

## **ADMINISTRATIVE PANEL DECISION**

VSI Solutions, Inc. v. Warren Samek, SV-Partners  
Case No. DAI2025-0015

### **1. The Parties**

The Complainant is VSI Solutions, Inc., United States of America, represented by Pierce Atwood, United States of America.

The Respondent is Warren Samek, SV-Partners, United States of America.

### **2. The Domain Name and Registrar**

The disputed domain name <bankpoint.ai> 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 April 15, 2025. On April 16, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 16, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on April 17, 2025, 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 April 17, 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 the Respondent of the Complaint, and the proceedings commenced on April 28, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 18, 2025. The Response was filed with the Center on April 30, 2025. The Respondent sent an email communication to the Center on May 10, 2025.

The Center appointed Evan D. Brown as the sole panelist in this matter on May 20, 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**

The Complainant is in the business of providing software used in commercial lending. It owns the trademark BANKPOINT, for which it enjoys the benefits of registration (e.g., United States Reg. No. 5971407, registered on January 28, 2020). The Complainant owns the domain name <getbankpoint.com>.

According to the Whois records, the disputed domain name was registered on January 5, 2022. The Respondent has not used the disputed domain name with an active website but, in communications with the Complainant, has asserted that it intends to use it in connection with a restaurant rewards points trading platform.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant contends that the disputed domain name is identical or confusingly similar to the Complainant's trademark; that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and that the disputed domain name was registered and is being used in bad faith.

##### **B. Respondent**

The Respondent claims that it supports startups and initially intended to use the disputed domain name for a platform selling commercial mortgage-backed securities options to investment banks. After receiving a communication from the Complainant, the Respondent asserts it agreed to avoid financial industry uses of the disputed domain name. The Respondent then asserted plans to use the disputed domain name for a restaurant loyalty points trading platform, enabled by AI to recommend restaurants. The Respondent states it is in early-stage development and contends there is no conflict with the Complainant's mark. It also notes it received unsolicited offers, apparently from third parties, to purchase the disputed domain name and offered to sell it to the Complainant at market value.

#### **6. Discussion and Findings**

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (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. The Panel finds that all three of these elements have been met in this case.

##### **A. Identical or Confusingly Similar**

This first element functions primarily as a standing requirement. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7. 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 3.0](#), section 1.7.

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. See *Advance Magazine Publishers Inc., Les Publications Conde Nast S.A. v. Voguechen*, WIPO Case No. [D2014-0657](#). The Complainant has demonstrated its rights in the

BANKPOINT mark by providing evidence of its trademark registrations. See [WIPO Overview 3.0](#), section 1.2.1.

The disputed domain name incorporates the BANKPOINT mark in its entirety with the addition of the Top-Level Domain “.ai”, which does not prevent a finding of confusing similarity between the disputed domain name and the Complainant’s BANKPOINT mark. See [WIPO Overview 3.0](#), section 1.8. It is standard practice when comparing a disputed domain name to a complainant’s trademarks, to not take the extension into account. See [WIPO Overview 3.0](#) at 1.11.1. The BANKPOINT mark remains recognizable for a showing of confusing similarity under the Policy.

The Panel finds that the Complainant has established this first element under the Policy.

## **B. Rights or Legitimate Interests**

The Panel evaluates this element of the Policy by first looking to see whether the Complainant has made a prima facie showing that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. If the Complainant makes that showing, the burden of production of demonstrating rights or legitimate interests shifts to the Respondent (with the burden of proof always remaining with the Complainant). See [WIPO Overview 3.0](#), section 2.1; *AXA SA v. Huade Wang*, WIPO Case No. [D2022-1289](#).

The Complainant asserts, among other things, that: (1) it has exclusive rights to the BANKPOINT mark, (2) the Respondent is not affiliated with or licensed by the Complainant, (3) the disputed domain name is identical to the Complainant’s distinctive mark, and (4) the Respondent has not used the disputed domain name in connection with any bona fide offering of goods or services.

While the Respondent claims that it now intends to use the disputed domain name for a restaurant rewards platform, it has not provided credible, contemporaneous evidence of demonstrable preparations to use the disputed domain name for a bona fide offering of goods or services as required by [WIPO Overview 3.0](#), section 2.2. The absence of business plans, investment, or operational steps, combined with the fact that the disputed domain name was registered three years ago – providing ample time for the Respondent to develop such plans – and the post-Complaint pivot in the stated purpose of the disputed domain name, all suggest that the Respondent’s claims are more likely than not pretextual.

The Panel finds that the Complainant has made the required prima facie showing. The Respondent has not presented evidence to overcome this showing. And nothing in the record otherwise supports any rights or legitimate interests on the part of the Respondent. The use of a domain name merely to offer it for sale at a profit, or for purposes that misleadingly capitalize on a complainant’s mark, cannot establish legitimate interests under the Policy.

Accordingly, the Panel finds that the Complainant has established this second element under the Policy.

## **C. Registered and Used in Bad Faith**

The Policy requires a complainant to establish that the disputed domain name was registered and is being used in bad faith.

Given the nature of the disputed domain name and the Complainant’s rights in the trademark, the Panel finds it unlikely that the Respondent was unaware of the Complainant or its mark when it registered the disputed domain name. While the disputed domain name consists of a combination of two dictionary terms, the Respondent’s initial stated intent to use the disputed domain name in a financial context closely related to the Complainant’s services supports a finding of bad faith registration. The Panel notes that obviously the term “bank” is related to financial services, but the fact that the Complainant’s trademark predates the registration of the disputed domain name, being both identical, and the lack of supporting evidence on the Respondent’s actual reasons for the registration cast serious doubts on the Respondent’s motifs. In this regard, the Panel also notes that the second level of the disputed domain name is identical to the

Complainant's trademark with a Top-Level Domain which meaning is related to the Complainant's area of business.

Moreover, the Respondent's offer to sell the disputed domain name to the Complainant based on a third-party valuation, and in the absence of any credible showing of business development under the disputed domain name, supports the conclusion that on the balance of probabilities the disputed domain name was registered and is being used in bad faith.

Accordingly, the Panel finds that the Complainant has established this third element under the Policy.

## **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 <bankpoint.ai> be transferred to the Complainant.

*/Evan D. Brown/*

**Evan D. Brown**

Sole Panelist

Date: May 27, 2025