

ADMINISTRATIVE PANEL DECISION

InCloud, LLC d/b/a Ontra v. John Newton
Case No. DAI2025-0011

1. The Parties

Complainant is InCloud, LLC d/b/a Ontra, United States of America (“United States”), represented by Mitchell, Silberberg & Knupp, LLP, United States.

The Respondent is John Newton, United States.

2. The Domain Name and Registrar

The disputed domain name <ontra.ai> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 25, 2025. On March 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 26, 2025, 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to Complainant on March 27, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on April 1, 2025.

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 Respondent of the Complaint, and the proceedings commenced on April 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 27, 2025. The Response was filed with the Center on April 27, 2025. Respondent sent an email communication to the Center on March 27, 2025.

The Center appointed Georges Nahitchevansky as the sole panelist in this matter on May 8, 2025. 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

Complainant, InCloud, LLC d/b/a Ontra, is a provider of an artificial intelligence (“AI”) technology platform and solutions for private markets and primarily asset managers. Complainant's AI products and services streamline and optimize critical legal and compliance workflows, automate contracts, streamline obligation management, digitize entry management and surface insights. Complainant owns and uses the name and mark for its ONTRA services and owns two United States registrations for its ONTRA mark as follows: (i) a registration for ONTRA as a word mark filed on September 3, 2021 (No. 6,951,627) which issued to registration on January 10, 2023, and (ii) registration for a stylized version of ONTRA with a logo filed on March 24, 2023 (No. 7,151,034) which issued to registration on August 29, 2023. Complainant also owns and uses the domain name <ontra.ai> for a website providing information concerning Complainant and its products and services.

Respondent is based in the United States and registered the disputed domain name on November 11, 2022. Respondent has used, and currently uses, the disputed domain name for a website offering AI tools for lawyers, such as for legal research, demand letter and legal drafting, contract review and deposition outlines.

5. Parties' Contentions

A. Complainant

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

Notably, Complainant contends that it was founded in 2014 but only began using the name and mark ONTRA in October 2021 for its AI powered tools and solutions. Complainant further contends that it has “invested significant expense and has expended substantial time and other resources in developing, advertising, and promoting its products under, among other trademarks, the ONTRA® Marks,” and that it has received much recognition under its legacy brand “InCloudCounsel” and under the ONTRA name and mark. As such, Complainant maintains that it has developed substantial goodwill in the ONTRA mark.

Complainant asserts that Respondent registered the disputed domain name in November 2022 a little more than a year after Complainant made first use of the ONTRA name and mark, Complainant argues that “Respondent did not commercialize the Infringing Domain Name at that time or at any time thereafter for any bona fide or legitimate business,” but did so “for the purpose of operating a directly competing website.” Complainant notes that it sent Respondent a demand letter on October 29, 2024, regarding the disputed domain name but never received a response from Respondent.

Complainant argues that the disputed domain name is confusingly similar to the ONTRA mark as it “is virtually identical to the word mark ONTRA® with the only difference being that it ends in ‘o’ rather than an ‘a,’” and thus is phonetically similar. Complainant also argues that the disputed domain name creates initial interest confusion.

Complainant contends Respondent has no legitimate interest or rights in the disputed domain name as Respondent (i) is not a licensee of Complainant, is not affiliated with Complainant and has no authorization from Complainant to use the ONTRA mark, (ii) is using the disputed domain name “for a website that purportedly offers products and services that directly compete with those of the Complainant, including AI-

powered legal workflows”, and (iii) has done so to misdirect and bait Internet users looking for Complainant's products and services to Respondent's website. Complainant also notes that certain links on Respondent's website when clicked on return an error message, thus suggesting that Respondent is not operating a legitimate business.

Lastly, Complainant asserts that Respondent has registered and used the disputed domain name in bad faith as Respondent cannot plausibly assert that Respondent was unaware of Complainant's rights in the ONTRA mark and registered the disputed domain name to operate a website that purportedly offers competing products and services. Complainant notes that Respondent's bad faith is further established by its failure to respond to a demand letter sent by Complainant and that Respondent has used the disputed domain name to create initial interest confusion and to attract and misdirect Internet users to Respondent's website.

B. Respondent

Respondent rejects Complainant's contentions.

Respondent maintains that he has operated “under the name Ontro for the purpose of developing and launching a distinct AI-based product unrelated in origin, purpose or appearance to the Complainant.”

Respondent contends that the disputed domain name is not confusingly similar to the ONTRA mark as the “names differ in both spelling and phonetic expression.” In that regard, Respondent maintains that “Ontro” is an original coined-word that was “chosen independently of any knowledge of ‘Ontra’ or its trademark” and that “the use of the .ai TLD is industry-standard in the AI space.”

Respondent argues that he has legitimate rights and interests in the disputed domain name as he registered the disputed domain name to support a genuinely independent product which is distinct from Complainant's products. Respondent also notes that he never attempted to sell the disputed domain name to Complainant or “to capitalize on Ontra's reputation or branding.” Respondent further argues that he has made real efforts to develop this product in good faith.

Respondent asserts that the disputed domain name was not registered and used in bad faith. Respondent claims that when he registered the disputed domain name in 2022, he “had no knowledge of Ontra or its trademarks” and that he independently selected Ontro without reference to the ONTRA mark. Respondent also maintains that there is no evidence that there was an intent to mislead, impersonate or confuse consumers and that the disputed domain name was used as part of a real business effort. Respondent notes that the lack of some links to resolve does not prove bad faith as such “simply reflects the typical lifecycle of an in-development SaaS product.” In support of his contentions, Respondent has submitted, *inter alia*, screen shots from his website at the disputed domain name and a pitch deck for Ontro.ai regarding the business and its offerings.

