

ADMINISTRATIVE PANEL DECISION

Tarkka Design, LLC v. Brett Quigley, Tarkka Manufacturing Solutions Inc.
Case No. D2026-3816

1. The Parties

The Complainant is Tarkka Design, LLC, United States of America (“United States”), represented by Secant IP, P.L.L.C., United States.

The Respondent is Brett Quigley, Tarkka Manufacturing Solutions Inc., Canada, self-represented.

2. The Domain Names and Registrars

The disputed domain name <tarkka.design> is registered with Squarespace Domains II LLC.

The disputed domain name <tarkka.tech> is registered with Tucows Domains Inc.

(Collectively referred as “Registrar”)

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 26, 2026. On August 26, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On August 26, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Tarkka Manufacturing Solutions Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 31, 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 31, 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 September 11, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 1, 2026. On September 21, 2026, the Respondent requested the automatic four calendar day extension for response under paragraph 5(b) of the Rules, and the due date for Response was extended to October 5, 2026. The Response was filed with the Center on October 5, 2026.

The Center appointed Jeremy Speres as the sole panelist in this matter on October 15, 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 offers mechanical engineering consulting and training services, including product design, development, and fabrication, under the TARKKA mark.

The Complainant owns United States Trademark Registration No. 7786655 TARKKA in classes 9, 16, 40, 41, and 42, having a registration date of May 6, 2025, with claimed first use in commerce dates being 2020 for class 9, 2019 for class 16, 2024 for class 40, 2020 for class 41, and 2023 for class 42.

The Complainant's website is available at its domain name <tarkka.co>, which was registered in 2017.

In 2022, the Respondent incorporated a Canadian company, Tarkka Manufacturing Solutions Inc., which has traded as a medical-device and wheelchair seating business under the TARKKA mark, later expanding into advanced composites manufacturing for the defence, aerospace, and related industries.

The disputed domain name <tarkka.design> was registered on January 21, 2022, and presently resolves to a website for the Respondent's wheelchair seating business, prominently entitled "TARKKA". The disputed domain name <tarkka.tech> was registered on January 24, 2026, and presently resolves to a website for the Respondent's composites manufacturing businesses entitled "TARKKA MANUFACTURING SOLUTIONS".

The Respondent filed a United States intent-to-use trademark application for the mark TARKKA on December 17, 2024, for goods and services in classes 7, 10, 12, 37, 39 and 40, under application No. 98-908,273. The trademark registry issued an office action citing the Complainant's earlier registration against the Respondent's class 40 specification, which the Respondent claims to have learned about in August 2025. The Respondent then deleted one class 40 service. After the Respondent's application was published for opposition purposes on October 7, 2025, the Complainant obtained an extension of time to oppose the mark. In January 2026, the Complainant's trademark counsel wrote to the Respondent's trademark counsel, objecting to the Respondent's trademark. On March 27, 2026, after being notified of the potential opposition, the Respondent expressly abandoned its application.

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 names.

Notably, the Complainant contends that the Respondent recognized its exclusive rights by expressly abandoning its United States trademark application for TARKKA. The Complainant says the Respondent kept using the disputed domain name <tarkka.design> and then registered the disputed domain name <tarkka.tech> knowing of the Complainant's registered rights after it was informed of the Complainant's potential trademark opposition. It argues that the Respondent uses both domain names to offer product design and development services overlapping with its own, which shows an intention to trade on the Complainant's goodwill by creating a likelihood of confusion.

B. Respondent

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

Notably, the Respondent contends that he chose TARKKA, a Finnish word meaning "precise", because he wanted an uncommon business name conveying precision, without knowledge of the Complainant. He says he registered the disputed domain name <tarkka.design> in 2022 and has traded as Tarkka Manufacturing Solutions Inc. since then. He admits he knew of the Complainant's rights when he registered <tarkka.tech>, but says that domain name serves his own, preexisting, established business. The Respondent says that the dispute is one of trademark infringement for the courts, and abandoning his United States trademark application was no admission.

