ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

GoBrands, Inc. v. Rob Day, Neurocrine Learning LLC
Case No. DAI2026-0043

1. The Parties

The Complainant is GoBrands, Inc., United States of America ("United States"), represented by Noda Law Group, PC, United States.

The Respondent is Rob Day, Neurocrine Learning LLC, United Arab Emirates ("UAE").

2. The Domain Name and Registrar

The disputed domain name <gopuff.ai> (the "Disputed Domain Name") is registered with Dynadot Inc (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 2, 2026. On June 3, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On June 5, 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 (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 5, 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 June 8, 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 June 12, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 2, 2026. The Response was filed with the Center on June 15, 2026.

The Center appointed Nick J. Gardner as the sole panelist in this matter on July 13, 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.

On August 12, 2026, the Panel issued a Procedural Order No. 1 in the following terms:

“The Respondent is invited to provide a further submission dealing with the following matters:-

1) Please explain the Respondent’s qualification(s) and/or experience and/or background in the field of speech therapy (or other relevant area) which enabled him to conceive the business idea described in the Response.
2) Please provide contemporaneous documentation corroborating the information provided under (1) above.
3) Please explain why the Respondent’s business idea has not progressed beyond the “Coming Soon” website to which the Disputed Domain Name resolves.
4) Please provide examples of contemporaneous documentation as at, or prior to, the date the Disputed Domain Name was registered, supporting or corroborating Respondent’s claim to have been developing an independently derived business as described in the Response

Timetable

The Respondent is to provide any material it wishes to submit by August 17, 2026. Complainant may, if it wishes, file a submission in reply on or before August 24, 2026. The due date for the Panel’s decision is extended to August 28, 2026”.

On August 16, 2026, the Respondent filed a submission in accordance with the Procedural Order. It is discussed below.

On August 28, 2026, the Complainant filed a further submission. On August 29, 2026, the Respondent objected to the admission of the Complainant’s supplemental filing.

On September 3, 2026, the Panel issued the Procedural Order No. 2, in the following terms:

“The Panel has reviewed both Parties’ submissions in response to Procedural Order No. 1. The Respondent submitted its comments on August 16, 2026. After the due date, the Complainant submitted a supplemental filing on August 28, 2026. The Respondent objected to the admission of this supplemental filing. Pursuant to paragraphs 10 and 12 of the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), the Panel hereby orders the following: The Respondent is invited to provide its comments on the Complainant’s supplemental filing, if any, on or before September 8 2026. The Panel will rule on the admissibility of the Complainant’s supplemental filing in its decision. The Panel’s decision due date is extended until September 13, 2026”.

On September 7, 2026, the Respondent lodged a further submission pursuant to the Procedural Order No. 2.

4. Factual Background

The Complainant is a Delaware corporation headquartered in Philadelphia, Pennsylvania. It operates a quick-commerce delivery business under the brand GOPUFF, delivering groceries, snacks, beverages, and household goods through its website at “www.gopuff.com” and associated mobile application. According to the Complainant’s own evidence, its Gopuff service delivers across the United States and the United Kingdom.

The Complainant owns seven United States trademark registrations for the mark GOPUFF (the “GOPUFF Marks”), such as No. 4,571,558, which is the earliest application having been filed on November 25, 2013, and registered on July 22, 2014, claiming first use in commerce at least as early as May 11, 2013.

The Disputed Domain Name was registered on February 6, 2026. The registrant is Rob Day, using the organisation name Neurocrine Learning LLC, with an address in Dubai, United Arab Emirates.

The Disputed Domain Name resolves to a website branded “Go+Puff AI”, bearing the tagline “AI-powered breath coaching + speech-support exercises for kids” and marked “Coming Soon”. The site describes a planned web application using artificial intelligence to analyse children’s breathing patterns and personalise short “puff” (controlled exhale) exercises through games, and it lists a number of planned features including a “Core AI System”, “AI Breath Capture”, “Puff Quality Scoring”, “Adaptive Training Plans”, “Speech-Support Modes”, a “Gamified Feedback Loop”, “Parent & Clinician Insights”, and a “Roadmap”. The website contains no reference to groceries, snacks, beverages, household goods, delivery, online retail, or ordering, and does not display the Complainant’s branding, logo, or any reference to the Complainant. A screen capture of the website taken by the Complainant on May 22, 2026 — prior to the filing of the Complaint — shows this same content.

