

ADMINISTRATIVE PANEL DECISION

Ask Africa (Proprietary) Limited v. Ryan Moore
Case No. D2026-2358

1. The Parties

The Complainant is Ask Africa (Proprietary) Limited, South Africa, represented by Adams & Adams Attorneys, South Africa.

The Respondent is Ryan Moore, United Kingdom ("UK"), represented by Chyrkin Law, Ukraine.

2. The Domain Name and Registrar

The disputed domain name <askafrica.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 June 1, 2026. On June 2, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 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 ("Unknown") and contact information in the Complaint. The Center sent an email communication to the Complainant on June 4, 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 June 11, 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 June 12, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 2, 2026. The Response was filed with the Center on June 29, 2026. On July 6, 2026, the Complainant sent an email communication to the Center in which it requested to be granted an opportunity to file a Supplemental Filing.

The Center appointed Luca Barbero, David H. Bernstein, and Wilson Pinheiro Jabur as panelists in this matter on July 30, 2026. The Panel finds that it was properly constituted. Each member of 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.

On August 5, 2026, the Panel issued an Administrative Panel Procedural Order ("Panel Order") granting the Complainant an opportunity to submit a Supplemental Filing by August 19, 2026, and the Respondent to submit its reply to the Supplemental Filing by September 2, 2026. The Decision due date was thereby extended to September 16, 2026.

The Complainant filed a Supplemental Filing on August 19, 2026. The Respondent filed its reply to the Complainant's Supplemental Filing on September 1, 2026.

4. Factual Background

The Complainant is a South African market research and data analytics company that provides consumer insights, brand health tracking, and customer experience benchmarks for businesses. It was founded in 1995 by Andrea Rademeyer as a one-person market research company in South Africa, focusing on providing data, consumer insights, and benchmarking. Ms. Rademeyer formally incorporated a Close Corporation in South Africa under the name Askafrika CC, and the company was converted into a private company on July 31, 2000, and traded as Askafrika (Proprietary) Limited until May 16, 2025.

In May 2025, the Complainant underwent a rebrand adopting the ASK AFRICA mark.

The Complainant is the creator of the ORANGE INDEX, ICON BRANDS and KASI STAR BRANDS industry benchmarks, which measure customer experience, brand loyalty, and consumer behavior primarily in South Africa and broader African markets.

The Complainant is the owner of the following trademark registrations for ASK AFRIKA and ASKAFRIKA LIBERATING TRUTH FOR HUMANITY (figurative marks):

- South Africa trademark registration No. 2000/09550 for ASK AFRIKA (figurative mark), filed on May 16, 2000, and registered on August 29, 2005, in class 35;
- Eswatini trademark registration No. SZ/T/2024/24 for ASK AFRIKA LIBERATING TRUTH FOR HUMANITY (figurative mark), filed on February 1, 2024, and registered on February 10, 2025, in class 35;
- Kenya trademark registration No. 131934 for ASK AFRIKA LIBERATING TRUTH FOR HUMANITY (figurative mark), filed on January 25, 2024, and registered on September 30, 2025, in class 35;
- Lesotho trademark registration No. LS/M/2024/00024 for ASK AFRIKA LIBERATING TRUTH FOR HUMANITY (figurative mark), filed on February 1, 2024, and registered on September 1, 2025, in class 35;
- Namibia trademark registration No. NA/T/2024/53 for ASK AFRIKA LIBERATING TRUTH FOR HUMANITY (figurative mark), filed on February 2, 2024, and registered on October 2, 2024, in class 35;
- Tanzania trademark registration No. TZ/S/2024/99 for ASK AFRIKA LIBERATING TRUTH FOR HUMANITY (figurative mark), filed on January 23, 2024, and registered on October 25, 2024, in class 35.

