ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

# ADMINISTRATIVE PANEL DECISION
HAS Otyan GmbH v. Justin Wong
Case No. D2026-1909

## 1. The Parties

The Complainant is HAS Otyan GmbH, Austria, self-represented.

The Respondent is Justin Wong, United States of America ("United States"), self-represented.

## 2. The Domain Name and Registrar

The disputed domain name <isoled.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 May 4, 2026. On May 4, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 4, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 5, 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 amended Complaints on May 6, 2026, and May 7, 2026.

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 May 7, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 27, 2026. On May 21, 2026, the Respondent requested a four-day extension of the due date for Response under paragraph 5(b) of the Rules which the Center granted on the same day, whereby the due date for Response was May 31, 2026. The Response was filed with the Center on May 28, 2026.

The Center appointed Andrew D. S. Lothian as the sole panelist in this matter on June 5, 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 an Austrian company. It is part of a corporate group, of which it is the holding company. The said group has a continuous history of association with the ISOLED trademark since at least February 1, 2013. The Complainant asserts, without providing corresponding evidence, that it is considered to be one of the leading companies in light technology, especially in the LED sector.

The Complainant's group company O&W VVE GmbH (then named O&W Holding GmbH) was the owner of European Union Trade Mark Number 009684911 for the word mark ISOLED, registered on February 1, 2013, in Class 35, which expired on January 26, 2021.

During the period when said former trademark was in force, on September 27, 2017, a member of the Complainant's corporate group applied for and obtained registration, on January 23, 2018, of European Union Trade Mark Number 017257486 for the figurative mark ISOLED, consisting of a stylized, capitalized, representation of this word in a sans-serif typeface where the letters "L", "E", and "D" appear in bold, each underscored by a colored line, being magenta, green and light blue respectively, in Classes 6, 9, 11, and 35. Said trademark is still in force, and ownership has since been transferred to the Complainant.

The Complainant's ISOLED trademark is used by a trading company that is part of its group named ISOLED FIAI Handels GmbH. Although the Complainant does not give much in the way of detail, the Panel presumes that this company is in the business of lighting.

According to its sworn declaration, the Respondent is a United States resident and creator of the iSOLEd brand, used for sneaker sales, dating from 2012. The Respondent created an e-commerce store on a platform named "Big Cartel" under said brand name, demonstrated by the platform's welcome email addressed to iSOLEd dated January 2, 2012. The Respondent registered the domain name <isoledny.com> to support its said business on February 24, 2012, as confirmed by an email to the Respondent from the Registrar of that date. The Respondent used the said domain name in connection with a website at "shop.isoledny.com" for its sneaker sales business from at least 2013, confirmed by a corresponding entry from the Internet Archive "Wayback Machine".

The disputed domain name was registered on January 12, 2013. The Respondent was not the original registrant but shows that it acquired the disputed domain name by way of "Private Transfer Services" on June 15, 2013, according to an email to the Respondent from the Registrar. The Respondent has continuously maintained the disputed domain name since that date, according to renewal notices. The disputed domain name was used continuously for the Respondent's iSOLEd business until about 2018, demonstrated in part by a "Wayback Machine" entry for the website associated with the disputed domain name dated January 3, 2016, which shows this site featuring the Respondent's said brand in large letters. The Respondent maintained the disputed domain name after 2018, although its sneaker sales continued via third party platforms such as Stadium Goods, AliasGOAT, StockX, and Flight Club rather than via the website associated with the disputed domain name.

The Complainant's screenshot of the website associated with the disputed domain name dated February 2, 2026, shows a static site headed "ISOLED / Illuminate Your Home Efficiently", bearing to be the website for a home lighting supplier. The Respondent states that this website was created in about January 2026 by the Respondent's activation of the Registrar's "Airo" / Website Builder service, which, according to the Registrar, "uses artificial intelligence to help you quickly set up your online presence" and "generates a Coming Soon site for you, based on your domain name and business type". The said site contained a default contact form, accompanied by the invitation, "Sign up for our email list for updates, promotions, and more", and a default

email signup checkbox, together with an automatically populated copyright notice and a “Powered by [the Registrar] Airo” attribution in the footer.

The Complainant provides a screenshot indicating that said website was indexed on the Google search engine although neither of the Parties discusses whether this is an automatic consequence of the use of the Registrar’s “Airo” service. This possibility may however be indicated by the fact that the Complainant’s Google search for “ISOLED – Illuminate Your Home Efficiently” produced a result for the disputed domain name which contained the description, “Launch a professional site with AI and built-in marketing tools. Build sites easily with [the Registrar]”, in other words, an advertisement for the Registrar’s said service.

