# ADMINISTRATIVE PANEL DECISION

Brains, LLC v. Jorge Fonseca, Barcelos e Fonseca SA
Case No. DAI2026-0068

## 1. The Parties

The Complainant is Brains, LLC, United States of America ("United States"), represented by DUREN IP, United States.

The Respondent is Jorge Fonseca, Barcelos e Fonseca SA, Portugal.

## 2. The Domain Name and Registrar

The disputed domain name <fundlaunch.ai> is registered with NameCheap, Inc. (the "Registrar").

## 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 4, 2026. On July 6, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 7, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 7, 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 July 13, 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 July 23, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 12, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 19, 2026.

The Center appointed Andrew D. S. Lothian as the sole panelist in this matter on August 25, 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 a Utah limited liability company, which states that it does business as "Fund Launch". Its principal business is said to be "providing educational services, software tools, templates, and strategic guidance for managers aggregating and managing pooled capital for specific purposes utilizing technology including [artificial intelligence ("AI")]".

The Complainant is the owner of the following registered trademarks:

- United States Registered Trademark Number 7301189 for the word mark FUND LAUNCH, filed (Principal Register) on September 14, 2022, amended (Supplemental Register) December 26, 2023, and registered (Supplemental Register) on February 6, 2024, in Class 41. Said mark claims a first use in commerce date of July 13, 2022.

- United States Registered Trademark Number 7363172 for a mark consisting of the words "FUND LAUNCH" with an adjacent silhouette of a bull head, filed on September 15, 2022, and registered (Principal Register) on April 23, 2024, in Class 41. Said mark claims a first use in commerce date of August 1, 2022. Said mark features a disclaimer: "No claim is made to the exclusive right to use the following apart from the mark as shown: 'FUND LAUNCH'."

- United States Registered Trademark Number 7363178 for the word mark FUND LAUNCH LIVE, filed on September 16, 2022, and registered (Principal Register) on April 23, 2024, in Class 41. Said mark claims a first use in commerce date of October 1, 2021. Said mark features a disclaimer: "No claim is made to the exclusive right to use the following apart from the mark as shown: 'FUND LAUNCH'."

- United States Registered Trademark Number 8205355 for a mark consisting of the words "FUND LAUNCH" with an adjacent silhouette of a stylized bull head with horns, filed on September 8, 2025, and registered (Principal Register) on April 7, 2026, in Class 41. Said mark claims a first use in commerce date of August 18, 2025. Said mark features a disclaimer: "No claim is made to the exclusive right to use the following apart from the mark as shown: 'FUND LAUNCH'."

The Complainant has also filed a pending United States trademark application for the word mark FUND LAUNCH AI, under Serial Number 99326260. The application filing date is August 7, 2025. The current status is that a non-final Office action has been issued to the applicant on May 14, 2026, and the applicant has requested a three-month extension of time to file the response, amounting to a total of six months from the date of said non-final Office action. The non-final Office action itself notes, inter alia, that issues raised in a January 14, 2026, Office action are maintained, namely that registration is refused because the applied-for mark merely describes a feature and purpose of the applicant's goods and/or services, and that in addition to being merely descriptive, the applied-for mark appears to be generic in connection with the identified goods and/or services and cannot acquire distinctiveness.

The Complainant also appears to claim rights in the unregistered mark FUND LAUNCH, given that it asserts that it has used such mark in commerce since 2021, i.e., before the dates of filing and registration of its respective registered trademarks. The Complainant provides the following evidence of its use of such mark:

- its ownership of the domain name <fundlaunch.com>, which the Complainant states was first registered on April 13, 2007, by a third party, but was subsequently acquired and used by the Complainant since "at least as early as September 2022".

- a screenshot dated September 14, 2022, which purports to be of the website at "www.fundlaunch.com" entitled "Creating Fund Managers Through World-Class Education & Services", which offers free resources for the "Fund World" including "The Fund Launch Masterclass", and "Fund Launch Accelerator Course". The Complainant also produces a repeat of this screenshot dated September 15, 2022, although the Panel does not see any practical difference between the corresponding pages of the two versions.

- a further screenshot dated September 14, 2022, which purports to be of the website at "www.fundlaunch.com" and may be a page continuation of the preceding screenshot which features a YouTube clip together with a colored box containing the headline "What is Fund Launch?", with the subtext "Fund Launch (formerly known as Investment Fund Secret) provides services and education designed to help investors and entrepreneurs launch funds […]". The page claims that "As of August 2022, there are over 22,000 students inside of the Fund Launch community and we're not stopping anytime soon". Such claim is not otherwise evidenced in the present record. The Complainant also produces a repeat of this screenshot dated September 15, 2022, although the Panel does not see any practical difference between the corresponding pages of the two versions.

