

ADMINISTRATIVE PANEL DECISION

TheFormTool, LLC v. Daniel Hoffmaster
Case No. D2026-1828

1. The Parties

The Complainant is TheFormTool, LLC, United States of America (“United States”), internally represented.

The Respondent is Daniel Hoffmaster, United States, self-represented.

2. The Domain Name and Registrar

The disputed domain name <theformtool.org> is registered with CloudFlare, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 29, 2026. On April 30, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 1, 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 (Unknown registrant/ Data redacted) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 1, 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 amended Complaint on May 2, 2026.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on May 7, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 27, 2026. The Respondent sent an email communication to the Center on May 21, 2026, to request a four-day extension to submit its Response in accordance with paragraph 5(b) of the Rules. The Response was filed with the Center on May 31, 2026. On June 3, 2026, the Complainant sent a communication to the Center inquiring about the possibility of suspending the case. However, the Complainant never made such a request.

The Center appointed W. Scott Blackmer as the sole panelist in this matter on June 17, 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 limited liability company established under the laws of the State of Washington, United States, with a principal place of business in Lacey, Washington, United States. The Complainant provides document automation software and related services designed to operate with Microsoft Word. Its products are advertised and sold through the Complainant's website at "www.theformtool.com" (the "Complainant's website").

The Complainant relies on its United States Trademark Registration Number 6458048 (registered on August 17, 2021) for the word mark THEFORMTOOL in International Class 9 for downloadable software, claiming first use in commerce on September 8, 2011. This reliance is misplaced without further evidence of the mark's acquired distinctiveness, as the registration is on the Supplemental Register of the United States Patent and Trademark Office ("USPTO"), meaning that USPTO found that the mark was inherently descriptive and had not acquired distinctiveness, although it was capable of doing so over time. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.2.2. The Panel notes that the Complainant has continued in the nearly five years since the time of that registration to use the mark on its website and linked social media accounts to advertise and sell software products and related services branded THEFORMTOOL.

The disputed domain name was created on April 22, 2026, and is registered to the Respondent Daniel Hoffmaster, listing no organization, a postal address in the State of Washington, United States, and a Yahoo contact email address.

The disputed domain name does not resolve to an active website at the time of this Decision, but the Panel has reviewed a screenshot of the website to which it resolved at the time the Complaint was filed (the "Respondent's former website"). Additional screenshots are included with the Complaint (the Internet Archive's Wayback Machine has no archived screenshots of the Respondent's former website). This website was headed simply, "TheFormTool", followed by "Word Document Automation". The site offered much of the same functionality provided by the Complainant, using the same terminology: "Upload a questionnaire. Download a finished PDF" "using the answers already in the file or answers you provide during the workflow". The Respondent's former website allowed the user to drag and drop a Microsoft Word questionnaire or upload a file onto the site and convert it to a PDF file using one of two PDF converters downloadable from third-party websites and then download a filled PDF file from the Respondent's former website. This was labelled as a "Prototype service", evidently available with no charge, and offered with the following cautions:

"Documents can contain confidential information. Enforced antivirus scanning is not currently enabled. Do not submit regulated health, legal, financial, or sensitive data unless your deployment has approved privacy and security controls. HIPAA compliance has not been verified."

The Respondent's former website stated that it was "[p]rotected by Cloudflare edge routing and HTTPS" and "[h]osted separate on Azure App Service". The screenshots in the record do not include a copyright notice or other indication of the website operator.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name is identical to its THEFORMTOOL mark, which is registered on the USPTO Supplemental Register, and which the Respondent is not authorized to use. The Complainant asserts that the Respondent is not known by this name and is using the disputed domain name to operate a website offering document automation functions in the same field as the Complainant's products, using the Complainant's marks in page titles, branding, navigation, downloads, and interface elements, which is not a "bona fide" offering of goods or services or a legitimate noncommercial or fair use of the Complainant's mark but is intended to capitalize on the Complainant's mark to attract users.

The Complainant states that it is "aware that the Respondent may assert prior involvement with a third party associated with earlier versions of related software. Any such involvement, if it existed, did not confer any ownership, license, or rights in the Complainant's trademark."

The Complainant argues that the disputed domain name was registered and used for a website offering services in direct competition with the Complainant. The Complainant asserts that earlier versions of the Respondent's website also included graphical materials belonging to the Respondent, which the Respondent removed following notice of this dispute. The Complainant contends that the Respondent's conduct demonstrates knowledge of the Complainant's mark and intent to create a likelihood of confusion with the Complainant, which constitutes bad faith as described by the Policy, paragraph 4(b)(iv).

B. Respondent

In its June 1, 2026 emails to the Center, the Respondent proposed suspension of the proceeding to discuss settlement:

"Without admission of liability, wrongdoing, bad faith, trademark infringement, cybersquatting, damages, fees, costs, or any allegation in the Complaint, I am willing to transfer <theformtool.org> to [the Complainant] through the WIPO Standard Settlement Form process, provided that the matter is terminated/withdrawn without a Panel decision on the merits and without any finding of bad faith".

The Respondent furnished a signed copy of the Standard Settlement Form.

The Respondent did not address the substantive issues raised in the Complaint.

6. Discussion and Findings

6.1 Preliminary issue: Respondent's consent to transfer the Disputed Domain Name

As indicated above, the Respondent has unilaterally consented to the remedy requested by the Complainant. As discussed in the [WIPO Overview 3.1](#), section 4.10, where parties to a UDRP proceeding have not been able to settle their dispute prior to the issuance of a panel decision using the "standard settlement process" mentioned above, but where the respondent has nevertheless given its consent on the record to the transfer (or cancellation) remedy sought by the complainant, many panels will order the requested remedy solely on the basis of such consent.

The Panel finds it appropriate to do so in this instance. The Complainant alludes to the Respondent's prior involvement with a third party "associated" with earlier versions of the Complainant's software, but the Respondent does not advance claims of legitimate interests and expresses willingness to transfer the

disputed domain name so long as there is not a decision on the merits or a finding of bad faith. Here, with reference to the considerations detailed in the [WIPO Overview 3.1](#), section 4.10, the Panel notes that the Complainant did not respond to the Respondent's consent to the requested remedy of transfer, nor did the Complainant expressly request a decision on the merits. The Respondent seeks to avoid a finding of bad faith, which sometimes militates against a decision to transfer without findings on the merits, but there is no indication on this record that the Respondent has engaged in a pattern of bad faith conduct (recalling Policy paragraph 4(b)(ii)), which might argue in favor of publishing a decision on the merits. There is no ambiguity here concerning the Respondent's consent; the Respondent actually furnished a signed Standard Settlement Form. Moreover, it would be imprudent for the Complainant to seek a decision on the merits, on this slender record, simply to validate its common law trademark rights. In these circumstances, it appears to the Panel just and equitable to accept the Respondent's unambiguous consent to transfer the disputed domain name without any decision on the merits.

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 <theformtool.org> be transferred to the Complainant.

/W. Scott Blackmer/

W. Scott Blackmer

Sole Panelist

Date: June 25, 2026