Between about January 10, 2026, and January 16, 2026, the Respondent says that attempts were made to contact it via the Registrar’s broker service (the Panel presumes by the Complainant) but the Respondent did not answer these approaches.

On or about January 13, 2026, the Respondent received a message via the contact form on the website associated with the disputed domain name which seems to have emanated from the Complainant. However, this message only contained the Complainant’s email address, “[…]@isoled.at”, and the Respondent chose to ignore it.

On or about May 5, 2026, the Respondent received notice of the Complaint, immediately re-entered the Registrar’s website editor, edited the site name/header and the tagline, and uploaded a logo file. The site then read “PREMIUM SOLE CONSIGNMENT / Sneaker Culture Starts with iSOLEd” and featured a graphical sneaker background.

## 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 the Complainant’s mark and incorporates this in its entirety, while the addition of the “.com” Top-Level Domain (“TLD”) is typically disregarded under the relevant test. The Complainant asserts that the Respondent has no rights or legitimate interests in the disputed domain name because (i) the Respondent has shielded its identity behind a privacy service, (ii) the Respondent is not commonly known by the name “isoled”, and has received no license or authorization from the Complainant to use its trademark, (iii) although the disputed domain name was used for an “unrelated” shoe business between 2014 and 2016, utilizing the descriptive play on words “iSOLEd”, such use was abandoned and the Complainant cannot determine if the Respondent is the original 2013 registrant or a subsequent purchaser, (iv) the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name, nor is using it for a bona fide offering of goods and services, and (v) before receiving notice of the present Complaint, the Respondent operated a placeholder page that deliberately utilized the Complainant's specific lighting industry keywords (“Illuminate Your Home Efficiently”) to create a false impression of affiliation.

The Complainant asserts that the inactivity of the disputed domain name between 2016 and 2025 without legitimate use or plausible explanation constitutes bad faith under the doctrine of passive holding.
The Complainant adds that the “calculated pivot” of the disputed domain name to target the Complainant’s specific industry and incorporate the Complainant’s trademark after a decade of inactivity violates paragraph 4(b)(iv) of the Policy. The Complainant asserts that the entire design of the Respondent’s website was intended to use the Complainant’s good reputation to appeal to the Complainant’s customers and business partners, adding that said site was solely intended to enable the Respondent to contact the Complainant’s customer base, posing a risk of business damage to the Complainant.

The Complainant submits that it is inconceivable that the Respondent independently chose a term identical to the Complainant's mark and coincidentally used it for a lighting-related website, asserting that the Respondent had actual knowledge of the Complainant's deeply established business and trademark rights and wanted to benefit from the reputation of the Complainant's brand. The Complainant states that the Respondent's website sought to influence the lighting industry by the use of lighting-related keywords, demonstrating that the Respondent was masquerading as the Complainant and capturing organic search traffic.

The Complainant notes that the website associated with the disputed domain name has been modified since notification of the Complaint, reverting to a placeholder referencing its former "iSOLEd" shoe business. The Complainant submits that this does not cure the Respondent's bad faith but rather reinforces it, noting that the timing of the alteration itself is an indicator of bad faith, and that the current placeholder does not represent bona fide use.

**B. Respondent**

The Respondent contends that the Complainant has not satisfied the elements required under the Policy for a transfer of the disputed domain name.

The Respondent narrates its history of the use of the iSOLEd brand, capitalized as such, noting that it chose this as a wordplay on "sole", referring to sneaker soles, and on the phrase "I sold".

The Respondent does not contest the Complainant's submission that the disputed domain name incorporates the textual element of the Complainant's active figurative registered trademark.

The Respondent submits that it has rights and legitimate interests in the disputed domain name through the "iSOLEd" sneaker resale brand, which was established before the Respondent acquired the disputed domain name and was operated as a bona fide commercial venture for years prior to notice of the dispute. The Respondent points to multiple captures on the "Wayback Machine" of its activities under said brand, including that produced by the Complainant, and contends that the Policy does not require that bona fide use continue uninterrupted until the date of the Complaint. The Respondent also produces records of its sales activity on third party platforms. The Respondent argues that the temporary placeholder that appeared on the website associated with the disputed domain name in 2026 does not displace its documented bona fide use years before the Complaint.

