# ADMINISTRATIVE PANEL DECISION

Scavenger AI GmbH v. Name Redacted, Mark Setlock, Finance Unfolded, Scale Ventures, LLC
Cases Nos. DAI2026-0058 and DAI2026-0059

## 1. The Parties

The Complainant is Scavenger AI GmbH, Germany, represented by kumkar & co. Rechtsanwälte PartG mbB, Germany.

The Respondents are Name Redacted[1], Mark Setlock, Finance Unfolded, United States of America (“United States”), and Scale Ventures, LLC, United States, represented by John Berryhill, Ph.d., Esq., United States.

## 2. The Domain Names and Registrars

The disputed domain name <scavanger.ai> is registered with GoDaddy.com, LLC.

The disputed domain name <scavenger.ai> is registered with NameCheap, Inc.

The disputed domain names are further collectively referred to as the “Disputed Domain Names” and NameCheap, Inc. and GoDaddy.com, LLC are further collectively referred to as the “Registrar”.

## 3. Procedural History

Two separate Complaints regarding each of the Disputed Domain Names were filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 18, 2026. On June 18, 2026, the Center transmitted by email to the Registrar requests for registrar verification in connection with the Disputed Domain Names.

On June 19, 2026, the Registrar transmitted by email to the Center its verification response confirming that the Respondent regarding the Disputed Domain Name <scavenger.ai> is listed as the registrant of that Disputed Domain Name.

The Center verified that the Complaint regarding the Disputed Domain Name <scavenger.ai> 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”).

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[1] See Section 6.1.A. below.

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint regarding the Disputed Domain Name <scavenger.ai>, and the proceeding in case number DAI2026-0058 commenced on June 19, 2026. In accordance with the Rules, paragraph 5, the original due date for Response in that case was July 9, 2026.

On June 18, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Disputed Domain Name <scavanger.ai> which differed from the named Respondent (c/o Domains By Proxy, LLC) and contact information in the Complaint regarding that Disputed Domain Name. The Center sent an email communication to the Complainant on June 19, 2026, providing the registrant and contact information disclosed by the Registrar regarding that Disputed Domain Name, and inviting the Complainant to submit an amendment to the Complaint regarding that Disputed Domain Name. The Complainant filed an amended Complaint regarding that Disputed Domain Name on June 22, 2026.

The Center verified that the Complaint, together with the amended Complaint, regarding the Disputed Domain Name <scavanger.ai> satisfied the formal requirements of the Policy, the “Rules”, and the “Supplemental Rules”.

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint regarding the Disputed Domain Name <scavanger.ai>, and the proceeding in case number DAI2026-0059 commenced on June 29, 2026. In accordance with the Rules, paragraph 5, the due date for Response in that case was July 19, 2026.

On June 24, 2026, the Respondents requested an extension of the due date to file a Response in case number DAI2026-0058 in accordance with the Rules, paragraph 5(b). The new due date for Response in that case was July 13, 2026.

On June 24, 2026, the Respondents also requested consolidation of the proceedings in case numbers DAI2026-0058 and DAI2026-0059. On June 26, 2026, the Center invited the Complainant to comment on the Respondents’ request for consolidation. On June 29, 2026, the Complainant consented to consolidation of the two proceedings.

The Response in both cases was filed with the Center on July 10, 2026.

On July 19, 2026, the Complainant submitted an unsolicited supplemental filing (the “Complainant’s Supplemental Filing”). On August 6, 2026, the Respondents submitted a provisional supplemental filing in reply (the “Respondents’ Supplemental Filing”).

The Center appointed Marilena Comanescu, Andrew D. S. Lothian and Matthew Kennedy as panelists in case number DAI2026-0058 on August 7, 2026. The Panel finds that it was properly constituted. Each member of 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 9, 2026, the Panel agreed to consolidate its proceeding with the proceeding in case number DAI2026-0059.

## 4. Factual Background

The Complainant is a German-established, venture-backed artificial intelligence company operating under the SCAVENGER mark. It uses the domain name <scavenger-ai.com> in connection with a website where it provides information about itself and its services. It was the winner of the Capital Magazine “Best of AI” Startup Award 2025.

The Complainant is the holder of the German trademark registration number 302024001088 for SCAVENGER (word) filed on January 29, 2024, registered on September 26, 2024, covering goods and services in International Classes 9, 35, and 42, claiming, inter alia, mobile applications, e-commerce and e-payment software, price-comparison and consumer-information services, and software-as-a-service ("SaaS").

