ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

Cactus Partners LLP v. Kwok-on Io, 2057914 Ontario Inc
Case No. D2026-2933

1. The Parties

The Complainant is Cactus Partners LLP, India, represented by ZeusIP Advocates LLP, India.

The Respondent is Kwok-on Io, 2057914 Ontario Inc, Canada, represented by Western IP Law Group, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <cactuspartners.com> is registered with Name.com, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 3, 2026. On July 6, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 7, 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 (John Doe) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 8, 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 July 13, 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 July 14, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 3, 2026. The Response was filed with the Center on August 3, 2026. The Respondent sent an email communication to the Center on July 9, 2026.

The Center appointed Jeremy Speres, Maninder Singh, and David E. Sorkin as panelists in this matter on August 20, 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.

4. Factual Background

The Complainant, an Indian limited liability partnership, was formed in 2020 under the name Cactus Venture Partners LLP as an early-growth investment platform focused on backing technology, manufacturing, consumer, and sustainability-driven startups in India. In 2024, the name of the entity was changed to Cactus Partners LLP.

The Complainant owns the following Indian trademark registrations:

- Registration No. 5713103 CACTUS VENTURE PARTNERS (word) in class 35, having a registration date of November 25, 2023, and claiming use from 2021;

- Registration No. 5713108 CACTUS VENTURE PARTNERS (word) in class 36, having a registration date of November 30, 2023, and claiming use from 2021.

The Complainant is part of a broader group of companies trading under CACTUS-formative marks, including Cactus Communications Private Limited ("CCPL"), a provider of editorial and publication support services for researchers, authors, and academic institutions.

CCPL owns various trademark registrations for CACTUS-formative marks, including:

- United States Trademark Registration No. 3916466 CACTUS (stylised) in classes 35, 41, and 42, having a registration date of February 8, 2011, and a use in commerce date in 2008;

- Indian Trademark Registration No. 1762394 CACTUS (stylised) in class 35, having a registration date of March 30, 2010, and claiming use from 2002.

In 2012, the Respondent incorporated Cactus US Holdings Inc. ("CUSHI") in the State of Nevada, United States. The Respondent, Kwok-on lo, is listed as a director of CUSHI in its 2012 articles of incorporation annexed to the Response. According to the Respondent's marketing material and quarterly financial statement dating from 2013, as well as a 2014 PricewaterhouseCoopers report, CUSHI's business was to invest in distressed real estate in the United States in the aftermath of the 2008 credit crisis under the CACTUS FUND mark.

In 2025, the Complainant approached the Respondent via a broker, enquiring whether the Respondent was prepared to sell the disputed domain name. The Respondent set a price of USD 65,000 in response to this approach, and the Complainant countered with an offer of USD 29,000. The negotiations ultimately failed.

The disputed domain name was originally registered in 2007. The Respondent's evidence establishes that it purchased the disputed domain name in 2012 for USD 250 on a domain name marketplace. The Complainant's evidence establishes that the disputed domain name resolved to a website offering the disputed domain name for sale for USD 63,000 as of July 3, 2026. Currently, the disputed domain name resolves to a website stating: "Please contact Aloysius Lo", featuring the Respondent's CACTUS FUND logo.

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 trademark rights it claims in the CACTUS mark, asserting that these rights arise both from its own two CACTUS VENTURE PARTNERS Indian registrations and, more broadly, from the goodwill and trademark registrations of its wider Cactus Group tracing back to Cactus Communications Pvt. Ltd.'s 2002 founding. It contends that the disputed domain name was registered and has been used in bad faith with the primary intention of selling the disputed domain name to the Complainant for an amount in excess of its out-of-pocket costs directly related to the disputed domain name.

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.

Notably, the Respondent contends that the Complainant did not exist under any CACTUS-related name until 2020, eight years after the Respondent acquired the disputed domain name in 2012, and eleven years after adopting the CACTUS name, in 2009, for its own real estate fund business. It contends that bad faith cannot be shown at the 2012 acquisition since no relevant Complainant or CCPL trademark predates those dates and the Respondent had no knowledge of or intent to target the Complainant.

It further argues that the Complaint constitutes Reverse Domain Name Hijacking ("RDNH"), brought only after a failed anonymous purchase attempt by a professionally represented Complainant whose own pleaded facts defeat its case.

