ARBITRATION
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MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

Morta Technology Ltd v. Nathan Priestley, Athena Business Consulting LLC
Case No. D2026-2958

1. The Parties

The Complainant is Morta Technology Ltd, United Kingdom, represented by Mishcon de Reya LLP, United Kingdom.

The Respondent is Nathan Priestley, Athena Business Consulting LLC, United Arab Emirates ("UAE"), represented by Schlich Ltd, United Kingdom.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 6, 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 confirming that the Respondent is listed as the registrant and providing the contact details disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Redacted for Privacy / Sharjah, United Arab Emirates (UAE)) 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 20, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 9, 2026. The Response was filed with the Center on August 7, 2026.

The Center appointed Warwick A. Rothnie, Frederick M. Abbott, and Munir Suboh as panelists in this matter on September 7, 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 is a software company which for present purposes provides a project management platform for property developers and construction companies. The platform is provided as Software-as-a-Service (SaaS) and can be used by general contractors, design consultancies, project owners and others in the industry. The Complainant's platform is accessible via the website at "www.morta.io".

According to the Complaint, the Complainant has been trading under the mark MORTA in the United Kingdom from headquarters in London since 2018. Since 2020, it has generated revenues attributable to use of the mark in the United Kingdom of almost GBP 2.3 million, with each of the years in 2025 and 2026 (presumably to date) being in excess of GBP 500,000.

In 2022, the Complainant also expanded operations under its MORTA trade mark into the UAE. Since then, the Complainant's revenues under the mark from the UAE business have totaled almost GBP 260,000, with no single year exceeding GBP 100,000 (yet).

The Complainant owns United Kingdom Registered Trademark No. UK00004289325, MORTA, which has been registered with effect from its filing date on November 4, 2025, in respect of a range of downloadable software (including downloadable computer software and computer software for project management) in International Class 9 and a range of software services in International Class 42 including SaaS and cloud computing services for project management.

The Complainant also has a pending trademark application in the UAE for MORTA in respect of (presumably) the same or similar goods and services. Registration of that application, however, has been opposed by the Respondent.

On September 30, 2025, the Complainant was announced as the Best Technology Partner at the Building Innovation Awards in the United Kingdom.[1]

While according to the WhoIs Report the disputed domain name was first created on June 12, 2002, the Respondent became the registrant by transfer on or about September 4, 2025. Prior to that date, the disputed domain name resolved to a parking page where it was offered for sale.

Following its transfer to the Respondent, the disputed domain name resolves to a website promoting the Respondent's project management software for property developers which claims to unify customer relationship management, budgeting and reporting in the one place. The Respondent's website offers subscriptions to the software in GBP.

According to the WhoIs record, the Respondent's address is in Sharjah in the UAE. Correspondence from the Respondent's principal, Mr Priestley, relating to the development of the Respondent's software between May and August 2025 shows that he was operating from Leeds in the United Kingdom at that time. There is also evidence that the Respondent later based its headquarters in the United Kingdom in Leeds.

[1] A copy of the announcement is included in the Complaint but the date of the award has been ascertained by the Panel's own Internet searching in the exercise of its powers under paragraph 10 of the Rules.

5. Discussion and Findings

Paragraph 4(a) of the Policy provides that in order to divest the Respondent of a disputed domain name, the Complainant must demonstrate each of the following:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;

(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

(iii) the disputed domain name has been registered and is being used in bad faith.

Paragraph 15(a) of the Rules directs the Panel to decide the 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.

A. Identical or Confusingly Similar

Disregarding the generic Top-Level Domain ("gTLD") ".com", the disputed domain name is identical to the Complainant's registered trademark. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 1.7.

The Respondent disputes this finding on the basis that the Complainant's trademark was registered in the United Kingdom after the Respondent registered the disputed domain name. It is well-established under the Policy, however, that the existence (or otherwise) of the Complainant's trademark rights falls to be assessed at the date the Complaint is filed. As this requirement under the Policy is essentially a coarse filter, standing requirement, the priority of the disputed domain name registration over trademark rights is not relevant at this stage. It may be relevant and falls for consideration, however, under the second and third stages of the inquiry to which the Panel turns next.

B. Registered and Used in Bad Faith

In the circumstances of this case, it is appropriate next to consider the third requirement under the Policy.

Under the third requirement of the Policy, the Complainant must establish that the disputed domain name has been both registered and used in bad faith by the Respondent. These are conjunctive requirements; both must be satisfied for a successful complaint: see e.g. *Group One Holdings Pte Ltd v. Steven Hafto*, WIPO Case No. D2017-0183.

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the respondent in question has registered and is using the disputed domain name to take advantage of its significance as a trademark owned by (usually) the complainant.

As already noted, the Respondent relies on the fact it registered the disputed domain name before the Complainant applied to register its trademark. By the time the Respondent became the registrant, however, the Complainant had already been using its trademark for a number of years both in the United Kingdom and in the UAE (albeit on a smaller scale and for a shorter period). Accordingly, the registration of the disputed domain name before the Complainant registered its trademark is not a complete answer to the Complaint.

The Complainant contends that there are a number of factors which point to an inference that the Respondent was aware of the Complainant and its trademark when registering the disputed domain name and did so to target the Complainant and its trademark.