The Complainant also claims common law rights in the ASK AFRIKA mark as a result of its continuous and widespread use since 1995 and submits the following evidence of use of the mark:

- the Curriculum Vitae of a third party confirming that she was appointed as a research manager at the Complainant – referred to as "Ask Afrika" -, between 1998 and 1999;

- copy of advertisements published in the Sunday Times newspaper, a national newspaper published in Johannesburg, dated 1999 and 2002, showing a job advertisement referring to the Complainant as “Ask Afrika”;
- copy of articles published on the South African Financial Mail newspaper in 2000, including reference to the Complainant - referred to as “Ask Afrika” -, and its services;
- copy of the notice of registration issued to the Complainant by the South African Revenue Service (“SARS”) on April 22, 2004, confirming the Complainant’s registration as a Value-Added Tax (“VAT”) vendor, under the name “Askafrika (PTY) LTD”, since March 1, 1997;
- two articles published on the websites of the African Marketing Confederation and BizCommunity in early 2024, reporting the appointments of the Complainant – referred to “Ask Afrika” - and plans to expand on its global expansion strategy;
- publications and samples of winners’ certificates showing use of the trademark ICON BRANDS since 2003;
- invoices issued by the Complainant to third parties for the purchase of ICON BRANDS reports in 2010 and 2011 and invoices and pro-forma invoices issued by third parties to the Complainant in the same period for advertising and marketing expenses related to the ICON BRANDS;
- third parties’ media and press releases, articles and posts dated 2017, 2019, 2021, and 2022 referencing to the “Ask Afrika Icon Brands Survey”;
- printouts from the Complainant’s social media accounts displaying the ASK AFRIKA mark.

The Complainant is also the owner of the Rwanda trademark registration No. RW/T/2025/367 for ASK AFRICA REVEALING THE UNSEEN (figurative mark), filed on April 16, 2025, and registered on August 7, 2025, in class 35, and of trademark applications for ASK AFRICA REVEALING THE UNSEEN (figurative mark) filed in April 2025 in South Africa and accepted for publication in Kenya in November 2025.

The Complainant is also the owner of the domain names <askafrika.co.za> and <askafrika.co.za>, registered on September 18, 1997, and December 6, 2002, respectively.

On July 24, 2025, the Complainant sent a cease-and-desist letter to the Respondent requesting that it cease using the mark ASK AFRICA and transfer the disputed domain name to the Complainant. The Respondent acknowledged receipt of the letter on July 25, 2025, identifying himself as a strategy consultant at the UK company Riact Advisory Limited. The Respondent replied further on July 31, 2025, refusing to comply with the Complainant’s demands.

According to the records of the UK Companies House, the Respondent is the sole listed director of the company Riact Advisory Limited, which engages in “management consultancy activities other than financial management”. Based on the information provided on the related website “www.riact.africa”, the services provided by the company include validation of consumer data sets through surveys and sampling, the execution of marketing campaigns, market entry strategies, and market research and analysis of the African landscape.

The company Riact Advisory Limited is the owner of the UK trademark registration No. UK00004239889 for ASK AFRICA (word mark), filed on July 26, 2025, and registered on November 7, 2025, in classes 9, 35, and 42.

The disputed domain name was originally registered on July 9, 1998. According to the records, it was under the control of the Complainant until at least July 12, 2019, was subsequently abandoned for unknown reasons by the Complainant’s service provider and was acquired by the Respondent from a third party in May 2024 for a price of approximately USD 5,000, which was paid in instalments over a year.

The disputed domain name resolves to a website promoting an application under development named ASK AFRICA, which is described as “a social mobile app that rewards users for voting, answering, and sharing their sports and betting insights on outcomes, fixed matches, and offers”.

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 confusingly similar to the trademarks ASK AFRIKA and ASK AFRICA in which the Complainant claims rights as the disputed domain name wholly incorporates the Complainant’s trademark ASK AFRICA and is visually virtually identical to the Complainant’s well-known and earlier ASK AFRIKA mark.

The Complainant states that the Respondent has no rights or legitimate interests in the disputed domain name because:

- the Complainant has not authorized the Respondent to register or use any domain name incorporating ASK AFRIKA or ASK AFRICA, and there is no relationship or association between the Parties;
- the Complainant’s trademark rights predate both the original registration of the disputed domain name and the Respondent’s acquisition of it;
- there is no evidence that the Respondent is commonly known by the name Ask Africa or that it has acquired any trademark rights in the ASK AFRIKA and ASK AFRICA marks;
- there is no evidence that the Respondent is using the ASK AFRICA mark or the disputed domain name in connection with a bona fide offering of goods or services, since the software application mentioned on the website to which the disputed domain name resolves cannot be located on the Google or Apple app stores and the hyperlinks to the social media platforms displayed on the website at the disputed domain name resolve to social media pages operated by a third-party news website;
- there is no evidence that the Respondent intends to use the disputed domain name for legitimate non-commercial or fair use without intent for commercial gain to divert consumers or to tarnish the Complainant’s rights.