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 or confusingly similar to the GOPUFF Marks, wholly incorporating the mark with the mere addition of the “.ai” country-code Top-Level Domain (“ccTLD”). It contends that the Respondent has no rights or legitimate interests in the Disputed Domain Name, having never been authorised to use the GOPUFF Marks, not being commonly known by the name, and not making any legitimate noncommercial or fair use, since the wholesale incorporation of the Complainant’s mark cannot constitute fair use. The Complainant contends that registration and use were in bad faith, asserting that it is “simply implausible” that the Respondent registered the Disputed Domain Name without prior knowledge of the well-known GOPUFF Marks, relying in particular on an alleged similarity between the aqua-blue colouring used on the Respondent’s website and that used on the Complainant’s own website, and on the fame of the GOPUFF Marks generally. The Complainant seeks transfer of the Disputed Domain Name.

By its supplemental filing of August 28, 2026, the Complainant identified a number of GOPUFF trademarks it owned which were registered in the UAE and which predated the Disputed Domain Name. It also said as follows “Moreover, as set forth in the Complaint, Complainant has continuously operated its business through “www.gopuff.com” since at least as early as May 2013, which is approximately 13 years prior to Respondent’s registration of the subject domain name. Complainant’s website has been publicly and globally accessible continuously since May 2013. WIPO UDRP panels have recognized that the global accessibility of an established website by the complainant is relevant in determining whether a respondent knew or should have known of the complainant and its rights. See WIPO Overview of WIPO Panel Views on Select UDRP Questions (“WIPO Overview 3.1”), section 3.2.2; *MVH I, Inc. v. Sam Matthews*, WIPO Case No. DAE2020-0007 (in noting the “near instantaneous and global reach of the Internet,” the Panel found bad-faith registration involving a UAE respondent despite Complainant’s lack of registered trademark rights in the UAE); *Calvin Klein Trademark Trust v. Peggy Holland*, WIPO Case No. D2019-0723 (in finding bad faith, the panel stated that respondent must have known of complainant where complainant’s websites were operational and readily accessible when the disputed domain was registered).

B. Respondent

The Respondent denies bad faith and requests that the Complaint be denied. He states that he registered the Disputed Domain Name for a genuine project, “Go+Puff AI”, an artificial-intelligence-based breath coaching and speech-support application for children, the name being derived from “Go” (action and encouragement), “Puff” (the short controlled exhale that is the core exercise of the product), and “AI” (the planned use of artificial intelligence). He states that the website was created shortly after registration and has not been modified since, a timeline he says is corroborated by the Complainant’s own WhoIs evidence. He denies any prior awareness of the Complainant or the GOPUFF Marks, noting that he is based in Dubai and that the Complainant's own evidence shows its delivery business operates only in the United States and the United Kingdom. He disputes that the colour schemes of the two websites are "nearly identical", contending they are different shades and that the two sites are otherwise wholly dissimilar in content, imagery, and purpose. He states that the Disputed Domain Name has never been offered for sale, has never displayed pay-per-click (PPC) advertising, and has never redirected to the Complainant or any competitor of the Complainant.

The Respondent's filing pursuant to the Procedural Order No. 1 (see above) is of some importance and so it is set out below in full. It reads as follows:

"The Go+Puff AI concept was an early-stage technology and product idea. The website itself set out the proposed direction, features, and roadmap for the product. It was not a parking page, a pay-per-click page, or a domain-sale page.

1. Relevant Background

My relevant background is in technology-enabled learning, human performance, experiential learning, digital simulations, AI-assisted feedback, behavioural analytics, and early-stage product concepts.

For many years, my work has involved designing learning and performance experiences that help people practise skills, receive feedback, improve behaviour, and perform better in real-world situations. This has included simulation-based learning, technology-enabled training, AI-assisted feedback, behavioural analytics, and the use of technology to support learning and decision-making.

That background is relevant to the Go+Puff AI idea because the concept was to create an app-based learning and practice tool using breath/puff exercises, gamified feedback, and AI-supported personalization.