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 Respondent argues that the Complainant has not named CCPL as a co-complainant, has not pleaded any license or assignment concluded with CCPL, and has annexed no authorization from CCPL for filing of the Complaint. Accordingly, the Respondent challenges the Complainant's standing to rely on the only registered trademarks in the record that predate acquisition of the disputed domain name, all of which are in the name of CCPL.

The Respondent is correct in that the Complainant has not provided any documentary evidence confirming its relationship with CCPL, apart from the statement in its certified Complaint to the effect that it is part of the same group as CCPL. Nevertheless, the Panel has independently[1] viewed the Complainant's website at "www.cactuspartners.in", which the Complainant referred to in the Complaint, and has established that its "Our Team" page lists Mr. Anurag Goel as a "General Partner". The Panel notes that the Complainant's

[1] In accordance with its powers articulated inter alia in paragraphs 10 and 12 of the Rules, the Panel is entitled to conduct limited independent research into matters of public record. WIPO Overview 3.1, section 4.8.

board resolution authorising the filing of the Complaint was signed by one "Anurag Goel". The Panel has also viewed the website for CCPL at "www.cactusglobal.com", which the Complainant also referred to in the Complaint. The website describes Mr. Anurag Goel as one of the founders of CCPL. In the circumstances, considering the Complainant's certified statement and the fact that Mr. Goel authorised the filing of the Complaint, the Panel is prepared to accept that CCPL and the Complainant are part of the same corporate group and that CCPL authorised the Complainant to lodge the Complaint on its behalf. WIPO Overview 3.1, section 1.4.

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

The entirety of the verbal element of CCPL's registered CACTUS mark is reproduced within the disputed domain name. Additionally, the disputed domain name is composed of the first and last words of the Complainant's CACTUS VENTURE PARTNERS mark. 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 finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

In light of the Panel's findings in relation to the third element, there is no need to consider the second.

C. Registered and Used in Bad Faith

The Panel finds that the Complainant has not met its burden of proving that the disputed domain name was registered in bad faith on the balance of probabilities.

The Complainant claims "colossal goodwill" in the CACTUS mark and usage of this mark from 2002. The Complaint, however, contains almost no evidence of this, apart from self-generated evidence from the Complainant's and CCPL's own websites and the like. Certainly, none of the usual types of evidence that Panels require before finding that a mark enjoys a reputation or common law rights have been provided. WIPO Overview 3.1, section 1.3.

The Panel has independently viewed the Internet Archive records for CCPL's website at "www.cactusglobal.com", which does show that CCPL has used that website since 2003. However, usage does not equal a reputation, and there is no evidence in the record showing any reputation in the Complainant's or CCPL's hands for the CACTUS mark anywhere, and certainly not in the Respondent's jurisdiction of Canada or its erstwhile trading territory of the United States.

"Cactus" is a commonplace word, and there are many businesses that have adopted it as part of their names. The Respondent has not done anything to overtly target the Complainant (for example, the Parties have different logos, and the look and feel of their websites are entirely different). The Respondent has also operated in an altogether different industry to that of the Complainant and cannot be assumed, by virtue of industry knowledge, to have been aware of the Complainant, who is based in a different jurisdiction.

The Respondent's marketing material and quarterly financial statement dating from 2013, as well as the 2014 PricewaterhouseCoopers report, indicate that the Respondent did indeed operate a genuine real estate business under the CACTUS FUND mark. Its acquisition of the disputed domain name in 2012, in the same year in which it incorporated CUSHI, weighs in favour of the Respondent's stated intention of acquiring the disputed domain name for use in connection with CUSHI's business.

The Complainant's case rests substantially on paragraph 4(b)(i) of the Policy, contending that the Respondent registered the disputed domain name primarily to sell it to the Complainant at a profit. The record does not support this. It was the Complainant, acting through a broker, who initiated contact with the Respondent in 2025 and who made the first offer, of USD 20,000, which the Respondent declined. Only after sustained solicitation did the Respondent name a figure, USD 65,000, to which the Complainant's broker responded with a "best and final" counteroffer of USD 29,000.

