent had the Complainant's trademark in mind at the time of registration of the disputed domain name, or that the Respondent was targeting that trademark in an act of cybersquatting. There is a plausible alternative explanation on the record, namely that the disputed domain name was selected as a descriptive phrase referring to "the content [.] app" in the context of a content creation application, and indeed that it is being used in connection with that phrase. Whether this constitutes infringement of the Complainant's trademark would need to be explored in a different forum and may depend upon the markets targeted by the Respondent's activities, but at least on the present record an apparent intention to target Arabic-speaking populations in the MENA region does not suggest that the Respondent is using the disputed domain name to trade off the Complainant's trademark in the sense described in WIPO Overview 3.1, section 2.10.1.

The Panel finds that the Respondent's use of the disputed domain name in the circumstances of the present case to host content that corresponds to a descriptive reading of the disputed domain name as a whole (including the gTLD) in a way that does not trade off the complainant's trademark supports the Respondent's claim to a right or legitimate interest.

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.

In the present case, the analysis largely follows the direction of the analysis in the preceding section. The Panel notes that the Respondent registered the disputed domain name some 30 days after the Complainant's trademark was registered. The evidence supports the notion that the Respondent selected the disputed domain name for its descriptive quality, as the phrase "the content app", and has used it in connection with that phrase, in other words, for a service providing an AI application that generates and manages content.

The evidence that the Respondent might have been aware of the Complainant's trademark and had intent to target this is insufficiently persuasive.

There is only limited evidence that might have suggested that the existence of the Complainant's mark would necessarily have come to the Respondent's attention or that the Complainant's activities under <thecontent.ai> had generated any degree of notoriety or goodwill that the Respondent might have been planning to target when registering the disputed domain name. As noted in the preceding section, it is true that the registration of the disputed domain name comes on the heels of the registration of the Complainant's trademark, but there is nothing on the record to suggest that this is anything other than a coincidence resulting from both of the Parties selecting the same term (as indeed have multiple third parties), which is descriptive of a content system or application, particularly in the presently burgeoning world of generative AI.

By contrast, there is evidence on the record to support the Respondent's position that it works in the area of content, consistent with its development of the application "the content app", which tends to indicate that it was not engaged in targeting the Complainant's trademark but rather in building its own MENA-focused business independently and without knowledge of the Complainant's activities. The Complainant's presence on “Crunchbase” and “F6S” supports the Complainant’s position that it was seeking investment but does not provide sufficient evidence of the Complainant’s notoriety or the extent and reach of its trademark at the material time. On the contrary, such presence tends to combine with the “beta” aspect to the Complainant’s website, suggesting that the Complainant is at a relatively early stage in its activities. The “Heat Score” is said to be “the measure of the market interest, media activity, and Crunchbase profile activity” but only media activity, the extent of which is unspecified and otherwise unevidenced, would establish notoriety that might have come to the Respondent’s attention. The Respondent does not appear to be an investor and has not been shown to participate in investment fora. No evidence of any prominence in the media of the Complainant’s website, brand, or mark has been provided. On the contrary, the “Semrush,” website visit count of 56 monthly visits, and more importantly the fact that the Complainant’s site is in “beta” do not suggest a reputation that would allow the Panel to infer that the Respondent had any knowledge of the Complainant, far less any intent to target its mark to benefit from goodwill which the Complainant had built up.

For completeness, the Panel briefly addresses the Complainant’s submissions on additional indicia of bad faith. First, the Complainant focuses upon the updating of the RDAP record for the disputed domain name after a cease-and-desist and evidence-preservation notice was given to the Respondent. The Complainant provided no evidence showing that the RDAP update represented any specific change in configuration of the disputed domain name that could be taken as indicative of registration and use in bad faith. There is no suggestion that it constituted an attempt at active concealment on the Respondent’s part of previously captured infringing features of the website associated with the disputed domain name (such as, for example, references to the Complainant’s business or cloning of the Complainant’s website copy). In the absence of any such evidence, it is reasonable for the Panel to infer that any update to the RDAP record is inconsequential and most probably relates to the Respondent’s genuine ongoing development activities.