The Respondent asserts that the relevant date for the assessment of registration in bad faith is June 15, 2013, on which date it acquired the disputed domain name, and has continuously maintained it thereafter, adding that it was not acquired in connection with any later corporate or trademark developments made by the Complainant. The Respondent submits that it already had an established sneaker resale brand "iSOLEd" when it acquired the disputed domain name, noting that the acquisition was intended to host and support that brand, and asserting that this does not support a bad faith targeting inference. The Respondent notes that the Complainant's currently active trademark did not yet exist, that its earlier registration did not cover lighting goods and has since expired, that it does not appear to have a United States registered trademark, and that the Respondent as a United States resident was unaware of the Complainant as is supported by the contemporaneous record, noting also that the Complainant's current corporate entity was not incorporated until May 24, 2023. The Respondent asserts that the fact that it was approached via the Registrar's broker service does not establish bad faith, noting that it did not initiate contact with the Complainant, did not list the disputed domain name for sale, and did not acquire it to sell it to the Complainant.

The Respondent submits that the Complainant's passive holding theory fails, noting that the disputed domain name was used for an active sneaker storefront as of January 3, 2016, that it remained associated with the Respondent's brand, and that the Respondent's underlying sneaker resale activity continued through third party platforms during the period in which inactivity is claimed by the Complainant. The Respondent adds that the passive holding factors established by Policy jurisprudence do not weigh in the Complainant's favor,

noting that it has provided documentary evidence of prior good faith use, that privacy services have legitimate uses, that the Respondent has appeared and filed a Response in this case, and that it has provided evidence of acquisition, renewal, historical use, and a plausible and documented good faith use which is independent of the Complainant's lighting business, adding that the dormancy of the disputed domain name after an active commercial operation is not, in itself, bad faith use.

The Respondent asserts that the lighting themed content generated by the Registrar's website builder is explainable, temporary, and unsupported by any evidence of actual lighting-related commerce or intentional targeting. The Respondent submits that such site was not intentionally authored or selected deliberately by the Respondent, noting that the site itself confirms the role of the Registrar's builder service. The Respondent adds that it states in its sworn declaration that it did not author or customize the content produced. The Respondent states that the builder creates content automatically based upon the string of a domain name, referencing a screenshot of the builder dashboard for its other domain name, <isoledny.com>, which produces different default content. The Respondent submits that the website associated with the disputed domain name as built by the website builder contained no commercial activity or advertising, and could not be regarded as satisfying the "commercial gain" element of paragraph 4(b)(iv) of the Policy. The Respondent contends that the placeholder website cannot retroactively establish bad faith registration even if later events are relevant to bad faith use.

The Respondent acknowledges that it changed the content on the website associated with the disputed domain name after receiving the Complaint, noting that this does not undermine its case on the third element, which does not depend upon the edits it made in response to notification but rather rests upon documentary evidence pre-dating the Complaint by years. The Respondent submits that the May 2026 edit did not introduce the Respondent's explanation but rather reflected an explanation already supported by pre-dispute records, noting that the edited page was consistent with the "iSOLEd" brand identity, which was not invented in response to the administrative proceeding. The Respondent concludes that the substantive question of bad faith use is answered by the absence of evidence that the Respondent intentionally used the disputed domain name to target the Complainant's customers or to operate a lighting-related commercial business.

The Respondent requests the Panel to find Reverse Domain Name Hijacking ("RDNH") "in the alternative". The Respondent points out that the Complainant knew about the use of the disputed domain name for sneaker sales under the descriptive play on words "iSOLEd" brand. The Respondent argues that this amounts to the Complainant filing the Complaint despite having clear knowledge of the Respondent's rights and lack of bad faith, noting that this is its primary ground for the relevant finding. The Respondent submits that the Complaint was filed despite the absence of evidence that the Respondent had targeted the Complainant or operated any lighting-related business through the disputed domain name. The Respondent adds a subsidiary ground that the Complainant's use of the Registrar's broker service to make contact with the Respondent provides context concerning an unsuccessful attempt to acquire the disputed domain name from the Respondent without a plausible legal basis.

The Respondent submits that the Complainant's assertion that the disputed domain name was inactive between 2016 and 2025 does not fairly account for the record, noting that the Complainant's own evidence acknowledged historical shoe business use, while the Respondent's evidence shows its continued resale activity through third party platforms during the period, which the Respondent says supports its position that the Complainant ought to have known the Complaint could not succeed based on facts reasonably available.

## 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 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 Panel finds 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 3.1, section 1.7.