The Complainant submits that the Respondent registered and used the disputed domain name for the following reasons:

- the Respondent was undoubtedly aware of the Complainant’s rights in the ASK AFRIKA mark, and, by extension, the ASK AFRICA mark, when the disputed domain name was registered or acquired between November 2024 and February 2025, considering the disputed domain name wholly incorporates the Complainant’s ASK AFRICA mark and a Google search for “ask Africa” immediately reveals the Complainant’s website;
- the Respondent acquired the disputed domain name to take unfair advantage of the substantial reputation and goodwill in the Complainant’s ASK AFRIKA and ASK AFRICA marks;
- by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to his website, by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation or endorsement of his website;

- considering the Respondent's field of activity, the Respondent appears to have registered or acquired the disputed domain name to disrupt the business of the Complainant as a competitor;
- the registration of the disputed domain name, which is so obviously connected with the Complainant's ASK AFRICA mark, and the use of the same in connection with a website advertising the very services for which the Complainant and its trademarks are well-known, suggests opportunistic bad faith.

B. Respondent

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

While the Respondent does not dispute that the disputed domain name is confusingly similar to the Complainant's ASK AFRICA mark, the Respondent submits that the Complaint fails under the second and third elements.

The Respondent claims legitimate interests in the disputed domain name and states that, before receiving notice of the dispute, i.e. before receipt of the Complainant's cease-and-desist letter of July 24, 2025, the Respondent had engaged in "extensive, dated, contemporaneous and independently-verifiable preparations to use the name 'Ask Africa' for a bona fide business".

The Respondent asserts that it acquired the disputed domain name through a "documented, arm's-length twelve-month lease-to-own purchase on the Dan.com marketplace, commencing on or about 19 May 2024 — a full year before the Complainant adopted the name 'ASK AFRICA'" in May 2025, and that it did so to build "an independently-conceived, gamified consumer-polling mobile app for African sports and betting audiences, documented in active development from May 2024". To substantiate such allegations, the Respondent provides:

- i) a "Scope of Work" for the ASK AFRICA application, dated May 13, 2024 (six days before the first payment for the disputed domain name), shared and edited with a development consultant;
- ii) correspondence from May 19, 2024, onward, between the Respondent and the Dan.com marketplace, marketplace receipts for installments and bank statements recording three of the payments, and a sworn declaration attesting that the twelve-monthly installments, which totaled approximately USD 5,000, were completed by April 2025;
- iii) a written "Scope of Work" confirmation from the development house for the ASK AFRICA application, dated July 2, 2024;
- iv) correspondence exchanged in July 2024 between the Respondent and a corporate-finance advisor to build a financial model and investor pitch deck for the Respondent's Ask Africa project;
- v) correspondence dated August 2024 with another development house regarding scoping of the building of the Ask Africa project;
- vi) correspondence dated November 28, 2024, between two third parties regarding the design of the Ask Africa application's sports-betting survey/poll question set;
- vii) an investor pitch deck of February 2025 whose competitor analysis lists third parties and does not include the Complainant, which would corroborate the independent origin of the Respondent's project;
- viii) messages sent by the Respondent to third parties via WhatsApp in February and May 2025, in which the Respondent shares the pitch deck for the Ask Africa application and, on May 22, 2025, states that the first version of the Ask Africa application would be "launched this week";

ix) a third-party email to the Respondent dated February 25, 2025, regarding commission of design for the Respondent's application, including the wording "ask-africa" in a Figma file name;

x) a third-party email to the Respondent dated March 5, 2025, providing a development quote for the Respondent's Android application, including the subject "Ask Africa Summary Quote";

xi) a March 2025 presentation of the Ask Africa investor deck for betting-industry executives, which mentions the Complainant on a slide about indirect competitors;

xii) historical screenshots for the disputed domain name taken from the Internet Archive "www.archive.org", dated February 7, 2025, showing the disputed domain name resolving to a website promoting the Respondent's Ask Africa sports-and-betting consumer-insights application.