First, the Complainant points to the Respondent's involvement in the construction and development sector. Secondly, the Respondent is operating in the identical sector – the provision of project management software and services. Thirdly, the Respondent is also operating in the Complainant's two main markets – the United Kingdom and the UAE and is specifically targeting the market in the United Kingdom through pricing expressed in GBP. Fourthly, the disputed domain name being used by the Respondent is identical to the Complainant's trademark. Fifthly, the Complainant contends that the Respondent "undoubtedly have carried out online availability searches for the use of 'morta'" before obtaining the disputed domain name and "would have been aware of" the Complainant's trademark.

The Respondent denies knowledge of the Complainant or its trademark when registering the disputed domain name. According to the Response, the Respondent became aware of the Complainant and its trademark only on receipt of a cease-and-desist demand in December 2025.

The Respondent (or its principal, Mr Priestley) has been a professional property developer and construction specialist with a number of companies in the property development sector for 20 years. It says it (or Mr Priestley) began planning the development of software for use in the property development industry in 2023. According to the Response, the Respondent originally came up with the name "Morta", as a play on words for the term "mortar", which is an essential material used to bind bricks together in construction.

The Response includes evidence that the Respondent began developing its software in December 2024 with a meeting with a software developer, Mr Sangha. There are two invoices in evidence for the subsequent development work, both in excess of GBP 20,000. As noted, the currency specified is GBP. Mr Sangha's invoices for the development work give his address as being in Dubai, UAE. There is also evidence of meetings and other communications relating to the development work.

The Response also includes evidence which appears to indicate the Respondent had settled on the name MORTA for the business by March 2025. E.g. Respondent's Annexes 14 and 15. On March 13, 2025 (Respondent's Annex 11), the exchange between the Respondent and Mr Sangha includes the comment that the Respondent had to register <mortapm.com> as the disputed domain name was not available. So, it appears that the Respondent (or Mr Priestley) had settled on MORTA by early to mid-March 2025.

Despite some scepticism about the Respondent's explanation for the adoption of MORTA, the Panel considers this is not a case where the record provides a sufficient basis for the Panel to go behind the Respondent's denial of knowledge of the Complainant's trademark when registering the disputed domain name.

The Panel accepts that the Complainant has been operating in its field since 2018. The size and scale of the Complainant's operation, while expanding, is not so large that it can readily be inferred that it is likely to have come to the attention of the Respondent through Mr Priestley in early 2025 even though he had been operating in the field for 20 years.

The Complainant seeks to bridge this gap through its contention that the Respondent "undoubtedly have carried out online availability searches". There is no evidence before the Panel, however, of what such searches (if any) were undertaken at the time or what they would have revealed.

It does appear from the Respondent's email on March 13, 2025, that the Respondent had tried and failed to register the disputed domain name at that time. The Panel is aware that domain name registrars typically provide information that the domain name of interest is taken and suggest some alternatives. By way of example, a search today on GoDaddy.com says <morta.com> is taken but <morta.shop> is available. It also reports that there are 554 domain endings for "Morta" and lists each of <morta.com>, <morta.net>, <morta.org> and <morta.ai> as being taken and offers to try and broker a transfer for a broker fee of USD 145.41.

<morta.io> is of course the domain name used by the Complainant. While such a search might lead a prudent person to make further inquiries, there is nothing in the results of that kind which positively suggests that someone is using one of those domain names in the field of project management software. The limited information available to the Panel therefore provides too tenuous a basis on which to reject the Respondent's denial of knowledge of the Complainant.

In those circumstances, the Complainant has not established that the Respondent registered the disputed domain name in bad faith. As the Complainant has not established that requirement, the Complaint must fail.

C. Rights or Legitimate Interests

As the Complaint must fail, no good purpose would be served by considering this requirement under the Policy.

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 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 the Complaint is not, on its own, sufficient to constitute reverse domain name hijacking. WIPO Overview 3.1, section 4.16.

In the present case, the disputed domain name is identical to the Complainant's trademark, the parties operate in the same two jurisdictions and the same or very similar fields. In those circumstances, it was not unreasonable for the Complainant to bring a Complaint, the failure of which turns very much on the provision of information which was not available to the Complainant otherwise.

Accordingly, the Panel does not make a finding of reverse domain name hijacking.

6. Decision

For the foregoing reasons, the Complaint is denied.

/Warwick A. Rothnie/
Warwick A. Rothnie
Presiding Panelist

/Frederick M. Abbott/
Frederick M. Abbott
Panelist

/Munir Suboh/
Munir Suboh
Panelist
Date: September 21, 2026

Concurring opinion – Munir Suboh

This member of the Panel joins in the conclusion that the Complaint should be dismissed. In addition to the reasons for finding that the disputed domain name was not registered in bad faith, this Panelist would find further that, having regard to the matters discussed above, Complainant has failed to satisfy its burden of proving bad faith registration and use of the disputed domain name. However, the Panelist notes that the Respondent's actions in choosing the disputed domain name appear, on the limited evidence placed before the Panel, to be at least open to question. According to the UDRP rules, the Panelist is of the view that the UDRP may not be the appropriate forum in which that question should be resolved. A national court or any competent judicial forum, with its knowledge of local trademark law and the power to call and cross-examine witnesses, could be a more suitable forum for resolving disputes such as this one.

/Munir Suboh/
Munir Suboh
Panelist
Date: September 21, 2026