The Disputed Domain Name <scavanger.ai> was registered on March 26, 2025, in the name of Mark Setlock, Finance Unfolded.

The Disputed Domain Name <scavenger.ai> was created on April 17, 2021, and at the time of this proceeding is registered in the name of an escrow agent ("Name Redacted"). According to the record, this Disputed Domain Name was assigned to Name Redacted as custodian on April 3, 2026, under an agreement executed on March 31, 2026, by which Scale Ventures, LLC buys this Disputed Domain Name through a monthly instalment payment arrangement for a total price of USD 49,000 (the "Escrow Agreement"). The Escrow Agreement was executed on behalf of Scale Ventures, LLC by Mark Setlock as its manager.

The Disputed Domain Name <scavenger.ai> is used in connection with a website that allows users to locate discount merchandise provided by third party retailers, including one of the largest American home improvement retailers, within an area of 25 miles from their location (using their ZIP code) in the United States. The website claims, in the Terms of Service, that "Scavenger AI is operated by Scale Ventures LLC". The Disputed Domain Name <scavanger.ai> redirects to the Disputed Domain Name <scavenger.ai>.

**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 Disputed Domain Name <scavanger.ai> is confusingly similar to the SCAVENGER trademark, since it is a single-character misspelling of the trademark, being a textbook case of typosquatting; the Disputed Domain Name <scavenger.ai> is identical to the SCAVENGER trademark;

- the Respondents have no rights or legitimate interests in the Disputed Domain Names since: (i) the Respondents are unconnected with the SCAVENGER mark, are contactable only through a free webmail account and are not commonly known by the names "scavanger" or "scavenger"; (ii) the Disputed Domain Name <scavanger.ai> is permanently redirected on the website under the Disputed Domain Name <scavenger.ai>, which operates, under the title "Scavenger - Deal Finder", a deceptive subscription service (a USD 1 three day "trial" converting into recurring charges of USD 47 per month via an embedded Whop checkout), promoted through paid and affiliate channels. Use of the Disputed Domain Names for a deceptive subscription scheme is per se illegitimate and can never confer rights or legitimate interests; and (iii) independent consumer (i.e. a Reddit record) reporting that the website under the Disputed Domain Names could be a scam and the function advertised on such website does not perform as represented. Also, a report of a website denominated "Scamadviser" is provided (without the results); and

- the Respondents registered and are using the Disputed Domain Names in bad faith mainly because:

(i) the Disputed Domain Names were registered more than a year after the Complainant's mark was filed and months after it was registered, and have at all times, redirected to a website under which operates a deceptive subscription service. This is paradigmatic bad-faith registration and use under Policy, being an intentional attempt to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's trademark as to source, sponsorship, affiliation or endorsement; and (ii) the Respondents and their operation related to the Disputed Domain Names is connected to a serial cybersquatter involved in a past UDRP procedure decided against it, and to a broad parked portfolio associated by reverse-WhoIs. The evidence provided is associated with a prior registrant of the Disputed Domain Name <scavenger.ai>.

**B. Respondents**

The Respondents contend that the Complainant has not satisfied the elements required under the Policy for a transfer of the Disputed Domain Names, in particular that the Complainant has not satisfied the second and third elements.

a) With regard to the identity of the Respondents:

The Disputed Domain Name <scavenger.ai> is the subject of a structured purchase by the Respondent Scale Ventures LLC, through the Escrow Agreement, which permits the buyer (i.e. Scale Ventures LLC) to use the Disputed Domain Name <scavenger.ai> during the payment term. Name Redacted is a neutral custodian and not a beneficial owner of the Disputed Domain Name, and requested its name be redacted in the decision.

Scale Ventures LLC is a registered Michigan limited liability company, and Mark Setlock is one of the managers thereof. Mark Setlock, in turn, is the identified registrant of the Disputed Domain Name <scavanger.ai>, which he registered prior to formal organization of Scale Ventures LLC, as part of the preparations to launch the business under the name “Scavenger”.

Accordingly, the Disputed Domain Names are under the common control of the Respondent Scale Ventures LLC, as also mentioned in the content of the corresponding common website.

b) With regard to the history behind the designation “Scavenger/Scavanger”:

The Respondent Mark Setlock developed a social media influencer persona in the area of saving money, deals, and personal finance, gathering more than a half million followers on his Instagram account “Finance Unfolded”, and 2.5 million followers on his LinkedIn account “Mark Setlock”.