The Respondent also points out that the disputed domain name comprises the ordinary English imperative "ask" and the continent name "Africa" and asserts that it is using the disputed domain name for its descriptive meaning in connection with a product "that literally 'asks Africa,' inviting African consumers to answer polls and surveys". The Respondent further states that "Ask Africa" is not exclusively associated with the Complainant, as it is used concurrently by multiple other entities, including a separate market-intelligence business.

The Respondent also submits that it owns registered trademark rights in ASK AFRICA based on the UK trademark registration No. UK00004239889 cited above and claims that such trademark registration corroborates its genuine intent.

As to the Complainant's allegations regarding the Respondent's lack of legitimate interests based on the fact that its Ask Africa application is not available on app stores, and that the social-media links featured on the website resolve to a third-party news website, the Respondent states that the absence of a listing on the Google or Apple app stores is due to the present state of a pre-launch, mobile-web product, and that the social-media links on the website are unconfigured default placeholders shipped with a common website-builder template. The Respondent claims that, anyway, the links displayed on the website at the disputed domain name do not demonstrate the Respondent's intention to target the Complainant.

The Respondent concludes that it made genuine use of the descriptive name "Ask Africa" for its distinct consumer-facing betting-and-sports product, which is materially different from the Complainant's enterprise market-research services, and that it developed its branding independently without copying the Complainant's marks.

The Respondent also denies having registered the disputed domain name in bad faith, stating that:

i) "Ask Africa" is a descriptive phrase, not a coined or famous mark, and is also used by third parties;

ii) the Respondent was not aware of the Complainant's ASK AFRICA trademark when it acquired the disputed domain name in May 2024;

iii) the Respondent's concept and name, used in connection with consumer sports-and-betting engagement, pre-date and are independent of the Complainant, which provides different (enterprise market-research) services;

iv) the fact that the Respondent first mentioned the Complainant as an indirect competitor in one of its presentations in March 2025 demonstrates that the Respondent became aware of the Complainant well after the Respondent's acquisition of the disputed domain name and confirms that the parties operate in different fields rather than evidencing any intent to exploit the Complainant;

v) the Respondent acquired the disputed domain name one year before the Complainant announced its rebranding in "Ask Africa";

vi) as to the Complainant's claimed common law rights, the Respondent submits that the Complainant's evidence shows recognition of ASK AFRICA among South African business-to-business clients, not of "Ask Africa" in the Respondent's country (UK) or the Respondent's consumer sports-betting sector, and the Complainant's reliance on its <askafrica.co.za> domain name since 2002 is not sufficient to demonstrate trademark use and secondary meaning.

The Respondent also states that it did not use the disputed domain name in bad faith as the website to which the disputed domain name resolves offers the Respondent's own genuine product under the descriptive name Ask Africa, does not reproduce the Complainant's name, get-up, logo or content, contains no pay-per-click links to the Complainant or its competitors, and creates no false affiliation with the Complainant.

The Respondent underlines that none of the Policy 4(b) scenarios are established in this case since:

- i) the Respondent never offered to sell the domain name to the Complainant;
- ii) there is no pattern of abusive registrations within the meaning of Policy 4(b)(ii) and the Respondent acquired the disputed domain name due to its descriptive meaning after the Complainant's own service provider allowed it to lapse;
- iii) the parties are not relevant competitors, and the Respondent did not register the domain name to disrupt the Complainant;
- iv) there was no intentional attempt to attract the Complainant's customers by causing confusion and no content showing the Respondent's intention to target the Complainant.