Secondly, there is no evidence before the Panel to support the Complainant’s contention that the particular nameservers used by the Respondent are inconsistent with a live, sustained, commercial operation, or that this is indicative of registration and use in bad faith. The Respondent’s nameservers are evidently functional, and even had there been evidence to support the Complainant’s contention that the nameservers are unsuitable for a full production environment, it is not unusual in the Panel’s experience for development to take place while such provisional nameservers are delegated, with the option to redelegate to a more scalable solution at a later stage (typically once the initial traffic profile or popular customer locations have been identified).

Thirdly, there does not appear to the Panel to be any inherent contradiction between the Respondent’s LinkedIn profile beginning in April 2026 with its assertions that it had engaged in substantial prior technical work. In the Panel’s experience, it is not unknown for development activities to proceed “under the radar” (sometimes called “stealth mode”) and the Panel accepts as reasonable the Respondent’s contention that there is nothing sinister in its use of April 2026 on LinkedIn to represent the date on which the Respondent publicly assumed a founder/CEO role in respect of its business.

Fourthly, the Panel does not accept the Complainant’s submission that the Respondent’s use of the word “offer” represents a “transactional conception” of the disputed domain name, as will be discussed more fully in the following section of this Decision.

Fifthly, the Panel considers that the fact that the Respondent reviewed the Complainant’s professional profile after receiving the Complainant’s communications could not be evidence of registration and use in bad faith for the reason cited by the Complainant itself, namely that this amounts (at most) to post-notice awareness of the Complainant and its trademark. Crucially, it does not demonstrate, in and of itself, any prior awareness or intent to target the Complainant or its mark, preceding or contemporaneous to the registration of the disputed domain name.

Sixthly, as indicated in the discussion on rights and legitimate interests, the Panel does not find significance in the fact that the Respondent replaced a temporary or “working title” URL on its website, as captured on March 31, 2026, with a URL incorporating the disputed domain name at some point between that date and April 13, 2026. Such a change, from temporary URL to the specific disputed domain name selected for the project, shortly after its registration, strikes the Panel as entirely consistent with a typical design pass at the developmental stage that the Respondent had reached. In any event, there is no evidence before the Panel to suggest that when the working title was changed to the disputed domain name this reflected any awareness of, or attempt to target the Complainant's mark, or that the disputed domain name had therefore been registered and was being used in bad faith.

There are, however, some concerns regarding the evidence relating to the Respondent's prior social media activities, but on their own these do not taint the Respondent's case of independent registration and use of the disputed domain name, without knowledge of and intent to target the Complainant's mark unfairly. Consequently, the evidence on the record does not describe a case of cybersquatting and registration and use in bad faith but rather, on the balance of probabilities, a case of the Parties' legitimate co-existence with a coincidence in timing as far as the registration of the disputed domain name and the Complainant's trademark is concerned. The position might be different if the Respondent were to enter the Complainant's marketplace rather than to confine itself to the MENA region, but that would be a matter for enforcement of the Complainant's trademark in the territory concerned, which is beyond the scope of the Policy.

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 3.1, section 4.16.

In summary, the Respondent's case for a finding of Reverse Domain Name Hijacking is (i) that the Complainant knowingly pursued a meritless Complaint despite being aware of the Respondent's position in the prior correspondence, (ii) that the Complainant made material misstatements, notably regarding the mockup-URL change, and referencing the Respondent's use of the word "offer" to indicate a "transactional conception of the disputed domain name," (iii) that the Complainant wrongfully used the Policy to acquire a valuable domain name, (iv) that the Complainant did not leave sufficient time for negotiations before launching the Complaint, (v) that the Respondent was personally targeted by the Complainant, (vi) that the Complainant conducted surveillance on the Respondent's website, (vii) that the Complainant engaged in selective enforcement against the Respondent and its valuable domain name despite evidence of coexisting trademarks, and (viii) that the Complainant's settlement proposals were coercive in nature.

