

ADMINISTRATIVE PANEL DECISION

Brokerless, Inc. v. Peter Swai, Brokerless.ai
Case No. DAI2026-0020

1. The Parties

The Complainant is Brokerless, Inc., United States of America (“United States”), represented internally.

The Respondent is Peter Swai, Brokerless.ai, United States.

2. The Domain Name and Registrar

The disputed domain name <brokerless.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 March 20, 2026. On March 20, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 20, 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 March 24, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. On March 24, 2026, the Complainant informed the Center that it did not wish to submit an amendment to the Complaint considering the disclosed registrant information but submitted an updated version of the Complaint to the Center on March 29, 2026.

The Center verified that the 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 March 30, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 19, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 20, 2026.

The Center appointed Evan D. Brown as the sole panelist in this matter on April 24, 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 in the business of providing flat fee real estate listing and Multiple Listing Service (MLS) brokerage services. It owns the trademark BROKERLESS, for which it enjoys the benefits of registration (e.g., United States Reg. No. 8155951, registered on March 3, 2026). The Complainant operates <brokerless.com>. According to the Whois records, the disputed domain name was registered on September 14, 2023. The Respondent has used the disputed domain name to passively hold it without active use while listing it for sale at an asking price of approximately USD 100,000 through the Afternic domain marketplace.

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 did not respond to the Complainant's contentions.

6. Discussion and Findings

The Complaint cited a privacy service as the Respondent. After the Registrar disclosed the registrant and contact information for the disputed domain name to the Center, the Complainant was invited to amend the Complaint accordingly and was informed that "the Respondent identity determination is at the Panel's discretion upon appointment". The Complainant informed the Center that it does not wish to amend the Complaint. Paragraph 1 of the Rules defines a respondent as "the holder of a domain-name registration against which a complaint is initiated". Accordingly, the Panel deems the registrant of the disputed domain name, Peter Swai, to be the Respondent in the current case.

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 Select UDRP Questions ("[WIPO Overview 3.1](#)"), 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. *Id.* This element requires the Panel to consider two issues: first, whether the Complainant has rights in a relevant mark; and second, whether the disputed domain name is identical or confusingly similar to that mark.

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 BROKERLESS mark by providing evidence of its trademark registrations. See [WIPO Overview 3.1](#), section 1.2.1.

The disputed domain name incorporates the BROKERLESS mark in its entirety. The only difference between the disputed domain name and the Complainant's mark is the addition of the ".ai" Top-Level Domain, which is disregarded under the first element confusing similarity test. See [WIPO Overview 3.1](#), section 1.11.1. Accordingly, the Panel finds that the disputed domain name is identical to the Complainant's BROKERLESS mark.

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 3.1](#), section 2.1; *AXA SA v. Huade Wang*, WIPO Case No. [D2022-1289](#).

On this point, the Complainant asserts, among other things, that: (1) the Respondent is not affiliated with, authorized by, or otherwise connected to the Complainant in any way, and the Complainant has not licensed or otherwise permitted the Respondent to use the BROKERLESS mark or to register any domain name incorporating the mark; (2) the Respondent is not commonly known by the name "Brokerless" and there is no evidence that the Respondent has acquired any trademark or service mark rights in that name; (3) the Respondent has not used the disputed domain name in connection with any bona fide offering of goods or services; and (4) instead, the Respondent has used the disputed domain name to passively hold it while offering it for sale at an asking price of approximately USD 100,000 through the Afternic domain marketplace.

The Panel finds that the Complainant has made the required prima facie showing. The Respondent has not presented evidence to overcome this prima facie showing. And nothing in the record otherwise tilts the balance in the Respondent's favor.

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.

The Complainant has used the BROKERLESS mark in commerce since at least 2006. The record reflects continuous and documented use of the mark over that period, including through the operation of the domain name <brokerlessmls.com> beginning in 2006, archived website captures from 2009 and 2010 showing active commercial offerings under the BROKERLESS mark, and the registration and active use of the domain name <brokerless.com> beginning in 2011. The Complainant's federal trademark applications for the BROKERLESS mark were filed with the United States Patent and Trademark Office ("USPTO") in June and September of 2022 (with a first use in commerce of May 16, 2014), more than a year before the Respondent registered the disputed domain name on September 14, 2023. Those applications were publicly available in the USPTO database at the time of the Respondent's registration, and the Complainant used the BROKERLESS mark for several years prior to the registration of the disputed domain name. Accordingly, the noting also that the disputed domain name is identical to the BROKERLESS mark, the Panel concludes that the Respondent had Complainant's (as yet unregistered) rights in the BROKERLESS mark in mind at

the time of registration. See [WIPO Overview 3.1](#), section 3.8.2 (noting that registration of a domain name following a complainant's filing of a trademark application may support a finding of bad faith). Moreover, a simple Internet search for "brokerless" at the time of registration would have returned results prominently associated with the Complainant and its services, further supporting a finding that the Respondent knew or should have known of the Complainant's rights. See [WIPO Overview 3.1](#), section 3.2.2.

The disputed domain name has never been put to any active use. The Wayback Machine archive confirms that the disputed domain name has resolved to no bona fide website at any point since its registration. Instead, the Respondent has passively held the disputed domain name while listing it for sale through the Afternic marketplace at an asking price of approximately USD 100,000. When the Complainant, through its representative, made a purchase offer, the Respondent through its broker rejected that offer and confirmed the USD 100,000 asking price. This amount far exceeds any reasonable out-of-pocket costs directly related to the typical domain name registration, and it appears that the Respondent registered the disputed domain name to take advantage of its significance as the Complainant's trademark, which constitutes bad faith under paragraph 4(b)(i) of the Policy. See [WIPO Overview 3.1](#), section 3.1.1, and *Aeromotive, LLC v. Domain Administrator, Fundacion Privacy Services Ltd.*, WIPO Case No. [D2025-1123](#).

The passive holding of the disputed domain name further supports a finding of bad faith under the totality of the circumstances. See [WIPO Overview 3.1](#), section 3.3. The relevant factors are present here: the BROKERLESS mark has acquired distinctiveness and public recognition through nearly two decades of continuous commercial use; the disputed domain name has a misleading nature, particularly noting the identity with the Complainant's BROKERLESS mark, and its similarity with the Complainant's domain name <brokerless.com>; the Respondent has failed to submit a response or provide any evidence of actual or contemplated good-faith use; and there is a privacy proxy service concealing the Respondent's identity. Taken together, there is no plausible good-faith use to which the disputed domain name could be put given that it is identical to the Complainant's mark and is being offered for sale at a price grossly exceeding registration costs.

Accordingly, the Panel finds that the disputed domain name was registered and is being used in bad faith, and 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 <brokerless.ai> be transferred to the Complainant.

/Evan D. Brown/

Evan D. Brown

Sole Panelist

Date: May 9, 2026