Starting in early 2025, Mark Setlock and his associate, a colleague from school specialized in cybersecurity, began developing a system for automating the process of finding penny deals and other inventory price markdowns, and further developed two variations of their proprietary system. One of the two systems, “Penny AI”, is located at <pennydeals.ai>, and is the subject of a United States trademark application.

The second system, corresponding to a dictionary word, was initially called “Scavanger”, suggestive of being a “scavenger” for price markdowns. The reason for the variant misspelling is because the correct spelling, i.e. “scavenger”, was taken in all popular Top-Level-Domains in early 2025. After initially launching the service at the Disputed Domain Name <scavanger.ai>, the Respondent Scale Ventures, LLC was able to negotiate the purchase of the Disputed Domain Name <scavenger.ai>, which is the subject matter of the Escrow Agreement.

c) With regard to the substantive matters, to the extent relevant for this decision, the Respondents contend the following:

- the Disputed Domain Names were acquired for their dictionary value, being suggestive for the Respondents’ intended business as a “scavenger” for price markdowns;

- the Respondents agree that the Complainant’s German trademark registration satisfies the first criterion of the Policy. However, at the same time, the Complainant alleges no reputation, its trademark is limited to one European country, has a large list of claimed goods and services, and is registered a few months prior to the registration of the first of the two Disputed Domain Names. Furthermore, there is no evidentiary basis whatsoever from which one might conclude that a pair of entrepreneurs and software developers in Michigan, United States would have ever heard of the Complainant at the relevant time. The Disputed

Domain Names correspond to a dictionary word which is concurrently used by a wide number of others, there are some dozen other owners of pending or registered marks for the word “scavenger” in various jurisdictions, including five within the Respondents’ jurisdiction. Accordingly, the Complainant has successfully demonstrated that it is one of a large number of companies who can claim to have rights in the word “scavenger” as a trade or service mark, and to which the domain names are identical or similar; and

- with regard to the lack of legitimate rights and interests in the Disputed Domain Names, the Complainant relies mostly on third parties’ reviews on Reddit (providing both negative and positive reports), and upon a hearsay report from a site denominated “Scamadviser” concerning alleged issues with the Respondents’ subscription model.

However: (i) previous UDRP decisions state that online reviews, positive or negative, are irrelevant to the inquiry into whether a business is “bona fide” within the scope of the UDRP since, the core issue is not the commercial success, operational efficiency, or public reputation of the business but rather, the determination rests on whether the business legitimately operates or serves as a mere pretext to maintain a cybersquatted domain name by trading on a third party mark; (ii) the Complainant itself provided both negative and positive reviews in its submissions and the “Scamadviser” rating is in fact positive to the Respondents’ business; and more importantly (iii) none of the reviews refers to the Complainant’s business and have nothing to do with persons believing they have been diverted or deceived into seeking or believing they were interacting with the Complainant’s business data analysis platform.

In conclusion, the evidence supporting the Complainant’s allegation of lack of legitimacy of the Respondents’ business actually show that the Respondents conduct an actual business, and the reviews do not note any issue, problem or complaint concerning the consumer confusion with a German data analytics vendor, or any of the other two dozen owners of various “scavenger”-word formed trademarks.

In fact, the Respondents registered the Disputed Domain Names for their business related to automated markdown detection with two variations, “Penny AI” and “Scavenger”.

The website accessible via the Disputed Domain Names is in English and is addressed to the United States customers since it concerns identification of pricing markdowns at retail locations identifiable within a specified distance of a United States zip code, the Respondents’ system having no utility outside of the United States.

All these circumstances demonstrate that the Respondents have been engaged in substantial development of their price analysis system generally, the Respondents’ registration of the Disputed Domain Names are consistent with a legitimate business, the Respondents independently conceived and suggestively named their business based on the concept of “scavenging” for bargain prices, whereas the Complainant has a very distinct and different line of services conducted in Germany.

d) With regard to the bad faith registration and use of the Disputed Domain Names, the Respondents mainly state the following:

The website accessible via the Disputed Domain Names concerns services targeting consumers in the United States, the earliest of the Disputed Domain Names was registered in March 2025 which is a few months after the registration of the Complainant’s German trademark. The trademark consists of a dictionary term, that is the subject of widespread concurrent use as a trademark, and the Respondents have no duty of notice of German trademark registrations. In fact, the Complainant failed to provide evidence supporting the reputation of its trademark and that the Respondents’ registration and use of the Disputed Domain Names were somehow predicated on the Complainant’s trademark.