The idea was also influenced by personal/family exposure to the practical need for children to practise breath control and speech-related exercises.

I respectfully do not understand the Procedural Order to require a medical or speech-therapy qualification merely to conceive and begin exploring an app idea that could be useful to children and families.

I have not attached my LinkedIn profile, client materials, or detailed information about my other UAE business activities because this is a public domain-name proceeding. I do not believe those unrelated business details are necessary for the Panel to assess how I independently conceived the Go+Puff AI idea.

2. Why the Project Had Not Progressed Beyond 'Coming Soon'

The main reason is timing.

The domain name was registered on February 6, 2026. The website was set up shortly after registration. The Complainant's own Annex 1 shows the domain creation date and subsequent domain-record update. The Complainant's own Annex 8 shows the Go+Puff AI website as of May 22, 2026.

By early June 2026, the dispute process had already begun. Only a few months had passed between registration/setup and the start of this proceeding.

In that short period, I had put up a "Coming Soon" website describing the idea, intended features, and roadmap. The app had not yet launched, users had not been accepted, payments had not been collected, and the project had not moved into full public product development.

That is normal for an early-stage app concept. The business concept notes themselves contemplated a staged approach, including MVP development, beta testing, clinical feedback, and then public launch. The project was therefore not expected to be fully launched immediately after domain registration.

Once the dispute began, I also did not think it was appropriate to keep changing or developing the website while the domain name itself was being challenged.

3. Contemporaneous Material Supporting the Independent Idea

The contemporaneous material supporting the independent idea includes handwritten business concept notes prepared before registration and the website itself.

I retain those handwritten notes. They are private working notes and include personal/family context and unrelated business details. For that reason, I have summarized the relevant parts below rather than attaching the notes themselves.

Those notes described the mission as making effective and engaging speech-support and respiratory exercises more accessible for children by transforming exercises into intelligent, joyful play.

They identified three user groups:

- children aged 4–10, who would need short, fun, visually engaging sessions;
- parents, who would want ease of use and visible proof of progress; and
- speech-language pathologists, who would need compliance, data tracking, and exercises aligned with clinical methodologies such as plosive-support drills and pacing.

They also set out a go-to-market plan, including beta testing and clinical validation with private speech therapy clinics, product-led growth to parents, and a later clinician portal.

The milestones in the notes were also consistent with an early-stage product roadmap. They included finalizing an MVP, testing microphone filtering, building gamified loops, conducting a closed beta with families and speech-language pathologists, refining the AI, and then launching on iOS, Android, and web.

The website shown in the Complainant's own evidence is consistent with those handwritten business concept notes. It showed a specific product concept: Go+Puff AI, an AI-powered breath coaching and speech-support app for children.

The website referred to breath coaching, speech-support exercises, short puff/exhale sessions, controlled breathing, pacing, AI-assisted feedback, gamified practice, parent and clinician insights, and a product roadmap.

The name Go+Puff AI was chosen because:

- "Go" suggested encouragement, action, movement, and progress;
- "Puff" referred to a short controlled exhale or breath exercise; and
- "AI" referred to the intended use of artificial intelligence in the app.

The website had nothing to do with grocery delivery, instant delivery, retail, snacks, drinks, household items, or any service associated with the Complainant.

The handwritten business concept notes and the website show the same independent idea. The website was not created as a bare placeholder; it reflected the product direction already contemplated for Go+Puff AI.

Kind regards"

The Respondent by an email communication of August 29, 2026, objected to the Complainant's filing of August 28, 2026, on the basis that it was out of time and in any event contained material that was available to the Complainant when it filed the Complaint. Following the Procedural Order No. 2, the Respondent filed further comments which can be summarised as follows. The Complainant's UAE trademark registrations do not establish bad faith because:

- A trademark registration alone doesn't prove market presence — the Complainant hasn't shown UAE operations, customers, fulfilment centres, or market recognition there.
- The UAE registrations cover ordering/delivery/retail/marketplace services, which differ from the concept shown on the "www.gopuff.ai" website.
- Global website accessibility and generic case citations don't automatically establish knowledge or targeting — each case turns on its own facts.