The Respondent also requests a finding of Reverse Domain Name Hijacking ("RDNH") based on the following grounds:

- i) the Complainant, which is professionally represented, knew or plainly ought to have known that the disputed domain name reflects a descriptive expression, that it adopted the "Ask Africa" spelling matching the disputed domain name only in May 2025 – well after the Respondent committed to acquire the disputed domain name in May 2024 – and that a registration cannot in any event be in bad faith where it predates the rights relied upon save in exceptional circumstances;
- ii) the Complainant asserted that the Respondent acquired the disputed domain name within a specific window inferring such information from a mere registrar change;
- iii) the Complainant incorrectly stated that the Respondent has no trademark rights, as a simple search on online trademark registers would have revealed the UK trademark registration No. UK00004239889 cited above before the filing of the Amended Complaint;
- iv) the Complainant is seeking to capture a descriptive domain name for the Complainant's recent rebrand after the disputed domain name had left the Complainant's control years earlier.

C. Complainant's Supplemental Filing

In the Complainant's Supplemental Filing, the Complainant states that:

- the fact that the Respondent's UK trademark No. UK00004239889 for ASK AFRICA was filed shortly after the Respondent received the Complainant's cease-and-desist letter demonstrates that the Respondent sought to strengthen its disputed position and acted in bad faith, rather than reflecting independently acquired rights;

- according to the searches performed by the Complainant, the Respondent is a South African citizen, is listed as the sole director of another company located in South Africa and, in 2023, posted on social media asking his friends and family to recommend any “good market survey / market research agency in South Africa”. The Complainant therefore submits that, given the Complainant’s significant reputation as the largest independent market research company in South Africa, it is implausible that the Respondent did not come across, or was not aware of, the existence of the Complainant at the time;

- the pitch deck of February 2025 submitted by the Respondent, which does not cite the Complainant as one of the competitors, is an internal document and is not sufficient to demonstrate that the Respondent did not have prior knowledge of the Complainant. Likewise, the second pitch deck dated March 2025, in which the Complainant is identified as an indirect competitor, does not confirm post-acquisition awareness, because this does not conclusively prove when the Respondent first became aware of the Complainant. The Complainant further states that the fact that the Respondent identified the Complainant as its indirect competitor is significant, as indirect competitors solve the same customer problem or fulfil the same need. In this regard, the Complainant highlights that both the Complainant and the Respondent have worked for entities within the same group;

- it is highly implausible that the Respondent conducted only an availability search for the disputed domain name before acquiring it at the price of USD 5,000, without conducting further searches which would (and should have) uncovered the Complainant. The Complainant asserts that the pursuit and acquisition of the disputed domain name “was not a sporadic, organic decision, but rather a measured and considered approach, in respect of which the Respondent gauged the value of the disputed domain name and the reputation attached to it (attributable to the Complainant)”;

- the circumstance that the Respondent filed and was granted a UK trademark registration for ASK AFRICA proves that the Respondent’s contentions about the descriptiveness and lack of distinctiveness of the Complainant’s ASK AFRIKA and ASK AFRICA trademarks are unfounded;

- the Respondent’s submission that its business activities are not in direct competition with those of the Complainant is difficult to reconcile with the Respondent’s actions for acquiring the disputed domain name, with the services listed on the website to which the disputed domain name resolves and with the list of products and services in the Respondent’s UK trademark application, which include “market research”;

- regarding the Complainant’s 2025 rebrand (from ASK AFRIKA to ASK AFRICA), the Complainant states that it represented a modernization of a long-established brand (ASK AFRIKA) that had already acquired substantial goodwill through decades of use and contends that the evidence overwhelmingly supports the conclusion that the Respondent was aware of the Complainant’s longstanding goodwill embodied in the ASK AFRIKA brand and the obvious relationship and similarity between ASK AFRIKA and ASK AFRICA;

- as to the Respondent’s alleged use of the phrase “Ask Africa” by multiple third parties, the Complainant asserts that this argument “does not hold up under scrutiny”, because one of the two entities identified by the Respondent does not make use of a comparable trademark;

The Complainant also states that the Respondent’s request for a finding of RDNH should be dismissed because:

- the Complainant demonstrated statutory and common law rights in and to its ASK AFRIKA and ASK AFRICA marks;

- the Complainant presented evidence that it previously controlled the disputed domain name, that the disputed domain name resolved to its website, that the Respondent adopted a name (Ask Africa) which is identical or nearly identical to the Complainant’s ASK AFRICA and ASK AFRIKA marks, that the current use of the disputed domain name by the Respondent concerns overlapping services and the Complainant provided evidence to prove its allegations that the Respondent acted in bad faith;

- the Complainant owned relevant and corresponding trademark rights long before the disputed domain name was acquired, the Complaint was not speculative, or brought to harass the Respondent, the Complainant did not try to purchase the disputed domain name, did not file the Complaint in retaliation to any negotiations breaking down, and did not intentionally misrepresent facts or hide crucial information from the Panel.