Lastly, Respondent asks for a finding of Reverse Domain Name Hijacking against Complainant.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed Complainant must satisfy the Panel that:

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

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 Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 1.7.

Complainant has shown rights in its ONTRA mark for purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds for purposes of the first element only that Complainant's ONTRA mark is arguably recognizable in the disputed domain name, albeit with the letter "o" instead of an "a". Accordingly, the Panel is willing to find that the disputed domain name is confusingly similar for purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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

B. Rights or Legitimate Interests

The Panel finds that, before Respondent received notice of the dispute in March 2025, Respondent made demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods and services. [WIPO Overview 3.0](#), section 2.2. Respondent has developed a website promoting its business and AI tools for lawyers. Respondent also developed a pitch deck that provides in detail the services Respondent is preparing for its ONTRO AI tools. Respondent also had communications regarding his ONTRO branding and business back in November 2022, including renditions of a logo he ultimately used on his website.

The Panel also notes that Respondent's website is not similar to Complainant's website. For instance, Respondent uses a robot-like mascot on its website to promote its services which are directed to law firms and not private capital firms as is the case with Complainant. Respondent has also included some demos on his website demonstrating how his AI tools for legal research and demand letters work. The fact that some links on Respondent's website are not active yet does not detract from the legitimacy of Respondent's business as it appears that Respondent is still in the process of developing its full suite of offerings. In all, the Panel is persuaded that Respondent has made "demonstrable preparations" to use the disputed domain name for what appears to be a genuine business before receiving notice of the dispute.

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

C. Registered and Used in Bad Faith

The evidence in the case file as presented does not indicate that the Respondent's aim in registering the disputed domain name was to profit from or exploit the Complainant's trademark.

To begin, while Complainant argues that it has substantial goodwill in the ONTRA name and mark, Complainant provided little evidence that such was the case when Respondent registered the disputed domain name in November 2022. Complainant's entire claim of prior use in October 2021 is contained in its trademark registrations claiming a first use date of October 27, 2021. There is nothing in the record that establishes that the ONTRA name and mark was known in November 2022, how the mark was being commercialized at that time, or that it was well advertised and promoted as Complainant unilaterally claims.

Respondent claims that he was not aware of Complainant and its ONTRA mark when he registered the disputed domain name. As there is no evidence showing how well known the ONTRA mark was in November 2022, and given that none of the evidence submitted shows that Respondent was in fact trying to pass himself off as connect to or affiliated to Complainant and its ONTRA mark, such as by copying Complainant's website or text or implying a connection with Complainant, it is difficult for the Panel to

conclude that Respondent was acting in bad faith as Complainant claims in its Complaint – as opposed to developing a legitimate business. Complainant's lack of evidence stands in contrast to the evidence submitted by Respondent showing that he has been developing what appears to be genuine AI products for law firms. Indeed, that Respondent appears to be acting above boards is supported by the fact that Respondent's website discloses the identity of its team members, including Respondent, and includes an address that appears to be legitimate. Complainant does not content otherwise.

Notably, while Complainant claims to have sent a demand letter to Respondent, no copy of that letter was included in Complainant's submission, and there is nothing showing that Respondent may have in fact received that letter. This is telling as Complainant is claiming that this claimed letter which has not been produced supports a finding that Respondent has acted in bad faith.

As to Complainant's claim that Respondent registered the disputed domain name to attract and redirect Internet users to its website by creating initial interest confusion, the assertion faces two issues. First, there is no evidence showing how well known ONTRA was when Respondent registered the disputed domain name, thus tending to show that Respondent was perhaps using the disputed domain name to jump start his business. Second, because the Parties' respective products and services as promoted on their respective websites appear to be different and are directed to two different markets (Complainant is targeting private capital market companies and Respondent is targeting law firms) it is not altogether clear how Respondent has been using the disputed domain name to benefit from Complainant's claimed goodwill, apart from Complainant's conclusory and unsubstantiated claim that such is the case.

In all it seems to the Panel that this case is more of a trademark dispute than a cybersquatting claim. To be sure, to the extent that Complainant may have a claim against Respondent for trademark infringement or unfair competition, such a claim belongs in another forum and is beyond the scope of a UDRP proceeding which is limited to considering whether a disputed domain name has been registered and used in bad faith pursuant to a non-exhaustive list of circumstances set forth in Paragraph 4(b) of the Policy. Here, it has not been established by Complainant that Respondent registered the disputed domain name in bad faith and thus Complainant's complaint fails.

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 3.0](#), section 4.16.

Here, Complainant owns trademark registrations for the ONTRA mark that were filed before Respondent registered the disputed domain name in 2022 (the registrations issued after the disputed domain name was registered). In addition, there is arguable similarity between ONTRA and ONTRO which are both being used with AI products and services that could be seen as related, such as streamlining and optimizing "critical legal ... workflows." As such it was not unreasonable for Complainant to initiate a proceeding that concerned the disputed domain name. The fact that Complainant failed to prove its case and that the balance of probabilities thus favored Respondent, does not mean the case was unreasonable per se or an abuse of the process, particularly as the facts here suggest that there may be a bona fide trademark dispute. Accordingly, the Panel finds that Complainant did not initiate this UDRP proceeding in bad faith or primarily to harass Respondent.

The request for a finding of Reverse Domain Name Hijacking is denied.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Georges Nahitchevansky/

Georges Nahitchevansky

Sole Panelist

Date: May 22, 2025