The Complainant’s domain name <scavenger-ai.com> was initially registered in 2023 and the Complainant appears to have launched its website, in German, sometime in late 2024. The Complainant’s actual service offering seems to be a data analytics system marketed to businesses which would like to gain insights from data sources which are scattered throughout its organization.

The Parties' service offerings are therefore completely different and target consumers in completely different locations.

The Disputed Domain Name <scavanger.ai> was registered on March 26, 2025; the Disputed Domain Name <scavenger.ai> was acquired by the Respondent Scale Ventures LLC on March 31, 2026, according to the Escrow Agreement (being transferred to the custody of Name Redacted for the beneficial control of the Respondent Scale Ventures LLC).

The seller in the Escrow Agreement is a domain investor, who had apparently registered the Disputed Domain Name <scavenger.ai> through a third-party proxy registration service, as shown in the WhoIs history for this Disputed Domain Name.

The Respondents state that the Complainant's arguments regarding: the use of a privacy service, the use of the Disputed Domain Name <scavenger.ai> as a parked page before the acquisition by the Respondents as well as a "pattern" of abusive registrations by a third party unrelated to the Respondents, are legally completely irrelevant and require no response.

**C. Supplemental Filings**

**1. Complainant's Supplemental Filing**

In the Complainant's Supplemental Filing the Complainant notes that the Response raised new factual allegations based on non-public information, in particular: the Escrow Agreement, the asserted beneficial ownership and common-control structure of the Respondents, the account of an independent development history beginning in early 2025, and the PENNY AI trademark application.

The Complainant addresses the Respondents' contentions, stating mainly that: its trademark needs no fame for the purpose of the Policy; the services of the Parties are similar, being both online, AI-enabled software offerings that identify, aggregate, analyse and present data to their users; and a domain name and a web service are reached without regard to the territory of either party.

The Complainant alleges, without supporting evidence, that its managing director has received numerous messages from customers and prospective customers signalling actual confusion since being diverted to the Disputed Domain Name <scavenger.ai>, and treating the Complainant as the operator of that website, or an affiliate or party responsible for it. These are not dissatisfied users of the Respondents' service, they are the Complainant's own audience, who set out to reach the Complainant and were steered to the Respondents instead. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 3.1.4, recognises actual confusion as evidence of an intention to attract Internet users for commercial gain.

The evidence provided by the Respondents does not satisfy the requirements of the Policy, which calls for clear, contemporaneous and preferably dated evidence of pre-dispute preparations, supported by independent material rather than after-the-fact assertion. The formation of the Respondent Scale Ventures LLC in January 2026, a PENNY AI trademark application alleging first use in November 2025, and profiles and press concerning the principals of the Respondents do not fill that gap for the sign SCAVENGER.

The Disputed Domain Name <scavanger.ai> is a single-character misspelling of Complainant's exact mark which resolves by a permanent redirect to the website for the Disputed Domain Name <scavenger.ai> and serves the same commercial content. The Respondents' explanation — that "scavenger" was unavailable, so it adopted a variant spelling — does not answer the decisive point: the variant chosen is the precise one-character misspelling of a registered mark, not a genuinely different or descriptive term. A one-character typo of a prior mark, held by the Respondents' own principal and used to funnel traffic to the primary site, is a recognised indication of registration and use in bad faith under paragraph 4(b)(iv), independent of anything said about the main domain.

The circumstances of the acquisition of the Disputed Domain Name <scavenger.ai> confirm that conclusion and independently establish bad faith at the relevant date, March 31, 2026. By that date the Complainant's trademark had been on the register for some eighteen months and, the Complainant's SCAVENGER-branded service was already operating online. The Respondents selected and paid USD 49,000 for the exact-match country code Top-Level Domain ".ai" domain name to run an AI software service in the same field. The price shows investment, not legitimacy: a party does not acquire a right by paying more for a domain name that conflicts with a prior mark.

An email address is in the case file as an underlying contact for the Disputed Domain Name <scavenger.ai>, as per the Center's Notification dated June 19, 2026. The same email address is the registrant contact for the Disputed Domain Name <scavanger.ai>, which Respondents concede is controlled by Mark Setlock and Scale Ventures LLC.