D. Respondent's Supplemental Filing

The Respondent states that the documents and statements submitted by the Complainant in its Supplemental Filing do not demonstrate that the Respondent intended to target the Complainant and its trademark at the time of acquisition of the disputed domain name.

The Respondent points out that the Complainant has failed to address the documents submitted by the Respondent to demonstrate its good faith preparations to use the disputed domain name prior to the filing of the Complaint.

The Respondent also states that its March 2025 pitch deck, including a slide citing the Complainant as indirect competitor, proves that the Respondent first learned of the Complainant after the Respondent's project was conceived and the disputed domain name was acquired in 2024.

As to the Complainant's submission regarding the Respondent's 2023 social media post inquiring about market-research suppliers in South Africa, the Respondent submits that the Respondent has never denied looking for market-research suppliers in South Africa in 2023 and notes that the Respondent's idea grew out of the Respondent's sports-betting work from that year. However, the Respondent points out that said post does not show that it encountered the Complainant, was recommended it, or later chose ASK AFRICA because of it. The Respondent further states that, since the printouts of Google search results submitted by the Complainant are dated 2026 and personalized based on the preferences of the signed-in Google account used for the searches, they do not demonstrate what the Respondent would have seen in 2023.

The Respondent also claims that the fact that the Respondent is a South African citizen is not sufficient to demonstrate that the Respondent must have known the Complainant at the time of acquisition of the disputed domain name and claims that the "Complainant's reputation evidence remains South African business-to-business material" and the Complainant's prior trademark registrations do not generate "constructive notice" sufficient to establish bad faith.

With reference to the circumstances surrounding the acquisition of the disputed domain name, the Respondent submits that the disputed domain name had been offered through an established domain marketplace for years before the Respondent acquired it, and that the Respondent always acquired domain names to build ventures, not to resell or speculate, and has never sold a domain name or registered a third party's trademark.

The Respondent also states that the fact that the Parties have both been serving the same media group is not sufficient to demonstrate the Respondent's knowledge of the Complainant.

As to the Respondent's filing of the UK trademark application for ASK AFRICA in the name of its company after receipt of the Complainant's cease-and-desist letter, the Respondent contends that this does not demonstrate that the Respondent registered the disputed domain name in bad faith nor is the trademark registration the source of the Respondent's legitimate interest since, at the time of the filing of the trademark application, the disputed domain name had already been acquired by the Respondent and the development work, the investor materials and the pre-launch website already existed.

With regard to the referred descriptiveness of the phrase encompassed in the disputed domain name, the Respondent clarifies that it does not intend to challenge the validity of the Complainant's registered trademark, but to support its claim for a legitimate interest in the disputed domain name, considering it includes dictionary words and has been used in a way that does not trade off the Complainant's trademark.

The Respondent further states that the descriptiveness of the terms in the disputed domain name is supported by the presence of disclaimers regarding the word “Africa” in the South African and Kenyan trademark applications for ASK AFRICA and by the fact that another African entity located by the Respondent and based in Kenya operates a market-intelligence business under a name encompassing “Ask Africa” with no suggestion that it targets the Complainant.

The Respondent confirms its request for a finding of RDNH for the reasons detailed in the Response.

6. Discussion and Findings

6.1 First preliminary procedural issue: Supplemental Filings

According to paragraph 10 of the Rules, the Panel has the authority to determine the admissibility, relevance, materiality and weight of the evidence, and also to conduct the proceedings with due expedition, ensuring that the Parties are treated with equality and that each Party is given a fair opportunity to present its case.

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 that it may deem necessary to decide the case.

As stated in section 4.6 of the WIPO Overview of WIPO Panel Views on Select UDRP Questions (“[WIPO Overview 3.1](#)”), unsolicited supplemental filings are generally discouraged - unless specifically requested by the panel - and the party submitting, or requesting to submit, an unsolicited supplemental filing should clearly show its relevance to the case and why it was unable to provide the information in its complaint or response.

