

ADMINISTRATIVE PANEL DECISION

Comind Technologies Limited v. Mikael Yan
Case No. D2026-2684

1. The Parties

The Complainant is Comind Technologies Limited, United Kingdom ("UK"), represented by PYXIS LAW Ltd., Switzerland.

The Respondent is Mikael Yan, United States of America ("United States" or "US"), represented by John Berryhill, Ph.D., Esq., United States.

2. The Domain Name and Registrar

The disputed domain name <comind.com> is registered with Porkbun LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 19, 2026. On June 22, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 23, 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 (PRIVATE BY DESIGN, LLC (WHOIS PRIVACY)) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 24, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint on June 24, 2026.

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

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on July 2, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 22, 2026. The Respondent requested, and was granted, a four-day

automatic extension in accordance with the Rules, paragraph 5(b), to July 26, 2026. The Response was filed with the Center on July 26, 2026. Both Parties sent further communications to the Center on August 7, 2026. On that date, the Complainant informed the Center of its intention to withdraw the Complaint and requested the suspension of the proceeding. The Respondent objected to the withdrawal of the Complaint and to the suspension of the proceeding without his consent.

On August 14, 2026, the Complainant submitted a Supplemental Filing in support of its request to withdraw the Complaint. The Center acknowledged receipt of the Supplemental Filing and informed the Parties that its admissibility and the Complainant's request to withdraw the Complaint would be for the Panel to determine pursuant to paragraphs 10 and 12 of the Rules.

The Center appointed Philippe Gilliéron, Georges Nahitchevansky, and Kiyoshi Tsuru as panelists in this matter on September 9, 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 September 21, 2026, the Respondent submitted a Supplemental Filing.

4. Factual Background

The Complainant is a UK company incorporated on December 17, 2018. It operates in the neurotechnology field and is developing medical technology concerning non-invasive optical sensing and brain monitoring.

The Complainant holds the following trademark registrations, among others:

Territory	Reg. No.	Trademark	Registration Date	Class(es)
UK	UK00003481746	COMIND	August 14, 2020	9, 10, 42, and 44
UK	UK00003535229	COMIND	January 8, 2021	9, 10, 42, and 44

The Complainant has also filed the following trademark applications in the United States:

Territory	App. No.	Trademark	Filing date	Class(es)
US	99431364	 CoMind	October 7, 2025	10
US	99431369	COMIND	October 7, 2025	10

The disputed domain name was created on June 28, 2001. In July 2024, before the Respondent acquired the disputed domain name, the Complainant communicated with a prior registrant concerning a possible purchase of the disputed domain name. Those communications included an offer from the Complainant and a counteroffer from the prior holder.

In December 2024, the Respondent acquired the disputed domain name through the Sedo marketplace for USD 63,100, and the disputed domain name was transferred to the Respondent's account with the Registrar on December 17, 2024.

The record shows that the Respondent acquired the disputed domain name independently, and that he has no relationship with the prior registrant or with the July 2024 negotiations between the Complainant and said prior registrant. The case file also contains evidence showing that, shortly after the acquisition, the Respondent began preparations for his project, as evidenced by GitHub development records, Telegram testing, Render hosting invoices, Google Workspace invoices, and logo and branding materials.

The Respondent is an entrepreneur with an academic and professional background that includes psychology, coaching, conversational technology, and mindfulness. The record contains evidence showing that, beginning in December 2024, the Respondent made preparations to develop a project under the name “Comind” in connection with an AI-powered coaching application relating to mindfulness, attention management, and intentional living. The evidence includes, among other elements, source-code repository records, a Telegram-based prototype, hosting and backend-service invoices, a Google Workspace account, and logo and branding development documents. The Respondent also submitted evidence relating to a functional alpha version of the project, which the Respondent claims had been developed on or around October 2025.