- a further screenshot dated September 14, 2022, of a website at "www.fundlaunchsecrets.com" entitled "Free Fund Launch Game Plan", which features the Complainant's subsequently filed and registered stylized bull head trademark together with the image of a larger and a smaller mobile telephone device, each overlaid with a padlock. Beneath this is an offer to create "a custom fund launch game-plan" for free. The said site features a copyright statement in the name of the Complainant dated 2022.

- a further screenshot of the website at "www.fundlaunch.com" dated September 4, 2025, entitled "Launch Your Single Asset Fund" with a call to action of "Book a Call with a Fund Launch Advisor". A second page which may be a continuation of this screenshot and bears the same date is headed "Fund Launch SAF Consult". The screenshot continues with a message describing how the author "took the *long road* to launching my own fund […]" and ultimately, "[…] learned how to […] launch funds […]". The screenshot goes on to describe various personnel including an individual who is described as having "launched 3 funds". A platform is described, which has been named "Fund Launch 360". The reader is invited to "Explore Fund Launch Reviews". Finally, a side bar states that "Fund Launch is a platform that helps emerging fund managers structure and pursue fund strategies around their own ideas and existing businesses […] Fund Launch is not a broker-dealer, registered investment adviser, or law firm […]". A disclaimer mentions "[…] reference to the number of funds launched […] "and the page concludes with a copyright statement, "Fund Launch 2025".

The Complainant also produces what it describes as "Correspondence or communications evidencing the six-figure sale demand or other bad-faith conduct", and "Communication evidencing six-figure demand". This document is a single page screenshot apparently from a mobile device of an email in a Gmail mailbox under the subject line "[the disputed domain name] – GoDaddy Domain Broker Service". The email appears to be from a named aftermarket domain name broker at the named organization, which states, "The owner declined our offer and said it would need to be in the 6 figures for them to sell. Please let me know how you would like to proceed". This document appears to be selective of the correspondence with the said broker and, importantly, does not answer the question of whether the Respondent or the said broker approached the Complainant to open negotiations or whether the Complainant approached the said broker. In the absence of any explanation, the Panel assumes the latter, given the said broker's reference to "our offer".

The disputed domain name was registered on May 14, 2023. A screenshot of the website associated with the disputed domain name provided by the Complainant dated July 3, 2026, shows a parking page advertising the Registrar's services. As at the date of this Decision, the said website now features the standard welcome page for Microsoft Internet Information Services ("IIS"). This suggests that the disputed domain name now points to a Windows/IIS server but that no website has been configured or published as yet.

Little information is provided by the Complainant regarding the Respondent, which itself has not participated in the administrative proceeding. However, a modicum of research conducted by the Panel based upon the Respondent's Registrar-verified organization name, postal address, and email address, suggests that the listed registrant is a Portuguese company (Sociedade anónima), more fully named Barcelos & Fonseca, Comercio e Serviços, S.A., incorporated on or about March 21, 2006.[1] It appears to be part of a larger Portuguese corporate group named BF Grupo Portugal which states on its official website at "www.bfgrupo.com" that it has interests in direct sales, real estate promotion, e-commerce, and digital marketing. The domain name for such website is also used for the contact email address associated with the disputed domain name and the postal contact address for said group on said official website also matches the Registrar-verified data. The Respondent individual appears to be the said group's founder and president.

**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 it owns the registered rights in the FUND LAUNCH mark referred to in the factual background section above and has used such mark in commerce since at least October 2021. It further refers to its ownership of the domain name <fundlaunch.com> and claims that this has been used by it since at least as early as September 2022. The Complainant claims that its use of the FUND LAUNCH mark and said domain name have been "pervasive" since that time, and that the Complainant's ownership, use and registration of the FUND LAUNCH mark and the <fundlaunch.com> domain name predate the Respondent's registration of the disputed domain name.

The Complainant asserts that the disputed domain name is identical to its FUND LAUNCH mark and that, even when considering the ".ai" Top-Level Domain, the disputed domain name remains confusingly similar to the Complainant's mark and reinforces the likelihood of association because the Complainant has launched and publicly promoted an AI offering under the "Fund Launch AI" brand.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. In particular, it notes that the Respondent has never been authorized, licensed, or otherwise permitted by the Complainant to register or use the FUND LAUNCH mark or any confusingly similar variation as a domain name, and that there is no evidence that the Respondent has been commonly known by the name "Fund Launch" or "Fund Launch AI". The Complainant goes on to assert that the Respondent appears to have no trademark rights, corporate name rights, or other cognizable entitlement in the term.