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 names. WIPO Overview of WIPO Panel Views on Select UDRP Questions (["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.

The Panel finds the mark is recognizable within the disputed domain names. Accordingly, the disputed domain names are identical 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

Given 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 Respondent's evidence establishes that it has operated a genuine wheelchair seating business under the TARKKA mark since at least 2023. This evidence includes a 2022 Canadian company registration for a company name incorporating that mark, a 2024 European Patent Office patent application claiming priority from a 2023 United States patent application, a 2023 registration on the United States Federal Government's supplier system, and contracts with the Canadian government.

The Panel notes that the registration of the disputed domain name <tarkka.design> on January 21, 2022, predates the Complainant's trademark registration date in 2025. Subject to the exception described below, where a respondent registers a domain name before the complainant's trademark rights accrue, panels will not normally find bad faith on the part of the respondent. [WIPO Overview 3.1](#), section 3.8.1. As an exception, in certain limited circumstances where the facts of the case establish that the respondent's intent in registering the domain name was to unfairly capitalize on the complainant's nascent (typically as yet unregistered) trademark rights, panels have been prepared to find that the respondent has acted in bad faith. [WIPO Overview 3.1](#), section 3.8.2.

The Complainant claims to have been trading since 2018 but offers little tangible evidence of this. Beyond the first use dates recited in its United States registration, a bare reference to a blog post on its website, and the registration of its domain name <tarkka.co> in 2017, the Complainant has adduced no evidence of the extent of its use of the TARKKA mark, or of any reputation attaching to it, prior to registration of the disputed domain name <tarkka.design> on January 21, 2022. Certainly, no evidence of any use or reputation in the Respondent's jurisdiction of Canada has been adduced.

The Panel has independently¹ run Internet searches for the term "tarkka" and found numerous other businesses using this term as part of a brand name. The Panel similarly found numerous third-party trademark applications or registrations in various jurisdictions. This is to be expected given the dictionary meaning of the term "tarkka" as the Finnish word for "precise", as well as the term's inherent and memorable appeal as a brand name.

The Complainant has not been able to point to any direct indicators of targeting. The Parties' logos, websites, colour schemes, and other elements of branding are very different, and there is no evidence of any attempts by the Respondent at deceiving users.

In the circumstances, the Respondent's explanation for his selection of TARKKA as a brand name is at least equally as likely as the Complainant's targeting explanation.

Yes, the Respondent was made aware of the Complainant's rights prior to registering the disputed domain name <tarkka.tech>. However, it does not necessarily follow that the Respondent registered that domain name to target the Complainant. Knowledge does not equal targeting, and it is at least equally likely that the Respondent intended that domain name to be used in respect of his composites manufacturing business as an extension of his earlier business founded in 2022, without any intention of taking advantage of the Complainant's rights. It is perfectly natural for a business to seek to use the same brand name for a business extension.

The Panel does not find the Complainant's contention that the Respondent's abandonment of his United States trademark application supports a finding of bad faith. The question of bad faith under the Policy turns on the Respondent's intentions at the time he registered and used the disputed domain names. His abandonment of his trademark application could simply be explained by a desire not to incur the costs of expensive United States trademark opposition proceedings, and it does not speak to his intentions for the disputed domain names. The Respondent's abandonment notice included the reservation: "...shall not, in any proceeding in the United States Patent and Trademark Office, affect any right that the applicant may have in the mark", and included no acknowledgement of the Complainant's rights or any admission of any of its contentions. Thus, the Panel attaches little weight to the Respondent's trademark abandonment.

In the circumstances, the Complainant has not met its burden of proving, on the balance of probabilities, that it is more likely than not that the Respondent registered and has used the disputed domain names to take advantage of the Complainant's trademark.

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

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.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Jeremy Speres/

Jeremy Speres

Sole Panelist

Date: October 26, 2026