The Panel notes that the Complainant's extant registered trademark is figurative in nature. Although a trademark registration with design elements would satisfy the requirement that the complainant show "rights in a mark", panels tend to focus on the non-design elements for purposes of assessing confusing similarity. WIPO Overview 3.1, section 1.10. In the present case, the graphical component is readily severed from the textual element, and the textual element is identical to the disputed domain name. The applicable 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 effectively concedes this element, noting that the focus of its case is on the second and third elements of the Policy.

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.

Although the historical use of a domain name may be relevant to assessing the parties' claims, panels tend to assess claimed respondent rights or legitimate interests at the time of the filing of the complaint, but would also consider any evidence of past use, including its veracity and surrounding context. WIPO Overview 3.1, section 2.11.

Here, examining the historical use of the disputed domain name first, there is a wealth of evidence to show that, before notice to it of the dispute, the Respondent has used the disputed domain name in connection with a bona fide offering of goods and services on the basis of its sneaker sales business under the brand name "iSOLEd". This use predates the registration of both the Complainant's expired registered trademark and its extant registered trademark. Although the disputed domain name is no longer an active part of the Respondent's business, the Respondent has shown, with reference to its sales statistics arising from the various third party platforms, that the business is ongoing under the related brand name, with the most recent sale taking place on April 8, 2026.

Given the considerable history of its past use, it is not necessary that the disputed domain name itself be actively involved in the business today for the Panel to find that the Respondent's position on rights and legitimate interests is established. The Respondent made active use of the disputed domain name for its business before moving exclusively to third party platforms, after which it appears to have retained the disputed domain name for reasons of brand protection or brand integrity. This would typically be sufficient for present purposes as the Respondent is using a name corresponding to the disputed domain name for a bona fide offering of goods and services on an ongoing basis, and has done so for a lengthy period before notice to it of the dispute. The evidence also establishes that the Respondent has been commonly known by a name corresponding to the disputed domain name by virtue of its longstanding business activities on third party platforms under the brand name "iSOLEd".

However, merely because a respondent once had a claim to a legitimate interest in a domain name, this would not necessarily mean that this claim still exists if there is subsequent evidence of bad faith when the complaint is filed. WIPO Overview 3.1, section 2.11. The Panel therefore turns to the recent use of the disputed domain name to feature an alleged lighting business. There is no basis for the Respondent claiming rights and legitimate interests under the Policy in respect of this particular use of the disputed domain name, and such use appears to be keyed to the (Complainant's) trademark value of the term ISOLED.

The Respondent explains that it briefly altered the content on the website associated with the disputed domain name by virtue of the Registrar's website builder software, which unintentional use (insofar as directed to LED lighting) was immediately corrected on receipt of the Complaint. The Panel notes however that the Respondent neither explains why it chose to do this, nor why it was content, having done so, to leave its website online when it had been reconfigured by the Registrar's artificial intelligence ("AI") system to represent LED lighting, a business that has nothing to do with sneakers. The Panel presumes, based upon the Complainant's Google searches, that had the Respondent searched for the term "isoled" in connection with lighting, it would readily have discovered the Complainant's business and trademark.

Nevertheless, while the Panel does not have any insight into the Respondent's thinking in its selection of the "Coming Soon" option in the Registrar's AI website builder tool, given the Respondent's long association with the "iSOLEd" brand, including for a period pre-dating the registration of the Complainant's original trademark, the Panel accepts on the balance of probabilities that this change was inadvertent and unintentional, and that it does not provide the kind of subsequent evidence of bad faith that is called for in WIPO Overview 3.1, section 2.11. While the matter has to be weighed carefully, in the Panel's view, the temporary and aberrant nature of the 2026 use does not displace the Respondent's otherwise well-established legitimate interest, particularly in light of the Respondent's longstanding bona fide use over more than a decade prior to notice of the dispute. The Panel considers however that the indiscriminate use of an AI generative website builder which has consequently targeted a trademark, however inadvertently from a respondent's point of view, would not typically result in a finding of rights and legitimate interests under the Policy. This case may therefore be regarded as somewhat fact-specific and turning on its particular evidential record.

The Panel finds that, before notice to the Respondent of the dispute, the Respondent used a name corresponding to the disputed domain name in connection with a bona fide offering of goods. WIPO Overview 3.1, section 2.2.

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.