After the filing of the Complaint, the Respondent formed Comind PBC and filed a trademark application for COMIND in the United States:

Territory	App. No.	Trademark	Filing date	Class(es)
US	99944443	COMIND	July 16, 2026	9, 41, and 42

The disputed domain name currently resolves to a webpage displaying the term “Comind”, the phrase “YOUR MIND MATTERS”, and the notice “© 2024 Comind. All rights reserved.”

5. Parties’ Contentions

A. Complainant

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

In particular, the Complainant contends:

I. Identical or confusingly similar

That the Complainant has exclusive rights in the COMIND trademark by virtue of its UK trademark registrations.

That the disputed domain name is identical to the Complainant’s COMIND trademark, as it incorporates the said mark in its entirety, with the addition of the generic Top-Level Domain (“gTLD”) “.com”.

II. Rights or Legitimate Interests

That the Complainant has not authorized, licensed, or otherwise permitted the Respondent to use the COMIND trademark or to register a domain name incorporating the said trademark.

That, to the Complainant’s knowledge, the Respondent is not commonly known by the disputed domain name.

That the disputed domain name resolved to a near-blank webpage displaying the text “YOUR MIND MATTERS” and “2024 Comind. All rights reserved”, without navigable content, clickable links, or any identifiable offering of goods or services, and that such use did not constitute a bona fide offering of goods or services within the meaning of paragraph 4(c)(i) of the Policy.

That the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. That, accordingly, the Respondent has no rights or legitimate interests in respect of the disputed domain name within the meaning of paragraph 4(a)(ii) of the Policy.

III. Registered and Used in Bad Faith

That the disputed domain name had been offered for sale and that, between July 5 and July 10, 2024, the Complainant exchanged communications concerning its possible acquisition with the person identified in the Complaint.

That, during the course of those negotiations, the Complainant offered USD 15,000 for the disputed domain name, and that person rejected the offer and made a counteroffer of USD 90,000 as a “final offer”.

That the disputed domain name had historically been listed for sale for a price that substantially exceeds normal out-of-pocket costs.

That the registration details for the disputed domain name reflected the Respondent’s use of a privacy service.

That prior UDRP proceedings reveal the involvement of persons or entities that, according to the Complainant, were associated with the prior registrant of the disputed domain name. That said proceedings resulted in transfers of the relevant disputed domain names.

On August 7, 2026, the Complaint announced its intention of withdrawing the Complaint and requested the suspension of the proceeding.

Supplemental Filing of August 14, 2026

Additionally, in this Supplemental Filing, the Complainant states:

That, at the time of filing the Complaint, it was unaware that the Respondent had acquired the disputed domain name in December 2024.

That the Complainant conducts commercial activities as identified on its website at “www.comind.io”, and the Complainant’s US trademark applications were not refused on any substantive or material ground, and the Complainant filed responses to address the identification-of-goods requirements.

That it does not challenge the Respondent’s legitimate use of the disputed domain name. That it has not alleged that the Respondent is associated with the conduct of the prior holder.

That the term granted by the Center to amend the Complaint did not allow it sufficient time to identify the Respondent.

That the Response established a bona fide acquisition and use of the disputed domain name. That a finding of Reverse Domain Name Hijacking (“RDNH”) requires intent and specific knowledge, which were absent in this case.

That it requests that its withdrawal of the Complaint be recorded “with abandonment of claim, with prejudice”.

B. Respondent

In particular, the Respondent contends:

That the Complainant's UK trademark registrations are sufficient for purposes of satisfying the first element of the Policy.

That he selected the name "Comind" as a combination evocative of a companion or "co-mind" for a mindfulness and attention-management coaching application.

That these materials establish demonstrable preparations to use the disputed domain name in connection with a bona fide offering of services before having received notice of the present dispute.

That he denies having offered the disputed domain name for sale to the Complainant, denies any connection with the prior registrant, and affirms that the Complainant's allegations concerning the July 2024 negotiations and earlier conduct carried out before his acquisition of the disputed domain name are not related to him.