The Respondent states the website was never delivery, retail, grocery, snacks/drinks, household goods, a parking page, PPC page, or a domain-for-sale page — it showed an unrelated concept: an AI-powered breath-coaching and speech-support app for children. The Respondent denies contacting the Complainant, offering to sell the domain, imitating the Complainant's site, or using the Disputed Domain Name in the Complainant's business area.

6. Discussion and Findings

Preliminary Issue – Admissibility of Supplemental Filings

For reasons discussed below the Panel considers this a difficult and finely balanced case. It will therefore admit all filings by each party as it wishes to consider the totality of the available material.

Substantive Matters

To succeed, in accordance with paragraph 4(a) of the Policy, the Complainant must satisfy the Panel that:

(i) the Disputed Domain Name is identical with 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;

(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 3.1, section 1.7.

The Complainant has established rights in the GOPUFF Marks by virtue of its United States trademark registrations. The Disputed Domain Name wholly incorporates the GOPUFF Marks, adding only the ".ai" ccTLD, which is disregarded for the purposes of the first element comparison as a standard registration requirement (see WIPO Overview 3.1, section 1.11.1). The Disputed Domain Name is accordingly identical or confusingly similar to a trademark in which the Complainant has rights, and the first condition of paragraph 4(a) of the Policy is satisfied.

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.

The term "gopuff" involves the conjoining of two ordinary English words – go and puff - but that, in the Panel's opinion, produces an unusual and distinctive term which is relatively unlikely to be readily independently devised. In those circumstances, and given the Respondent's website is merely a "coming soon" placeholder, the Panel considers the Complainant has at least arguably made out a prima facie case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name: the Respondent has never been authorised to use the GOPUFF Marks, is not affiliated with the Complainant, and there is nothing in the record to suggest he was commonly known by the name "gopuff" prior to registration of the Disputed Domain Name. The burden of production accordingly shifts to the Respondent to come forward with relevant evidence demonstrating rights or legitimate interests (see WIPO Overview 3.1, section 2.1).

The question is whether the Respondent has done so. His account is that the Disputed Domain Name was registered to use it in connection with a bona fide offering of goods or services, namely a children's AI-powered breath coaching and speech-support application, marketed under the name "Go+Puff AI" — a name he says he derived independently from the words "Go", "Puff", and "AI", each descriptive of an element of the concept app he envisaged developing. If this account is true then the Panel considers that the Respondent falls within Policy 4(c)(i) "before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services". The screen capture at the Complainant's Annex 8, taken on May 22, 2026 — well before the Complaint was filed — shows a website devoted entirely to the stated "Go+Puff AI" concept, with a substantive and specific list of planned features consistent with a genuine product in development, and containing no reference whatsoever to groceries, snack or beverage delivery, online retail, or any other aspect of the Complainant's actual business, nor any suggestion of affiliation with the Complainant. The WhoIs record shows the Disputed Domain Name's nameserver information was last updated on February 11, 2026, only days after the February 6, 2026, registration, which is consistent with the website having been established as part of the Respondent's initial setup of the Disputed Domain Name rather than having been created or altered in response to this dispute. Up to this point the available evidence appears to be consistent with the Respondent's account.

See however WIPO Overview 3.1 section 2.2: "What qualifies as prior use, or demonstrable preparations to use the domain name, in connection with a bona fide offering of goods or services?

Non-exhaustive examples of prior use, or demonstrable preparations to use the domain name, in connection with a bona fide offering of goods or services may include evidence of: (i) business formation-related due diligence/legal advice/correspondence, (ii) investment in website development or promotional materials such as advertising, letterhead, or business cards, (iii) a genuine (i.e., not pretextual) business plan utilizing the domain name, and credible signs of pursuit of the business plan, (iv) bona fide registration and use of related domain names, or (v) other circumstances generally pointing to a lack of indicia of cybersquatting intent. Although such factors are assessed pragmatically in light of the case circumstances, the Policy clearly states that such evidence must support a claim to bona fide activity "before any notice [ ] of the dispute" and in that respect, clear contemporaneous (and ideally, dated) evidence of bona fide pre-complaint preparations is required [emphasis added].