The Complainant further contends that there is no evidence of any bona fide offering of goods or services under the disputed domain name. Rather, the evidence indicates that the disputed domain name resolves to a parked or placeholder page, and/or has been held for resale at a price far exceeding ordinary out-of-pocket registration costs. The Complainant asserts that such conduct does not establish rights or legitimate interests under the Policy. In particular, the Complainant asserts that the Respondent's "conduct via its GoDaddy after market domain broker-particularly the targeted effort to extract a six-figure payment from Complainant for the exact-match domain name-demonstrates no legitimate interests in [the disputed domain name]".

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[1]The Panel checked the Portuguese company register, publicly available via the European e-Justice business register portal, along with the said group website and a basic search on the Respondent individual's name on the basis that it considered that this would be useful, in particular, to flesh out the factual background. On this topic, see WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.8.

The Complainant contends that the circumstances strongly support a finding of bad faith under paragraph 4(b) of the Policy. It asserts that the Respondent was on constructive notice of the Complainant's use and registration of rights in the FUND LAUNCH mark and domain name through its trademark registration and open and notorious use of <fundlaunch.com>. The Complainant maintains that a rudimentary domain name search or WhoIs search would have revealed its senior uses and registration, all before the Respondent's registration of the disputed domain name.

The Complainant asserts that the Respondent has sought to sell the disputed domain name to the Complainant, the trademark owner, for a six figure amount, far in excess of ordinary registration costs which it contends is classic bad faith conduct under the Policy.

The Complainant contends that bad faith is further supported by the identity of the disputed domain name with the Complainant's mark and business name, asserting that the term "fund" followed by "launch" is not a random string of terms, but rather that the disputed domain name is an exact match for the Complainant's established brand, and because "AI" is a natural industry descriptor for artificial intelligence, the disputed domain name is especially attractive to the brand owner for brand expansion, as contemplated by the Complainant's pending trademark application for FUND LAUNCH AI. The Complainant asserts that the Respondent's choice of this exact domain name, combined with the sale demand, supports the inference that the Respondent targeted the Complainant and its rights in bad faith.

The Complainant further asserts that the Respondent makes no commercial use of the disputed domain name. It states that the disputed domain name resolves to a non-content landing page of the Registrar and contends that bad faith use is present where a respondent passively holds a domain name incorporating another's mark without plausible legitimate use, particularly where the respondent conceals its identity, provides incomplete contact information, uses a parking or brokerage page, or seeks an inflated sale price of six figures for transfer of the disputed domain name.

**B. Respondent**

The Respondent did not reply to the Complainant's contentions.

## 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; and

(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.

**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.

Here, however, there are various issues which prevent the Complainant from establishing UDRP-relevant trademark rights with regard to any of its cited FUND LAUNCH trademarks.

United States Registered Trademark Number 7301189 for the word mark FUND LAUNCH is registered on the Supplemental Register. The Complainant elected to amend the application to seek registration on such Register on December 26, 2023, in response to an Office action dated June 26, 2023, containing a refusal of registration because (per the Office statement) the applied-for mark merely describes a feature or purpose of the applicant's goods and/or services.

Complainants relying on trademark registrations listed solely on the USPTO Supplemental Register are expected to show secondary meaning in order to establish trademark rights under the Policy because under United States law a supplemental registration does not by itself provide evidence of distinctiveness to support trademark rights. WIPO Overview 3.1, section 1.2.2.

Considering the Complainant's three design and word marks, namely United States Registered Trademark Number 7363172, United States Registered Trademark Number 7363178, and United States Registered Trademark Number 8205355, the Panel notes that each of these contains a disclaimer of "FUND LAUNCH".

Trademark registrations with design elements or disclaimed terms typically would not affect panel assessment of standing or identity/confusing similarity under the UDRP but may be relevant to panel assessment of the second and third elements. However, if the similar elements of the domain name are made up exclusively of disclaimed terms, trademark rights under the Policy may not be found unless the complainant can show sufficient secondary meaning in the disclaimed terms. WIPO Overview 3.1, section 1.2.3 (see also WIPO Overview 3.1, section 1.10). This is the situation here, as the similar elements of the disputed domain name are the words "fund" and "launch" in its second level, and thus are made up of the terms disclaimed in each of the applicable trademark registrations.

Consequently, the Complainant must show sufficient secondary meaning in the mark FUND LAUNCH in respect of each of its cited registered trademarks. Insofar as the Complainant may be seeking to rely upon unregistered trademark rights, this too requires such showing. WIPO Overview 3.1, section 1.3.