On August 7, 2026, the Respondent objects to any unilateral withdrawal or suspension of the proceeding, and that the Center would be informed should the Parties reach an agreement.

Provisional Reply of September 20, 2026

That his Provisional Reply was submitted only in the event that the Panel admitted the Complainant's Supplemental Filing. The Respondent reaffirms his objection to the termination of the proceeding. He further explains that it is unclear whether the Complainant seeks withdrawal with or without prejudice and argues that a decision on the merits may be preferable given the possibility of future disputes between the Parties. He further contends that the Complainant's research and development activities and its United States intent-to-use application do not show actual use of COMIND as a trademark, since "the Complainant sells no goods and provides no services to any third parties under the proposed mark"; that the Response did not assert RDNH, the finding of which nevertheless lies within the Panel's discretion; and that the Panel should provide guidance on the diligence expected from complainants after the disclosure of registrant data, in relation to the amended paragraph 4 of the Rules.

6. Discussion and Findings

Paragraph 4(a) of the Policy sets out the three requirements that complainants must prove in order to successfully request remedies:

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

A. Procedural Issue: Supplemental Filing and Request to Withdraw

The Rules provide for the filing of a complaint and a response, but do not establish a general right to submit unsolicited supplemental filings. Under paragraphs 10 and 12 of the Rules, the Panel has discretionary powers to determine whether additional statements or documents should be admitted (see WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.6; see also *National Automotive Parts Association LLC, Genuine Parts Company v. Ralph Wood*, WIPO Case No. [D2024-3192](#)).

The Panel considers it appropriate to admit the Complainant's Supplemental Filing. This submission addresses factual matters firstly raised in the Response, including the Respondent's acquisition of the disputed domain name and his preparations to use it in connection with his Comind project. It also sets out the Complainant's position, following review of such evidence, in that it does not challenge the Respondent's legitimate use of the disputed domain name. As these matters could not reasonably have been addressed

by the Complainant before the Response was filed, the Panel admits the Supplemental Filing as part of the record in this proceeding.

To ensure that each Party is given a fair opportunity to present its case under paragraph 10(b) of the Rules, the Panel also admits the Respondent's Provisional Reply of September 20, 2026, which is limited to responding to the matters raised in the Complainant's Supplemental Filing.

The Complainant requested the withdrawal of the Complaint after the Response had been filed, and the Respondent objected to such withdrawal. Under the circumstances of this case, absent an agreement among the Parties to this proceeding, the Complainant should not be allowed to unilaterally withdraw the Complaint, especially in light of an express objection on the side of the Respondent (see *Gstaad Saanenland Tourismus v. Domain Administrator, PrivacyGuardian.org / Dimitri Dimitriadis*, WIPO Case No. [D2016-2601](#)).

The Panel therefore considers that issuing a decision on the merits is appropriate.

B. 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 (see [WIPO Overview 3.1](#), section 1.7).

The Complainant has shown rights in respect of the COMIND trademark for the purposes of the Policy (see [WIPO Overview 3.1](#), section 1.2.1).

The entirety of the COMIND trademark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the said trademark for the purposes of the Policy (see [WIPO Overview 3.1](#), section 1.7; see also *Lumiforte Holding B.V. v. lianxin zhou*, WIPO Case No. [D2026-1241](#)).

The gTLD ".com" is viewed as a standard registration requirement and, as such, is disregarded under the first element test (see [WIPO Overview 3.1](#), section 1.11.1).

The Panel finds that the first element of the Policy has been established.