Acknowledging that business plans and operations can take time to develop, panels have not necessarily required evidence of such use or intended use to be available immediately after registration of a domain name, but the passage of time may be relevant in assessing whether purported demonstrable preparations are bona fide or pretextual.

If not independently verifiable by the panel, claimed examples of use or demonstrable preparations to use the domain name in connection with a bona fide offering of goods or services cannot be merely self-serving but should be inherently credible and supported by other relevant pre-complaint evidence" [emphasis added]

The Response provided no contemporaneous evidence beyond the website content discussed above. The Panel therefore issued the Procedural Order No. 1 (see above). That order expressly requested (twice) that the Respondent provide contemporaneous documentation corroborating his account. The Respondent's submission has failed to provide any such documentation. The Respondent says this is for reasons of confidentiality which the Panel finds difficult to follow – for instance the Respondent mentions his LinkedIn profile but does not provide it – but that cannot be confidential[1]. More generally whilst the Respondent's submission is written in expansive terms very little hard information is provided. The Panel still does not know what, if any, educational qualifications the Respondent has and what relevant experience he possesses which led him to devise the app he describes in his evidence. He says "[t]he idea was also influenced by personal/family exposure to the practical need for children to practise breath control and speech-related exercises" but does not provide any corroborating evidence supporting whatever it is this statement is referring to.

In these circumstances the Panel does not think the Respondent's submission provides a clear basis for finding in his favour, given the lack of corroborative material. The Panel therefore goes on to consider what further evidence is available, based on the record before it.

The Complainant's evidence establishes that its business in the United States raised significant funding - USD 750 million in around 2019, and had a turnover of USD 250 million in 2019 with some 200 fulfillment centres across the United States and with around 3500 employees. The evidence appears to suggest that these figures would be greater now but the precise detail does not seem to have been provided. The Panel accepts this must lead to the Complainant enjoying some significant degree of public recognition in the United States. The Panel is not in a position to estimate the scale of that recognition. There is however no evidence of the Complainant having a reputation anywhere else. Its business is said to extend to the United Kingdom but the Panel has no details as to the nature or size of that operation. There is no evidence of the Complainant having any business or reputation anywhere else in the world including in particular in Dubai (beyond the existence of various registered trademarks covering the UAE). There is no reason to suppose the Respondent would necessarily have had any knowledge of the Complainant at the time he registered the Disputed Domain Name. That is a further point that assists the Respondent. Of course had the Respondent carried out availability searches for suitable "gopuff" domain names he might well have identified the Complainant. The Respondent has not given any account of whether or not he carried out such searches, and if so with what results. This is a point that at least by inference assists the Complainant.

There is no evidence the Respondent has targeted the Complainant in any way. There is no evidence the Disputed Domain Name has been offered for sale. These points assist the Respondent.

As to the alleged similarity in colouring between the Complainant's website and that of the Respondent, the Panel has compared the screen captures at Annexes 7 and 8 to the Complaint. The shades of blue used are not identical, and in any event the use of blue or aqua tones is unremarkable and commonplace in technology, health, wellness, and children's educational branding generally. Beyond this incidental and unpersuasive point of similarity, the two websites are, on their face, entirely dissimilar in subject matter, layout, imagery, and likely audience. This is a point in the Respondent's favour.

The Complainant argues, relying on *VEON Amsterdam B.V. v. Robin Deisberg,* WIPO Case No. DAI2022-0003, that wholesale incorporation of a mark cannot constitute fair use where it impersonates or suggests sponsorship or endorsement by the complainant. The Panel agrees with that general proposition, but it does not assist the Complainant here: the GOPUFF Marks are themselves formed of two ordinary English words, "go" and "puff". As stated above the Panel considers that independent derivation of "gopuff" is in general terms unlikely – but it is not impossible and here the Respondent has provided a coherent

[1] The Panel has identified one LinkedIn account for a Rob Day based in Dubai. It cannot tell whether that is the Respondent's account – there is no obvious content in it linking to anything in the record before the Panel.

explanation for having arrived independently at the same combination, coupled with “AI” for a purpose entirely unconnected with the Complainant’s line of business.