The Panel rejects all of these arguments. Taking the Respondent's first and third grounds together, while the Panel has found that the Respondent prevails in the administrative proceeding, this does not mean that the Complainant could not have had a genuine belief that it was being targeted by the disputed domain name. The registration of the disputed domain name understandably appeared suspicious to the Complainant as it was identical to the Complainant's trademark and was registered within a month of such mark proceeding to grant. It appeared to be being used in connection with similar, if not identical, services to those covered by the said mark. At least on a preliminary view, and before the submissions and evidence in the Response were known, this could have suggested opportunistic (bad faith) conduct on the Respondent's part. To this must be added the fact that some of the Respondent's social media evidence, concerning the Instagram handle and YouTube channel, is less than satisfactory and could have suggested that the Respondent was potentially overstating its position provided that these matters had been identified by the Complainant before the Complaint was filed. In any event, the Panel considers that it was reasonable for the Complainant to put the Respondent to the proof as to whether it was making a genuine use of the disputed domain name as opposed to being engaged in predatory and abusive behavior. The Panel considers that the Complaint was not wholly without merit and was not a wrongful use of the Policy to acquire a valuable domain name, noting in particular that the Respondent has not placed any evidence of any such value before the Panel.

On the second ground, the Panel considers that the Complainant's submission regarding the Respondent's URL changes is a reasonable argument for a party to make and does not, of itself, indicate that the Complaint was brought in bad faith. The Panel does have concerns regarding the Complainant's characterization of the Respondent's use of the term "offer" in that email as indicative of a "transactional conception", when the term "offer" was first used by the Complainant in its statement, "This offer is on the table for seven days", and the Respondent was merely repeating the term. However, the use of the word is a matter of its construction in context, which a party is entitled to put before the Panel, and placing a particular construction on words used in the Parties' correspondence is not an indication that the Complaint was brought in bad faith.

On the fourth ground, the Panel notes that the Complaint was launched following the Respondent itself bringing negotiations to a final conclusion in its email of April 22, 2026, notably by way of the statement, "This will be my final message on this matter. If you choose to proceed formally before the [Center], we will respond accordingly." The Respondent thus made it clear to the Complainant that there was no scope for any further negotiations, and it was in those circumstances that the Complaint was filed.

On the fifth ground, the Panel considers that the Complainant was acting appropriately by investigating the Respondent's identity and attempting to contact it by all available means, including the Respondent's personal email address. In particular, such an approach avoids the prospect of a formal email arriving in the inbox of a more general or role-based email account, where it might potentially be overlooked, and there is nothing to be criticized in that aspect of the Complainant's conduct.

On the sixth ground, the Panel is of the view that the Complainant was perfectly entitled to inform the Respondent that it was watching and taking account of any changes that it might make to the website associated with the disputed domain name, as a matter of good practice. Any such changes could have amounted to evidence that was indicative of cybersquatting, and the fact that the Panel did not agree with the Complainant's arguments regarding the change that it did identify does not render the Complainant's conduct inappropriate in the Panel's opinion.

On the seventh ground, the fact that there are other users of related trademarks, and that the Complainant might or should have known of this does not necessarily exclude the possibility that the Respondent was engaging in predatory activities, particularly given the timing of the registration of the disputed domain name as discussed above. As previously indicated, the Panel considers that the Complainant was entitled to put the Respondent to the proof on this matter.

On the eighth ground, the Complainant's negotiation tactics are not indicative of a case in which the Complainant resorted to the Policy when unhappy with the price of the disputed domain name on the market, such as, for example, after the unsuccessful conclusion of negotiations to purchase it. The Complainant identified the registration of a disputed domain name that was identical to its trademark which itself had recently proceeded to grant. It did not approach the Respondent with a view to purchasing the disputed domain name and was clear in the correspondence as to the trademark rights which it possessed. In short, the Complainant owns valid trademark rights and was genuinely of the view that the Respondent registered the disputed domain name with the Complainant in mind, a matter that it was entitled to test by way of the administrative proceeding.

The Panel finds that the Complaint has not been brought in bad faith and 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: June 4, 2026