It is important to note that the Complainant, in the form of Cactus Venture Partners LLP, did not exist until 2020, it only changed its name to Cactus Partners LLP in 2024, its CACTUS VENTURE PARTNERS Indian trademarks were only registered in 2023, and they only claimed usage from 2021. Thus, the closest mark to the disputed domain name featuring the word "partners" owned and/or used by the Complainant had not been adopted by the Complainant at the time of acquisition of the disputed domain name in 2012 and could not have informed the Respondent's selection of the disputed domain name. It is trite that the acquisition date of a domain name is generally the relevant date for assessing bad faith registration under the Policy. WIPO Overview 3.1, section 3.9.

The Respondent states: "The term [Cactus] is also strongly evocative of the desert Southwest in which Respondent's business operated." The Respondent also points out that its 2013 marketing presentation invited investors to partner with its real estate business, which may explain the inclusion of "partners" within the disputed domain name. In the circumstances of this case, this explanation for the Respondent's choice of the disputed domain name is at least equally as plausible as the Complainant's claims of targeting. Given that the burden of proof is on the Complainant, the Complaint must be denied on balance of probabilities.

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

D. Reverse Domain Name Hijacking

The Respondent requested a finding of RDNH.

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 reverse domain name hijacking. WIPO Overview 3.1, section 4.16.

The Panel notes that CCPL owns registered trademark rights that predate the Respondent's acquisition of the disputed domain name, and CCPL does appear to have been trading under a CACTUS-formative mark since before the Respondent's acquisition of the disputed domain name. The Respondent has made very little public use of its CACTUS-formative name that might have pointed the Complainant to the Respondent's genuine real estate business, and the disputed domain name is somewhat similar to the Complainant's CACTUS VENTURE PARTNERS mark.

In the circumstances, the Panel considers that it was not entirely unreasonable of the Complainant to bring the Complaint, and the Panel declines to find RDNH.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Jeremy Speres/
Jeremy Speres
Presiding Panelist

/David E. Sorkin/
David E. Sorkin
Panelist
Date: September 3, 2026

8. Dissenting Opinion

With due respect to the co-panelists, I have not been able to agree with the opinion in the majority decision. Accordingly, the Panelist is writing the following separate opinion.

The Complainant is carrying out the activity of an Alternate Investment Fund (AIF) and is registered with the Securities and Exchange Board of India. The Complainant is a part of the Cactus Group of companies having various commercial activities being undertaken by them through their group companies.

The Complainant is a part of a larger group of entities which have been using the mark/name CACTUS since 2002. The Cactus Group started with incorporation of Cactus Communications Pvt. Ltd. in 2002 as a supplier of editorial and publication support services for researchers, authors, and academic institutions. One of the group companies of the Complainant viz. Cactus Communications Pvt. Ltd. registered the domain name <cactusglobal.com> in 2003.

It had opened its first overseas office in Tokyo in the year 2003. Cactus Communications Pvt. Ltd. (CCPL) holds Indian registrations for the trademark CACTUS, since 2008 with a claimed use from 2002.

The Cactus Group opened its first overseas office in Tokyo, Japan in 2003. Presently, it has offices in Japan, India, the United Kingdom, Republic of Korea, China, Singapore, the United States and Switzerland. The mark CACTUS is also registered by the group Company CCPL under the Madrid Protocol with the WIPO (Annexure-G).

In 2020, Cactus Venture Partners LLP was established with the goal of supporting technology, manufacturing, consumer, and sustainability-driven firms in India. The name of the entity was changed from Cactus Venture Partners LLP to Cactus Partners LLP in 2024.

The Cactus Group has Trademark registrations in several countries across the globe including India, United States, Japan, Republic of Korea etc. Some of its trademark registrations are as under:

- Japanese trademark registration nos. IR 1233872 and IR 1238396 for CACTUS, registered on July 25, 2014;

- Indian trademark registration nos. 2774517, 2774509 and 2774510 for CACTUS, registered on August 2, 2016, August 30, 2018, and August 30, 2018;

- Indian trademark registration nos. 5713108 and 5713103 for CACTUS VENTURE PARTNERS, registered on November 30, 2023, and November 25, 2023.

- Republic of Korea trademark registration no. IR 1225260 for CACTUS, registered on July 25, 2014.

The United States trademark registration for the mark CACTUS had been granted in 2011. Over the years, the CACTUS Group has expanded its business activities. In 2010, the Cactus Group founded Cactus Life Sciences to offer scientific communications, medical affairs, publications, and strategic consulting solutions to international pharmaceutical, biotechnology, and healthcare firms.

