

ADMINISTRATIVE PANEL DECISION

Ocean Builders Panama, Inc. v. Dimos Constantinou
Case No. D2026-3267

1. The Parties

The Complainant is Ocean Builders Panama, Inc., Panama, internally represented.

The Respondent is Dimos Constantinou, Cyprus.

2. The Domain Name and Registrar

The disputed domain name <ocean.builders> 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 July 23, 2026. On July 24, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 27, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 28, 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 August 6, 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 August 7, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 27, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 31, 2026.

The Center appointed Luca Barbero as the sole panelist in this matter on September 7, 2026. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is a Panama-based marine technology company that designs and builds high-tech, autonomous floating homes meant for living on the open ocean.

The Complainant relies on common law/unregistered trademark rights in OCEAN BUILDERS supported by the following evidence of use of the OCEAN BUILDERS name in commerce:

- the disputed domain name, incorporating the name OCEAN BUILDERS, was registered on October 12, 2018, and was owned by the Complainant continuously until it lapsed in October 2025, as shown by copy of the registration and renewal invoices issued by another registrar with regard to the original registration order for the disputed domain name dated October 12, 2018, and renewal orders dated September 20, 2022 and September 12, 2023, provided in Annexes 10 to the Complaint;
- copy of the Business Registration Certificate of the Complainant, showing that it was formally registered in Panama under the name Ocean Builders Panama, Inc., on October 11, 2019 (Annex 2 to the Complaint);
- a screenshot of the Complainant's X account "@OceanBuilders", showing that it has been active since August 2019 (Annex 3a to the Complaint);
- a screenshot of the first post published via the Complainant's Instagram account @ocean_builders on December 12, 2019 (Annex 3b to the Complaint);
- press coverage from the international outlets Associated Press, CNBC, and NBC News citing "Ocean Builders" as the entity behind a floating home project in April and May 2019 (Annexes 4).

The Complainant owns and currently operates its main website at <oceanbuilders.com>, registered on October 23, 2004, and used by the Complainant to promote its services under the mark OCEAN BUILDERS.

This disputed domain name <ocean.builders>, which was originally registered by the Complainant on October 12, 2018, was acquired by the Respondent after it was allowed to lapse on or around October 12, 2025.

The disputed domain name resolves to a website that reproduces a scraped copy of the Complainant's own historical (2018-2020) website content and contains unrelated third-party gambling/casino affiliate links in the navigation menu and footer. The website also includes a "Shares" page, which solicits investments in the Complainant.

5. Parties' Contentions

A. Complainant

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

Notably, the Complainant contends that the disputed domain name is identical to its unregistered trademark OCEAN BUILDERS, since read together, the word "ocean" and the generic Top-Level Domain ("gTLD") ".builders" reproduce the mark in its entirety.

The Complainant submits that the Respondent does not have rights or legitimate interests in the disputed domain name because: i) the Respondent is not commonly known by the disputed domain name, and ii) the Respondent has not made a bona fide offering of goods or services under the disputed domain name or a legitimate non-commercial or fair use of the disputed domain name, as it has pointed the disputed domain name to a website reproducing a scraped copy of the Complainant's own historical website content and subsequently inserted unrelated third-party gambling/casino affiliate links into the website navigation menu and footer. The Complainant also submits that the Respondent is impersonating the Complainant by publishing a contact form under the heading "I am interested in buying an OceanBuilder home" and email sign-up box in order to intercept genuine customer inquiries intended for the Complainant.

With reference to the circumstances evidencing bad faith, the Complainant indicates that the disputed domain name was acquired by the Respondent through a domain auction after it lapsed on or around October 12, 2025, followed by transfer to the current registrar on November 19, 2025, which is a well-recognized pattern of predatory domain name acquisition targeting the expired assets of established businesses. The Complainant further states that the Respondent has used the disputed domain name to intentionally attract, for commercial gain, internet users to its website by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website, reproducing the Complainant's own historical branding and content, and retaining a lead-capture form that impersonates the Complainant's business.