The Respondents' use of the Disputed Domain Name <scavenger.ai> is in bad faith and evidences bad faith in its acquisition; the post-priority purchase of the exact-match domain name confirms it; and the reset neither applies, control being unresolved, nor rescues an acquisition that was itself in bad faith. The Complainant further questions whether control over the Disputed Domain Name <scavenger.ai> passed to an unrelated party at all, and otherwise relies on the Escrow Agreement.

The Respondents do not use "scavenger" for its dictionary meaning, but they use the sign as the exact product-facing domain name and designation for an AI-enabled SaaS service, and they redirect the Disputed Domain Name <scavanger.ai> misspelled variant to the same website.

A finding of reverse domain name hijacking is unsupported.

**2. Respondents' Supplemental Filing**

The Respondents' Supplemental Filing states that the Complainant's Supplemental Filing exceeds the substance of the original Complaint and re-frames its case-in-chief, since the Complainant's central thesis at this point is that starting a business analytics company and obtaining trademark rights in SCAVENGER in Germany for that purpose is a worldwide bar on any party elsewhere in the world starting a business which uses AI technology for a wholly different set of consumers in a wholly different market and which also uses the word "scavenger" in a suggestive sense. The Complainant's system is an AI scavenger for insights in business data, and the Respondents' system is an AI scavenger for retail price markdowns.

The Complainant relies on unsubstantiated and speculative claims such as the following:

- the pointing out of the email address associated with the Disputed Domain Name <scavenger.ai> before the Escrow Agreement, although the Complainant was well aware that the said third party email address was associated with a "prior registrant" of the Disputed Domain Name <scavenger.ai>, the Complainant added such address in its Complaint as a contact information "known to the Complainant", and the Center, according to the standard procedure, included that email address in further correspondence;

- according to the Complainant's allegations: (i) Mark Setlock actually controlled the Disputed Domain Name <scavenger.ai> since long prior to the Escrow Agreement; and (ii) the Escrow Agreement transaction is some kind of a sham transaction in which Mark Setlock is only pretending to sell himself the Disputed Domain Name <scavenger.ai>, whereas the parties engaged in the Escrow Agreement are a well-known public figure with more than half a million Instagram followers; a former Vice-President of an ICANN-accredited registrar; an award-winning broker; and Name Redacted, being a licensed financial services provider with a large collection of state and national licenses.

The Respondents submitted affidavits of the parties involved in the negotiation and the acquisition of the Disputed Domain Name <scavenger.ai>, and the execution of the Escrow Agreement, namely from: the Respondent Mark Setlock, as the representative of the buyer, the Respondent Scale Ventures LLC; the representative of the brokerage entity; and the representative of the seller, a domain investor – all describing (and providing relevant correspondence regarding) the negotiation and acquisition process for the Disputed Domain Name <scavenger.ai>.

The Respondents further mention that, shortly after concluding the Escrow Agreement, the seller's representative received a purchase inquiry via Afternic.com marketplace for the Disputed Domain Name <scavenger.ai>. It is unlikely to be an event of random chance that the Complainant filed the Complaint after the long-registered Disputed Domain Name <scavenger.ai> was sold, and after Afternic.com likely informed the inquirer of the same.

## 6. Discussion and Findings

### 6.1. Procedural Issues

#### A. Consolidation of Multiple Respondents, Identity of the Respondents

The Complaints were filed in relation to nominally different domain name registrants (i.e. Name Redacted, and Mark Setlock, Finance Unfolded). The Parties agree that the Disputed Domain Names are under common control and are associated with the same website. The Respondents request consolidation of the Complaints against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules. The Complainant consents to consolidation.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

The Panel is satisfied that the Disputed Domain Names and the corresponding website are subject to common control and sees no reason why consolidation of the disputes would be unfair or inequitable to any Party. See WIPO Overview 3.1, section 4.11.2.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants in a single proceeding.

Further, Scale Ventures, LLC, submits that it is the beneficial owner of the Disputed Domain Name <scavenger.ai>, and that the same is being custodially held by an escrow agent, Name Redacted, pursuant to a contractual arrangement, and that therefore, as buyer, it is entitled to participate in this proceeding and submit a Response.

The Complainant agrees that the Disputed Domain Names are subject to common control and used by the same party in interest.