C. 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) (see [WIPO Overview 3.1](#), section 2.1).

Here, the Respondent states that he selected the name "Comind" because it succinctly captured the concept underlying his proposed AI-powered coaching application. According to the Respondent, the disputed domain name combines the notions of a "coach" or companion and the "mind", thereby conveying the idea of a "co-mind" intended to assist users with mindfulness, attention management, and intentional living. He further submits that this concept is consistent with his longstanding academic and professional interest in psychology, coaching, conversational technologies, consciousness, and mindfulness. The Respondent has submitted evidence showing that he acquired the disputed domain name through Sedo in December 2024 for USD 63,100 and that he is not related to the prior registrant or the conduct carried out by that third party. More importantly, for purposes of paragraph 4(c)(i) of the Policy, the Respondent has also submitted

evidence that he began preparations of use in December 2024, prior to notice of the dispute, for the development of an AI-powered mindfulness and attention-management coaching application under the name “Comind”. That evidence includes source-code development records, Telegram testing, hosting and backend-service invoices, a Google Workspace account associated with the project, and logo and branding development documents. The record further indicates that a functional alpha version had been developed on or around October 2025.

As expressed in prior UDRP decisions, demonstrable preparations to use a domain name in connection with a bona fide offering of goods or services should be supported by clear contemporaneous evidence of bona fide pre-complaint preparations (see [WIPO Overview 3.1](#), section 2.2; see also *CA Indosuez (Switzerland) SA v. Alexander Grey*, WIPO Case No. [D2026-0760](#)).

On the basis of the evidence comprised in the case file, the Panel finds that the Respondent has demonstrated preparations to use the disputed domain name in connection with a bona fide offering of services prior to having received notice of the dispute, within the meaning of paragraph 4(c)(i) of the Policy.

The Complainant filed the Complaint on the basis of allegations concerning conduct that, as the record shows, was carried out by a prior registrant of the disputed domain name. However, the case record supports the Respondent’s claim that he has no relationship with the prior registrant, and the Respondent has proved that he has rights or legitimate interests in connection with the disputed domain name.

Following the Respondent’s explanations, the Complainant acknowledged in its Supplemental Filing that the Respondent has a legitimate interest in the disputed domain name and requested to withdraw the Complaint.

Based on the above, the Panel finds that the Complainant has failed to establish that the Respondent lacks rights or legitimate interests in the disputed domain name.

The second element of the Policy has not been established.

D. Registered and Used in Bad Faith

As the three requirements under paragraph 4(a) of the Policy are cumulative, the Complainant must establish each of them in order for the Complaint to succeed. In light of the Panel’s finding under the second element, the Panel finds it unnecessary to analyze the third element of the Policy (see *AirGSM Pte. Ltd. v. Kawtar latif, Amaira*, WIPO Case No. [D2026-0324](#)).

E. Reverse Domain Name Hijacking

Paragraph 15(e) of the Rules provides that, if after considering the submissions, the Panel finds that the Complaint was brought in bad faith, for example in an attempt at Reverse Domain Name Hijacking or to harass the domain-name holder, the Panel shall declare in its decision that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding. The mere lack of success of a complaint is not, on its own, sufficient to constitute RDNH (see [WIPO Overview 3.1](#), section 4.16).

The Respondent has referred to RDNH considerations in general, but he has not expressly requested a RDNH ruling.

The Panel also notes the Respondent's request for guidance on the diligence expected from complainants between the disclosure of registrant data and the amendment of a complaint, in relation to the paragraph 4 of the Rules. Given the circumstances of the case, including the limited development of the website at the disputed domain name and disclosed registrant information that would not per se reveal the acquisition of the disputed domain name, the Panel does not believe that this proceeding constitutes the most suitable occasion for discussing said matter.

The circumstances of this case do not suggest that the Complainant had a bad faith intention to abuse the proceeding when it originally filed its Complaint. Therefore, the Panel will not issue a RDNH ruling.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Kiyoshi Tsuru/

Kiyoshi Tsuru

Presiding Panelist

/Philippe Gilliéron/

Philippe Gilliéron

Panelist

/Georges Nahitchevansky/

Georges Nahitchevansky

Panelist

Date: September 25, 2026