Panels under the Policy have typically determined that for bad faith registration and use to be made out there must be a degree of targeting of a complainant or its mark, or at the very least that a respondent must have had the complainant or its trademark in mind when selecting the disputed domain name. The requirement of paragraph 4(a)(iii) of the Policy is often described as "conjunctive" in that both registration and use in bad faith must be established for this element to be made out. Establishing use in bad faith without establishing registration in bad faith would therefore be insufficient for success under this element of the Policy.

The correct date for the assessment of registration in bad faith is the date of the Respondent's acquisition of the disputed domain name, that is, June 15, 2013. WIPO Overview 3.1, section 3.9.

Here, the evidence establishes to the Panel's satisfaction that the Respondent did not acquire the disputed domain name with the Complainant's mark in mind. At the time that the Respondent coined the term "iSOLEd" in connection with its business in 2012, the Complainant's original mark was still under application. There is no evidence before the Panel that the Complainant, an Austrian business, had any unregistered rights that would have come to the attention of the Respondent in the United States, including at the point when the disputed domain name was acquired. There is a plausible explanation for the Respondent's selection of its brand name. There is evidence that it proceeded to use the brand name in connection with a bona fide offering of goods, and, in due course, acquired and used the disputed domain name in furtherance of that business. Consequently, no case is established of registration in bad faith, and the Complaint fails.

Turning to the use of the disputed domain name, for completeness, the Panel will first consider the Complainant's specific case that the disputed domain name was inactive for a lengthy period, and that this entitles the Complainant to a finding of registration and use in bad faith on the basis of the passive holding doctrine. The Complainant's case on this topic is misconceived. The disputed domain name is not being passively held. Even if the website associated with the disputed domain name had been inactive at the time when the Complaint was filed, which it was not, the Complainant could not make out the factors typically considered relevant in the assessment of a passively held domain name for the purposes of the bad faith analysis (see WIPO Overview 3.1, section 3.3).

Taking these in turn, there is insufficient evidence before the Panel of the degree of distinctiveness or reputation of the Complainant's mark. The Respondent has submitted a Response and has provided ample evidence of actual good-faith use, albeit historic in nature. Although the Respondent has used a privacy service to mask its details in RDAP data, this is not unusual in the post-GDPR[1] environment, indeed it is often the default setting provided by domain name registrars. It must be noted that the Respondent's details were not concealed in the underlying registrant data, as verified by the Registrar following the filing of the Complaint, and the Complainant has not shown that the underlying data was false or inaccurate. As indicated above, the disputed domain name was not passively held – at least in the traditional sense – when the Complaint was filed but rather was being used for the site generated by the Registrar's AI website builder. The Panel therefore turns to consider this use of the disputed domain name.

The Respondent asserts that its use of the disputed domain name in connection with a static lighting site was temporary, inadvertent, and noncommercial in nature. As noted in the preceding section, the Panel considers that there are obvious questions for the Respondent to answer in connection with its selection of the AI website builder that it has left unanswered in the Response. Why did the Respondent decide in early 2026 that a "Coming Soon" page (built by AI or otherwise) was a good idea for a domain name associated

[1] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), commonly abbreviated as "GDPR".

with a brand that it had been using for its business since 2012? Why, when it pushed the button for the site to be generated did the Respondent not look at the result? If it did look at the result, why did the Respondent consider that having a static site referencing home lighting would be a good idea for its sneaker sales brand? Why did the Respondent not ask itself why the AI builder had selected such a site and why did it not wonder whether this might cut across existing trademark rights? Why did the Respondent not ask itself why it was being contacted by a person using the domain name <isoled.at> or at least consider what that domain name represented? The Panel does not know the answer to any of these questions, and the Respondent's failure to answer at least some of them must be a factor in the consideration of whether the disputed domain name was being used in bad faith at the point when the Complaint was filed.

Particularly with respect to "automatically" generated pay-per-click links or website content (e.g., even website builder software done through AI prompting or otherwise), panels have held that a respondent cannot disclaim responsibility for content appearing on the website associated with its domain name (nor would such links ipso facto vest the respondent with rights or legitimate interests). The fact that such links or content may be generated by a third party such as a registrar or auction platform (or their affiliate), or the fact that the respondent itself may not have directly profited, is a relevant consideration but would not by itself prevent a finding of bad faith. WIPO Overview 3.1, section 3.5.