The Panel notes that, according to the record, the Disputed Domain Name <scavenger.ai> is held by Name Redacted as "escrow agent / custodian in trust" for the parties to a structured purchase transaction, including Scale Ventures, LLC as buyer, which has a contingent right to hold this Disputed Domain Name. Scale Ventures, LLC is managed and partly owned by Mark Setlock and has effective operational control over both Disputed Domain Names.

Considering all the circumstances of this case, the Panel concludes that, although Scale Ventures, LLC has not yet become the owner of the Disputed Domain Name <scavenger.ai>, it has shown that it has a legitimate interest in participating in the present proceeding to protect the value of its investment in that Disputed Domain Name, that it has control over that Disputed Domain Name, and that it has a legitimate expectation to secure ownership over it once it has paid the agreed price in full.

Therefore, in exercise of its powers under paragraph 10 of the UDRP Rules, the Panel joins Scale Ventures, LLC as a Respondent to this proceeding and admits the Response that it filed.

Accordingly, the Panel will treat both Mark Setlock, Finance Unfolded and Scale Ventures LLC, as Respondents, collectively referred to as the "Respondent" hereafter. The holder of the Disputed Domain Name <scavenger.ai> as named in the corresponding Registrar verification is merely the custodian of such domain name pending conclusion of the Escrow Agreement, and its identity, and that of its office bearer, is immaterial to the present proceeding. Consequently, the Panel redacts these details from the Decision.

**B. Supplemental Filings**

On July 19, 2026, the Center received the Complainant's Supplemental Filing, and on August 6, 2026 the Respondent's Supplemental Filing.

Neither the Rules nor the Supplemental Rules make provision for supplemental filings, except at the request of the Panel (paragraph 12 of the Rules). Paragraph 10 of the Rules vests the Panel with discretion to determine the admissibility, relevance, materiality and weight of the evidence, and also to conduct the proceeding "with due expedition". Accordingly, unsolicited supplemental filings are generally discouraged. Exceptionally, they may be accepted to consider material new evidence or to provide a fair opportunity to respond to arguments that could not reasonably have been anticipated. See WIPO Overview 3.1, section 4.6.

The Complainant's Supplemental Filing claims to address non-public information provided in the Response, namely, the Escrow Agreement, the asserted beneficial ownership and common-control structure of the Respondent Scale Ventures LLC, and the historical registration of the Disputed Domain Name <scavenger.ai>, together with the Respondent's PENNY AI trademark application.

The Respondent's Supplemental Filing counterargues that the Complainant's Supplemental Filing exceeds the substance of the original Complaint, is re-framing its case-in-chief, and makes inaccurate allegations.

The Panel notes that the evidence provided in the Response concerns non-public information that was not available to the Complainant at the time of filing of the Complaint.

In the view of the Panel, the new facts introduced by the Respondent could not have been reasonably anticipated in the Complaint. Fairness dictates that the Complainant be given a chance to present its arguments and evidence in response, and that the Respondent, in turn, be given an equal opportunity to rebut or reply to such statements. The Panel additionally notes that both supplemental filings were provided before the time the Panel was appointed for this case and that acceptance of them will not unduly delay these proceedings.

The Panel therefore shall accept the supplemental filings made both by the Complainant and the Respondent and will take them into account in accordance with their relevance, materiality and weight.

**6.2. Substantive Issue: Three Elements**

Under the Policy, the Complainant is required to prove on the balance of probabilities that:

(i) the Disputed Domain Names are 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 the Disputed Domain Names; and
(iii) the Disputed Domain Names have been registered and are 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 Names. See 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 entirety of the SCAVENGER mark is reproduced within the Disputed Domain Name <scavenger.ai>. Accordingly, the Disputed Domain Name <scavenger.ai> is identical to the mark for the purposes of the Policy.

The Panel further finds sufficiently recognizable aspects of the mark SCAVENGER within the Disputed Domain Name <scavanger.ai>. Accordingly, the Disputed Domain Name <scavanger.ai> is confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

While a variation of the trademark (a common, obvious or intentional misspelling), here the first letter "e" is replaced with an "a", may bear on assessment of the second and third elements, the Panel finds such element does not prevent a finding of confusing similarity between the Disputed Domain Name <scavanger.ai> and the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.9.

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

**B. Rights or Legitimate Interests**

In the light of its conclusions under the third element of the Policy, below, the Panel does not consider it necessary or appropriate to reach a determination under the second element in this case.