The Cactus Group registered its domain name <cactusglobal.com> in 2003. The Complainant registered the domain name <cactuspartners.in> in 2024. The group has registered almost thirty domain names, many of which are gTLDs. The prominent and essential feature of these domain names is the mark CACTUS across multiple jurisdictions including India, Japan, Republic of Korea, and United States (Annexure-H).

The Cactus Group and the Complainant’s websites display various goods and services under the trademark “CACTUS”. The Complainant’s Group has therefore acquired extensive goodwill, well before the Respondent even acquired the disputed domain name in August 2012.

The Complainant came to know about the disputed domain name <cactuspartners.com> around September 2025. The Respondent had listed the disputed domain name for sale to the general public for USD 63,000.

The disputed domain name was registered on January 15, 2007. The Respondent acquired the disputed domain name in August 2012 for USD 250.

The Complainant has shown that the disputed domain name has only one webpage. It has never been used for any activity since 2012. A review of the Internet archives through the Wayback Machine shows that the website under the disputed domain name has never been put to any use.

The Complaint had been filed on July 3, 2026. After the filing of the Complaint, on July 7, 2026, the Respondent has attempted to somehow show some movement on the disputed domain name by insertion of the word CACTUS FUND. There is no activity in the disputed domain name regarding operation of any Fund by the Respondent. However, on the other hand, the group companies of the Complainant, as claimed in the Complaint, are also into the activity of operation of an Investment Fund.

The Respondent is stated to be trading under the CACTUS name since 2009 but the evidence in respect of the same is sporadic to say the least.

The dissenting Panelist concurs with the majority's finding that the Complainant has rights in a mark that is confusingly similar to the disputed domain name.

The Panelist in the present separate opinion has found the registration and use of the disputed domain name as being in bad faith and is deciding both these factors i.e., Rights or Legitimate Interests and the Registration/use in bad faith, together.

The concept of bad faith is founded on the conduct of the parties. It would be a bundle of facts/events, which would deserve to be considered collectively and in their totality in coming to the conclusion whether the registration and use of a domain name is in bad faith or not. It is only when all the facts and events (acts of omission and commission of the concerned party in registering any domain name) are considered collectively that Bad Faith can be construed. The correct methodology would be to adopt a flexible and not a mechanical approach and to take all relevant factors into consideration. Adoption of such an approach would be just and fair for a finding on bad faith to be sustainable. The Panelist, in this regard, relies on the decision of the Center in *Telstra Corporation Ltd. v. Nuclear Marshmallows*, WIPO Case No. D2000-0003.

The undersigned Panelist for examining, in the facts and circumstances of the present case, as to whether the registration and use of the disputed domain name by the Respondent herein is in bad faith or not – has, inter alia, considered the following facts/events:

i. That the Complainant is part of a bigger group of entities which has been using the CACTUS mark and name since 2002. The benefit of the early use since 2002 ought to be given to Cactus Partners LLP as the use is by Cactus Communications which is a group company.

ii. The Complainant's Group of entities have diversified into various fields from venture capital, life sciences, technology services etc., in various countries. Thus, they do appear to have adequate goodwill to protect the mark/name CACTUS.

iii. They also have trademark registrations in various countries including India, Japan, Republic of Korea, and United States for several years. The mark CACTUS is also registered by the Group company Cactus Communications Pvt Ltd under the Madrid Protocol with WIPO (Annexure G).

iv. The Complainant and its group have about 30 domain names registered with the word CACTUS forming part of the said domain names (Annexure H).

v. Interestingly, the Respondent is not making any use of the disputed domain name <cactuspartners.com>. It only has one page which refers to an email loaloys@gmail.com (Annexure M).

vi. Annexure M also shows that the Respondent wanted to sell the disputed domain name for USD 63,000. But after filing of the Complaint the said sale offer has been removed from the web page.

vii. The Respondent does not appear to have made any use of the disputed domain name as is clear from the Wayback Machine printouts (Annexure L) attached to the Complaint.

viii. The email correspondence (Annexure J) between the parties is extremely telling. In this Panel's opinion it shows that the Respondent is squatting on the disputed domain name, without having any noticeable use.

ix. Some of the documents of the Respondent use the terminology CACTUS Fund and Cactus Group which could easily be passed off with the Complainant who are running a Venture Capital fund.