The Complainant also states that the Respondent's monetization through gambling/casino affiliate links falls within a recognized scheme to launder search-engine ranking authority accumulated by the Complainant's legitimate historical use of the disputed domain name toward unrelated and reputationally damaging content.

The Complainant further states that the Respondent solicited investments under false pretenses through the "Shares" page published on the website to which the disputed domain name resolves, claiming a legal guarantee from a fictional authority, which increases the risk of financial harm to consumers beyond reputational damage to the Complainant.

The Complainant also submits that the fact that the Respondent's identity has been concealed through a privacy service is consistent with bad-faith conduct intended to frustrate identification and enforcement.

The Complainant further states that the Respondent engaged in a pattern of conduct, since the Respondent was the subject of a prior UDRP dispute decided against him, *New Street Consulting Group Limited v. Dimos Constantinou*, WIPO Case No. [D2026-1995](#), involving an identical modus operandi.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

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 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 of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

In the case at hand, the Panel finds the Complainant has established unregistered trademark or service mark rights for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.3. The Panel finds that the evidence of use provided by the Complainant shows that the mark OCEAN BUILDERS has become a distinctive identifier which consumers associate with the Complainant's goods and services.

The Panel finds for the purposes of paragraph 4(a)(i) of the Policy that the disputed domain name is identical to the Complainant's OCEAN BUILDERS mark, in which the Complainant has established rights. The disputed domain name in fact differs from the Complainant's OCEAN BUILDERS mark only for the addition of a punctuation mark (".") between the terms "ocean" and "builders" in the mark.

While the Top-Level Domain ("TLD") in a domain name, like ".builders" here, is viewed as a standard registration requirement and is generally disregarded under the first element confusing similarity test, where the TLD and the second-level portion of the domain name in combination contain the relevant trademark, panels may consider the domain name in its entirety for purposes of assessing confusing similarity. [WIPO Overview 3.1](#), section 1.11.3.

Therefore, 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 the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

According to the evidence on record, there is no relationship between the Complainant and the Respondent, and the Complainant has not authorized the Respondent to register or use its trademark or the disputed domain name. Moreover, there is no element from which the Panel could infer the Respondent's rights over the disputed domain name, or that the Respondent might be commonly known by the disputed domain name.

Furthermore, the Panel finds that the use of the disputed domain name in connection with a website reproducing a scraped copy of the Complainant's own historical website content, containing links to unrelated gambling websites and publishing statements clearly aimed at impersonating the Complainant, whilst also soliciting false investments in the Complainant, does not amount to a bona fide offering of goods or services or a legitimate noncommercial of fair use without intention to misleadingly divert consumers or to tarnish the OCEAN BUILDERS mark.

Moreover, Panels have held that the use of a domain name for illegal activity, such as copycat sites, passing off, or other types of fraud can never confer rights or legitimate interests on a respondent.

[WIPO Overview 3.1](#), section 2.13.1.

Therefore, the Panel finds the second element of the Policy has also been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel finds that, in light of i) the prior use of the trademark OCEAN BUILDERS by the Complainant, and ii) the fact that the disputed domain name was previously owned by the Complainant and was used for the promotion of the Complainant's trademark and business online, the Respondent knew or should have known of the Complainant's trademark at the time of acquisition of the disputed domain name. [WIPO Overview 3.1](#), section 3.2.2.

Indeed, in view of the composition of the disputed domain name, which reproduces the Complainant's trademark in its entirety, and the content published on the website to which the disputed domain name resolves, the Panel finds that the Respondent was undoubtedly aware of the Complainant and acquired the disputed domain name with the intent to confuse users seeking or expecting the Complainant.

The Panel also notes that, in view of the use of the disputed domain name to divert users to the website described above, mimicking the prior version of the Complainant's official website, providing links to gambling sites and soliciting investments under false pretenses through the "Shares" page, the Respondent clearly intentionally attempted to attract Internet users to its website, for commercial gain, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of its website, according to paragraph 4(b)(iv) of the Policy.

Therefore, the Panel finds that the Complainant has established the third element of the Policy as well.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <ocean.builders> be transferred to the Complainant.

/Luca Barbero/

Luca Barbero

Sole Panelist

Date: September 22, 2026