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

In order to satisfy the third element under the Policy, the Complainant must establish the conjunctive requirements that the Respondent both registered and is using the Disputed Domain Names in bad faith. In order to demonstrate, first, that the Respondent registered the Disputed Domain Names in bad faith, the Complainant must establish, on the balance of probabilities, that the Respondent was aware of the Complainant's trademark when it registered the Disputed Domain Names, and did so in order to take unfair advantage of the commercial goodwill attaching to that trademark, in other words, "targeting" the Complainant's trademark rights.

The Disputed Domain Names reflect the English dictionary term "scavenger" or, in one case, a misspelling thereof.

The Complainant claims it establishes targeting here not through trademark reputation but through the main following specific facts: its national trademark registration establishes rights for the purposes of the Policy and predates the registration/acquisition of the Disputed Domain Names (an exact-match and a one-character typographical variant); its trademark specification covers the relevant technology field – software, data processing and SaaS and therefore the services provided by the Parties are functionally proximate; and actual confusion on the market. The Complainant does not assert that SCAVENGER is a famous mark, claiming that it need not do so.

It is established UDRP practice that, when the complainant's mark is not inherently distinctive and it also corresponds to a dictionary term, or is otherwise inherently attractive as a domain name, if the mark has limited reputation and is not known or accessible in the respondent's location, panels may be reluctant to infer that a respondent knew or should have known that its registration would be identical or confusingly similar to a third party's mark. WIPO Overview 3.1, section 3.2.2.

The Complainant holds a German trademark, registered six months before the registration of the first Disputed Domain Name and 18 months before the Respondent's acquisition of the other Disputed Domain Name, with little evidence of reputation.

The Respondent provided a plausible alternative justification regarding: the selection of the Disputed Domain Names based on the dictionary meaning of the word "scavenger"; and the prior registration of an available alternative spelling. The meaning of "scavenger" and the country code Top-Level Domain extension ".ai" (widely understood as an abbreviation of "artificial intelligence") is suggestive of the automated price markdown discovery service offered at the Respondent's website. The Complainant failed to demonstrate that the use of the Disputed Domain Names with that website is merely pretextual; in fact, the negative customer review that it quoted is from a source that rates the Respondent's website "Likely Safe".

The Complainant also alleged a pattern of bad faith conduct, but this was based on the identity of a prior registrant of a Disputed Domain Name <scavenger.ai>, without showing how effective control of that Disputed Domain Name continued despite the transfer to Name Redacted pursuant to the Escrow Agreement.

The Complainant further claims actual confusion based on the section 3.1.4 of the WIPO Overview 3.1, and alleges that the Complainant's managing director has received numerous messages from prospective clients searching for the Complainant and diverted to the website under the Disputed Domain Names. However, it made no attempt to substantiate this claim.

Therefore, the Panel does not find it more likely than not that the Respondent was aware of the Complainant and its mark at the time of registration of the Disputed Domain Names, or that the Respondent targeted the Complainant when registering the Disputed Domain Names.

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

**D. Request for a finding that the Complaint was filed in bad faith and constitutes an abuse of the administrative procedure (RDNH)**

The Respondent submits that the Complainant makes false allegations in its supplemental filing and urges the Panel to consider whether they exemplify the sort of candor and ethical standards which should be expected of counsel in a legal proceeding of any kind in any jurisdiction.

Paragraph 15(e) of the UDRP 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 was brought primarily 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 Panel notes that the Complainant is represented by counsel. It alleged a pattern of bad faith conduct based on the identity of a prior registrant of one Disputed Domain Name, but overlooked that the prior registrant's contact information had been supplied to the Center by itself. This was careless.

Bearing in mind the following: the Complainant is the holder of a registered trademark; the registration of the first Disputed Domain Name, which is an obviously misspelled version of the word composing the Complainant's trademark, after the Complainant's trademark rights accrued; the common control over the Disputed Domain Names and the common redirect of these; the functional proximity between the services provided by the Parties;  and the actual confusion reported (although not directly evidenced) by the Complainant's managing director, the Panel finds that the facts do not support a finding that the Complainant acted in bad faith and therefore denies the Respondent's request.  See WIPO Overview 3.1, section 4.16.

**7. Decision**

For the foregoing reasons, the Complaint is denied.

*/Marilena Comanescu/*
**Marilena Comanescu**
Presiding Panelist

*/Andrew D. S. Lothian/*
**Andrew D. S. Lothian**
Panelist

*/Matthew Kennedy /*
**Matthew Kennedy**
Panelist

Date:  August 24, 2026