The disputed domain name has not been put to use from the date of its registration. It had been put for sale on the same and the only webpage of the disputed domain name.

The Panelist does not find any plausible answer much less any explanation deserving acceptance furnished by the Respondent in defence of the Complaint. Having regard to the contention of the Complainant based on the screenshots of the Wayback Machine – Internet Archive, showing no activity/use of the disputed domain name, the registration and use of the disputed domain name is not in good faith. As on July 3, 2026, i.e. the date on which the Complaint had stood filed, the disputed Domain displayed a notice viz.:

"*Domain for Sale!*
www.cactuspartners.com USD $63,000.
Please contact Aloysisus Lo" [Annexure-M]

The above-mentioned position on record clearly establish that such an offer on the webpage (comprising of only one webpage) of the disputed domain name was an invitation to the entire world for buying the disputed domain name, which had been acquired by the Respondent in 2012 for USD 250 and the Respondent had demanded USD 63,000 for its said offer made *in rem*. It has been consistently held that a panel may draw an inference of bad faith from such a disparity in the absence of any credible economic explanation for it. The Panelist relies upon the WIPO decision in *Academy of Motion Picture Arts and Sciences v. This Name is For Sale*, WIPO Case No. D2005-1063.

The approach made on behalf of the Complainant was subsequent to this invitation to sell the disputed domain name. The position of non-use of the disputed domain name coupled with the fact that it was put on sale on the only webpage of the disputed domain name are factors having a bearing on the aspect of registration and use of the disputed domain name in bad faith. This cannot be held against the Complainant.

It is also a relevant factor to consider that very recently and after the filing of the Complaint the said public offer, made by the Respondent, on its webpage has been withdrawn. Similarly, on July 7, 2026 (after filing of the Complaint) the Respondent inserted the words "CACTUS FUND" on the said webpage. The Panelist in this dissenting opinion has found that the correspondence between the parties also go to support the finding of registration and use of the disputed domain name in bad faith. The Respondent declining the offer of USD 20,000 would not have any bearing in relation to the finding of registration and use in bad faith. Even in those cases where there was no public offer and the complainant had approached the respondent directly, on its own, the decisions are in favour of such complainants (*DigiPos Store Solutions v. Hiname Inc.*, WIPO Case No. D2010-0297 – a case where the Complainant had approached first and the Panel had found bad faith where the requested amount was vastly above out-of-pocket cost).

Other entities might be holding registration of domain names with the word CACTUS would not have any bearing in the facts and circumstances of the present case and the claim of the Complainant would not deserve to be negated (*New Rosme SIA v. Privacydotlink Customer 684816 / Domain Admin, Abstract Holdings International Ltd*, WIPO Case No. D2016-2637 – holding that Respondent registered the disputed domain name in 2014, long following Complainant's registration of its trademark. The findings therein are as under:

"……*Respondent offered the disputed domain name for sale to the public, and ultimately to Complainant…..*"

and

"…..*Under the circumstances, the Panel is prepared to draw the inference that Respondent registered the disputed domain name for the purposes of selling it to a trademark owner such as Complainant. The fact that more than one party might have trademark rights in the term ROSME covering different goods and in different territories does not negate Respondent's abusive conduct….*")

Prior to 2012, the group companies of the Complainant had already secured domain name registrations with the word CACTUS as well as trademark registrations in various territories of the world including India, Japan, United States, etc. The conduct of the Respondent does not appear to be innocent and the registration/use of the disputed domain name, in the totality of facts and circumstances of the present case, would not deserve to be held as being in good faith. The lack of any use of the disputed domain name also reveals the absence of a legitimate interest on the part of the Complainant.

The Panelist relies upon WIPO decision in the case of *Echobox Audio LLC v. Nanci Nette*, WIPO Case No. D2019-0751 – holding that it is reasonable to expect a registrant to make a simple online search and neglecting to do so can itself be bad faith within the meaning of the Policy.

For the reasons set out herein above, I would find that the Complainant has established all three elements of Paragraph 4(a) of the Policy, and the disputed domain name viz. <cactuspartners.com> deserves to be transferred to the Complainant.

/Maninder Singh/
Maninder Singh
Panelist
Date: September 3, 2026