Accordingly, UDRP panels generally accept supplemental filings only when they provide material new evidence or a fair opportunity to respond to arguments that could not reasonably have been anticipated. See, along these lines, *Welcomemat Services, Inc. v. Michael Plummer Jr., MLP Enterprises Inc.*, WIPO Case No. [D2017-0481](#).

In the case at hand, after the filing of the Response, the Complainant requested, on July 6, 2026, to submit a Supplemental Filing to address new factual assertions and arguments that were not previously known to the Complainant and could not reasonably have been anticipated at the time of filing the Complaint, namely, i) the fact that the Complainant should be found to have committed RDNH according to the Respondent’s allegations; ii) the fact that the Respondent is director of a company which filed a trademark application for ASK AFRICA in the UK, a day after the Respondent first acknowledged receipt of a cease-and-desist letter sent on behalf of the Complainant; and iii) the Respondent’s asserted descriptiveness and lack of distinctiveness of the Complainant’s trademark ASK AFRICA encompassed in the disputed domain name.

The Panel deemed appropriate to accept the Complainant’s request and, as indicated in the Procedural History, issued a Panel Order granting: i) the Complainant an opportunity to submit a Supplemental Filing by August 19, 2026, provided that its Supplemental Filing be limited to the facts and arguments raised in the Response that the Complainant could not have reasonably anticipated and not exceed 5,000 words; and ii) the Respondent an opportunity to submit its reply to the Complainant’s Supplemental Filing by September 2, 2026, provided that the Respondent’s submission should be limited to the facts and arguments raised in the Complainant’s reply to the Panel Order, and should not exceed 5,000 words.

The Panel has reviewed the Supplemental Filings of the Complainant and the Respondent, which were respectively submitted on August 19, 2026, and September 1, 2026, and reflected the related contents in the Sections 5.C and 5.D above.

The Panel will now proceed to Decision.

6.2. Substantive Issues

According to paragraph 15(a) of the Rules: “A Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable.” Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following:

- (i) that the disputed domain name registered by the Respondent is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant’s trademark and the disputed domain name. [WIPO Overview 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. Indeed, the Complainant has provided evidence of ownership of several trademark registrations for ASK AFRIKA (figurative mark) as well as of a trademark registration for ASK AFRICA REVEALING THE UNSEEN (figurative mark).

To the extent that design elements are incapable of representation in domain names, these elements can be disregarded for purposes of assessing identity or confusing similarity under the first element. [WIPO Overview 3.1](#), section 1.10.

The Panel finds the dominant features of the Complainant’s marks, consisting of the denominative elements “Ask Afrika” and “Ask Africa”, are recognizable within the disputed domain name. The disputed domain name indeed differs from the core of the Complainant’s ASK AFRIKA mark by one single letter (“c” instead of “k”) and identically reproduces the wording “Ask Africa” of the Complainant’s trademark ASK AFRICA REVEALING THE UNSEEN. Accordingly, the disputed domain name is confusingly similar to the Complainant’s registered trademarks for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

As to the generic Top-Level Domain (“gTLD”) “.com”, it is a standard registration requirement and can be disregarded under the first element confusing similarity test. [WIPO Overview 3.1](#), section 1.11.1.

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 that the Complainant has failed to prove, and that the Respondent managed to demonstrate, that the Respondent has a legitimate interest in the disputed domain name.

The Panel finds that the Complainant established rights in the trademark ASK AFRIKA and demonstrated that it used the mark in connection with its market-research services before the disputed domain name was acquired by the Respondent. The Panel notes that there is no relationship between the Parties and the Complainant has not authorized the Respondent to register or use its trademarks or the disputed domain name.

However, the Panel also notes that the disputed domain name does not exactly reproduce the Complainant's trademark ASK AFRIKA as it consists of the phrase "Ask Africa", which the Respondent claims to have selected in light of its descriptiveness for the purposes of promoting a consumer-polling mobile application for African sports and betting audiences. The Respondent also claims to have been actively developing its application since May 2024, well before receiving notice of the dispute by means of the cease-and-desist letter sent by the Complainant on July 24, 2025, and before the Complainant decided to rebrand to ASK AFRICA in May 2025.