Here, the Respondent is at pains to note that the site created by the website builder was noncommercial in the sense at least that it was not selling anything. This is a relevant consideration but is not in and of itself conclusive of good faith use. It cannot be denied that the newly generated website at the disputed domain name was calling to mind the trademark value of the term ISOLED, if not necessarily targeting the mark, and in light of the consensus view of panels under the Policy on this topic, as discussed above, the Respondent cannot disclaim responsibility for the content. This, coupled with the unanswered questions in the Respondent's case discussed above, could justify a finding of use in bad faith. While these questions raise legitimate concerns, however, they do not displace the Panel's overall conclusion on the balance of probabilities, and given the Panel's finding on registration in bad faith, the position is moot such that the Panel need not reach a concluded view on the question of use of the disputed domain name.

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 RDNH 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 RDNH. WIPO Overview 3.1, section 4.16.

The Panel does not disagree with the Respondent that the Complainant knew about the use of the disputed domain name for sneaker sales under the descriptive play on words "iSOLEd" before it filed the Complaint (supported by the Complainant's own admission). Crucially, however, the past history of the disputed domain name showed that it had previously been used for this purpose, had then apparently been abandoned, and then had been "pivoted", to use the Complainant's choice of word, into apparent targeting of the Complainant's ISOLED mark. Although the website associated with the disputed domain name showed it had been built by an AI website builder (mentioning only the Registrar's brand, not the actual method of building) this does not of itself mean that the Complainant could have anticipated the Respondent's argument that this was temporary, unintentional, and noncommercial. The fact that the website did not have any active commercial component as yet does not mean that it was not being used for a commercial purpose, whether that might be to divert the Complainant's customers, to capture their data via the online form, or to promote a somewhat nascent business.

Consequently, the Complaint was not filed by the Complainant in circumstances where it had "clear knowledge of the Respondent's rights and lack of bad faith" as the Respondent contends. On the contrary, the use of the website associated with the disputed domain name when the Complaint was filed, coupled with the past history of the disputed domain name, appeared reasonably to the Complainant to represent a possible recent acquisition of the disputed domain name by a bad faith registrant which was intent on using it to take unfair advantage of the Complainant's mark. There is no evidence before the Panel to suggest that, when the Respondent's (personal) details were revealed after Registrar verification, any research by the Complainant would necessarily have uncovered the fact that the Respondent was the holder of the disputed domain name dating from 2013 and associated with the sneaker sales business under the brand name "iSOLEd", and thus that the Complainant could not make out a case of registration in bad faith.

Finally, the fact that the Complainant used the Registrar's broker service to make contact with the Complainant does not mean in the circumstances of this case that the Complaint was brought in bad faith. Neither of the Parties has placed the actual correspondence from the broker before the Panel. In the absence of such, the Panel reasonably infers that the Complainant was using all available means to reach the Respondent, not that it attempted to buy the disputed domain name and filed the Complaint when negotiations did not go to its liking. Indeed, the Respondent is clear that it received both this approach and that of the abortive contact form communication. The Respondent chose to ignore both of these, even though the Registrar contact form disclosed an email address emanating from <isoled.at>. Had the Respondent asked itself why a person from that address might wish to contact it, it might have chosen to investigate further. While the decision not to engage with the Complainant's approaches was a choice that the Respondent was entitled to make, it is clear to the Panel that if it had prompted the Respondent to engage in correspondence with the Complainant this might have resulted in the Complaint never being filed, particularly if the Respondent's evidence from 2013 had been put forward in discussions between the Parties at an earlier stage. As matters stand, however, the Respondent's silence and the difficulties which the Complainant experienced in making contact with it would only have served to affirm the Complainant's concerns that the Respondent was a cybersquatter which had recently acquired the disputed domain name and was using it to reference the Complainant's mark.

The Panel accepts that the Complainant's submissions relating to passive holding of the disputed domain name were misconceived. If this were the only basis on which the Complaint was brought, the Respondent's assertion that this meant that the Complainant ought to have known the Complaint could not succeed based on facts reasonably available might have had some merit. However, as discussed above, the Complainant had a reasonable apprehension that it was being targeted, not by the registrant of the disputed domain name which had historically used it for the iSOLEd brand, but rather by a new registrant following a lengthy period of inactivity. The Panel considers that the Complainant was entitled to put the Respondent to the proof on this point and therefore that the Complainant did not bring the Complaint in bad faith.

The Panel finds that the Complaint has not been brought in bad faith and does not constitute an attempt at RDNH. The Respondent's request for a finding of RDNH is denied.

## 7. Decision

For the foregoing reasons, the Complaint is denied.

*/Andrew D. S. Lothian/*
**Andrew D. S. Lothian**
Sole Panelist
Date: June 19, 2026