Relevant evidence of such secondary meaning can include a range of factors such as (i) the duration and nature of the use of the mark (which may include social media presence and engagement), (ii) the amount of sales under the mark and during which time period, (iii) the nature and extent of advertising using the mark – including evidence of expenditures over a relevant time period, (iv) the degree of actual public (e.g., consumer, industry such as trade and professional associations, media) recognition, and (v) consumer surveys. The length of time that the mark has been used is not itself determinative. WIPO Overview 3.1, section 1.3.

Here, the alleged mark FUND LAUNCH, as adopted by the Complainant, has a highly descriptive quality, representing the launch of a fund by a fund manager, which the Complainant's educational services are intended to support. The Panel would consequently expect a substantial evidentiary showing for secondary meaning to be made out. However, the only relevant evidence provided here is that described in the factual background section above, namely screenshots of the website associated with the domain name <fundlaunch.com>, mostly dating from September 2022. These show a relatively limited duration and use of the mark (i.e., within the Complainant's domain name and on its website for a period of some four years) but with no substantive evidence of consumer or public recognition. This falls short of establishing secondary meaning in the term FUND LAUNCH. The Complainant has not put forward any of the types of evidence noted in items (ii) to (v) above, or otherwise made a showing that the mark has become a distinctive identifier which consumers associate with the Complainant's goods and/or services. WIPO Overview 3.1, section 1.3. There is a claim on the said website that 22,000 students have participated in the "Fund Launch community" but no independent evidence is provided in support of this which might show the extent of actual consumer recognition and engagement, or what revenues were generated thereby. Importantly, the Panel also notes that the Complainant itself uses text which amply illustrates the descriptive quality of the claimed mark FUND LAUNCH, such as, for example, its reference to the provision of "services and education designed to help investors and entrepreneurs launch funds".

In these circumstances, the Panel finds that the Complainant has not established secondary meaning in its alleged FUND LAUNCH trademark, and, as noted above, none of the Complainant's registered trademarks are capable, on their own, of establishing UDRP-relevant trademark rights in "FUND LAUNCH" alone without such showing. Likewise, this also means that the Complainant has not established unregistered trademark rights in the term for the purposes of the first element assessment under the Policy. As far as the Complainant's pending trademark application is concerned, this would not by itself establish trademark rights within the meaning of UDRP paragraph 4(a)(i). WIPO Overview 3.1, section 1.1.4. It follows that the Complaint must fail.

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

**B. Rights or Legitimate Interests**

The requirements of paragraph 4(a) of the Policy are conjunctive. A consequence of this is that failure on the part of a complainant to demonstrate one element of the Policy will result in failure of the complaint in its entirety. Accordingly, in light of the Panel's findings in connection with the first element assessment under the Policy, as discussed above, it is not necessary for the Panel to address the issue of the Respondent's rights or legitimate interests in the disputed domain name.

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

In light of the Complainant's failure to meet the threshold in the first element assessment, it is unnecessary for the Panel to consider this element. Nevertheless, the Panel observes that on the present record it would have been unlikely that the Complainant would have established the third element even had it met the requirements of the first element assessment. There is no evidence provided of the extent and reach of the Complainant's trademark whereby it could be demonstrated that the disputed domain name was registered with the Complainant's mark in mind and with intent to target the same.

More significantly, there is no evidence that the Complainant had any relevant trademark rights at the time that the Respondent registered the disputed domain name. WIPO Overview 3.1, section 3.8.1. Furthermore, as noted in the factual background section above, the evidence relating to the Complainant's alleged engagement with the Respondent via a domain name broker is incomplete and the Panel cannot tell which of the Parties approached the other, or, for that matter, whether the broker's reported conversation was conducted with the Respondent. There is, however, a significant contextual clue in the fact that the broker refers to the owner declining "our" offer, this particular possessive word form suggesting that it is acting on behalf of the Complainant and is not the Respondent's broker as the Complainant's contentions indicate. Accordingly, the evidence does not demonstrate that the Respondent sought out the Complainant or otherwise offered the disputed domain name for sale in circumstances indicative of bad faith targeting of the Complainant or its claimed trademark rights, and the scarcity of relevant information on the record leaves the Panel unable to determine whether the Respondent engaged in conduct directed at the Complainant, as opposed to merely responding to an unsolicited purchase inquiry.

The Respondent's apparent asking price for the disputed domain name, needing to be "in the 6 figures for them to sell" also does not demonstrate on its own that the disputed domain name was registered and is being used in bad faith. The disputed domain name is inherently suitable for multiple uses and may have a value that is entirely independent of the Complainant's use of the term. There is no evidence that the asking price is part of any registration/use strategy on the Respondent's part targeting the Complainant or its trademark rights.

**7. Decision**

For the foregoing reasons, the Complaint is denied.

*/Andrew D. S. Lothian/*
**Andrew D. S. Lothian**
Sole Panelist
Date:  September 4, 2026