The Panel has reviewed the documents provided by the Respondent, namely, a Scope of Work predating the first payment of the installments for the acquisition of the disputed domain name in May 2024, development and corporate-finance engagements throughout 2024, product and survey design, investor materials and evidence of a live pre-launch website, and finds that such evidence demonstrates that, before receiving notice of the dispute, the Respondent made demonstrable preparations to use the disputed domain name and a name corresponding to the disputed domain name, namely, Ask Africa, in connection with a bona fide offering of goods or services. [WIPO Overview 3.1](#), section 2.2.

The Panel also finds that, according to the records, the Respondent appears to have used the disputed domain name in connection with the relied-upon dictionary meaning and not to capitalize on the Complainant's trademark rights. Indeed, there is no evidence that the Respondent has used the disputed domain name to impersonate the Complainant or otherwise confuse or divert consumers looking for the Complainant. 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. [WIPO Overview 3.1](#), section 2.10.

The Panel finds the second element of the Policy has not been established.

C. Registered and Used in Bad Faith

The Panel also finds that the Complainant has failed to demonstrate that the Respondent registered and used the disputed domain name in bad faith.

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 trademarks. Even though the Complainant has demonstrated that it owned trademark registrations for ASK AFRIKA at the time of the acquisition of the disputed domain name by the Respondent in May 2024, and that its trademark enjoyed reputation in South Africa at that time, the Complainant has not proven that, on balance of probabilities, the Respondent had the Complainant's trademark in mind when it acquired the disputed domain name and registered the disputed domain name to trade-off the Complainant's trademark rights.

Indeed, considering: i) the spelling of the disputed domain name does not exactly correspond to the Complainant's trademark ASK AFRIKA, ii) the disputed domain name incorporates the descriptive phrase "Ask Africa", and iii) the Respondent acquired the disputed domain name and started making preparations to use the disputed domain name to promote its sports-and-betting consumer-insights application, which differ from the enterprise market-research services provided by the Complainant, one year before the Complainant announced its rebranding to "Ask Africa", the Panel finds that the Respondent appears to have selected the disputed domain name, and to have acquired it at the price of USD 5,000, because it encompassed a descriptive name suitable for his business, not because it intended to target the Complainant and its mark.

Moreover, there is no evidence that the Respondent, through the use of the disputed domain name, intended to confuse consumers with the Complainant's marks or disrupt the Complainant's business, that the Respondent engaged in a pattern of abusive domain name registrations or that it registered the disputed domain name in order to sell the disputed domain name to the Complainant.

The Panel finds that the fact that the Respondent mentioned the Complainant as an indirect competitor in one of its presentations in March 2025 supports the conclusion that the Parties operate in different fields rather than evidencing any intent from the Respondent to exploit the Complainant's trademark rights.

In view of the foregoing, 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 is not persuaded that the circumstances of this case justify a finding of RDNH. The Complainant has provided evidence of ownership of long-standing registrations for the trademark ASK AFRIKA and of substantial reputation in South Africa which predate the acquisition of the disputed domain name by the Respondent. Moreover, the Complainant's ASK AFRIKA mark is almost identically reproduced in the disputed domain name, and the latter was also owned by the Complainant in the past (until 2019) before the acquisition of the disputed domain name by the Respondent.

Furthermore, the Complainant did not file the Complaint after an unsuccessful attempt to acquire the disputed domain name from the Respondent and did not intentionally misrepresent facts or hide crucial information from the Panel.

Therefore, the Complainant's case that the disputed domain name was registered in bad faith, while unsuccessful, was not so weak as to render the filing of the Complaint an act of bad faith.

In view of the above, the Panel declines the request to make a finding of RDNH.

7. Decision

For the foregoing reasons, the Complaint is denied.

The request for a Reverse Domain Name Hijacking is also denied.

/Luca Barbero/

Luca Barbero

Presiding Panelist

/David H. Bernstein/

David H. Bernstein

Panelist

/Wilson Pinheiro Jabur /

Wilson Pinheiro Jabur

Panelist

Date: September 16, 2026