A further point to consider is why, on the Complainant’s case, the Respondent would think that registering <gopuff.ai> was a good opportunistic choice. An “.ai” domain name is the official ccTLD for the Caribbean island of Anguilla, but in practice it is globally used as the premier branding extension for artificial intelligence and technology companies and as such has become extremely popular of late. However, the Panel cannot see any obvious synergy between an “.ai” domain name and a business providing online ordering and delivery services for a range of consumer goods. If the Respondent was in the business of registering domain names because of their possible attractiveness to the Complainant there are any number of other TLDs which might be thought to be more relevant to such a business. This is a further point in the Respondent’s favour.

The Complainant draws attention to the Respondent’s address as provided by the Registrar Dubai, United Arab Emirate) being incomplete. However, a simple Internet search shows a villa complex under the provided address which exists in Dubai, which does not support an inference the Respondent’s address is non-existent or fraudulent. This point does not assist the Complainant. However, the Panel notes the Respondent has failed to explain anything about “Neurocrine Learning LLC” which according to the Registrar verification, is the Respondent’s organisation. Presumably if such an entity exists some documentation ought to be available explaining when it came into existence and what it does. The failure to explain anything about this is a point which assists the Complainant.

The Complainant also relies upon *MVH I, Inc. v. Sam Matthews*, WIPO Case No. DAE2020-0007 and says the Panel in that case noted the “near instantaneous and global reach of the Internet,” the Panel found bad-faith registration involving a UAE respondent despite complainant’s lack of registered trademark rights in the UAE. But there was no dispute in that case that the respondent was aware of the complainant and the domain name in issue was linked to a website which purported to resell the complainant’s products. The facts in the present case are markedly different.

The Complainant also relies upon *Calvin Klein Trademark Trust v. Peggy Holland*, WIPO Case No. D2019-0723, saying that in finding bad faith, the panel stated that respondent must have known of complainant where complainant’s websites were operational and readily accessible when the disputed domain was registered. But in that case the domain name at issue was <bookingcalvinkleinmodels.com>, in which the trademark is orders of magnitude more famous than the GOPUFF trademark and there cannot have been any doubt that the domain name was not independently derived - the panel quoted with approval an earlier decision which found that “the Complainant and its CALVIN KLEIN marks enjoy a widespread reputation and high degree of recognition as a result of its fame and notoriety”. That is not the situation in the present case.

The Panel is conscious that proceedings under the UDRP are of a limited and restricted nature, do not involve oral hearings, discovery or cross examination, and hence are only applicable to clear cut cases, and it is not usually appropriate to decide disputed questions of fact or matters of truth or falsehood. That does not however mean the Panel cannot reach a conclusion as to the veracity of a case that is being advanced where the only evidence that is provided is in the form of conclusory statements that are inherently not credible, and which are not supported by relevant corroborative or third party evidence. The Panel considers the present case to be finely balanced given the Respondent’s failure to produce any corroborative evidence despite being expressly asked to do so. Overall, however, the Panel has reached the conclusion that the weight of the evidence, as discussed above, is just sufficient to mean that the Respondent has rebutted the prima facie case arguably established by the Complainant. Accordingly the Panel concludes that it is more likely than not that the Respondent does have rights or a legitimate interest in the Disputed Domain Name. The Panel reaches this conclusion on what it regards as a finely balanced case, noting that the Respondent is not legally represented.

The Panel accordingly finds that the Respondent has, before any notice of this dispute, made demonstrable preparations to use the Disputed Domain Name in connection with a bona fide offering of goods or services within the meaning of paragraph 4(c)(i) of the Policy (see WIPO Overview 3.1, section 2.2). The second condition of paragraph 4(a) of the Policy has not been fulfilled.

C. Registered and Used in Bad Faith

Given the Panel's finding above, it is not necessary to address issues of bad faith.

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 3.1, section 4.16.

The Panel does not consider that a finding of RDNH is warranted. The Complainant held valid and long-standing trademark rights that plainly predate the date the Disputed Domain Name was registered, and the Disputed Domain Name wholly incorporates those rights, giving the Complainant a non-frivolous case. It is a case which the Panel considers to be finely balanced (see discussion above). The Panel accordingly declines to make a finding of RDNH.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Nick J. Gardner/
Nick J. Gardner
Sole Panelist
Date: September 13, 2026