

ADMINISTRATIVE PANEL DECISION

Continia Software A/S v. Piyoosh Rai
Case No. DIO2025-0019

1. The Parties

The Complainant is Continia Software A/S, Denmark, represented by Martin Dahlgaard Attorney P.C., United States of America ("United States").

The Respondent is Piyoosh Rai, United States, represented by Spencer Fane Britt & Browne, LLP, United States.

2. The Domain Name and Registrar

The disputed domain name <continia.io> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 13, 2025. On May 14, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 15, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (The Algorithm L.L.C.) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 22, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on May 27, 2025.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the .IO Domain Name Dispute Resolution Policy (the "Policy"), the Rules for .IO Domain Name Dispute Resolution Policy (the "Rules"), and the WIPO Supplemental Rules for .IO 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 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 23, 2025. The Respondent submitted a Response on June 23, 2025.

The Center appointed Steven A. Maier as the sole panelist in this matter on July 8, 2025. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is a company organized under the laws of Denmark. It is a provider of software products including document management, data storage and related solutions.

The Complainant is the owner of trademark registrations including:

- European Union trademark registration number 012907713 for a figurative mark CONTINIA DOCUMENT CAPTURE, registered on October 9, 2014 in International Classes 9, 35, and 42, for goods and services including computerized file management; and
- European Union trademark registration number 019132864 for a word mark CONTINIA, registered on May 4, 2025 in International Classes 9, 35, and 42, for goods and services including computerized data management.

The Complainant operates a website at “www.continia.com”.

The disputed domain name was registered on April 9, 2022.

The disputed domain name has resolved to a website headed with a “Continia” logo, which offers secure document storage, management and processing solutions directed at a variety of industry sectors.

The Respondent appears to be the owner or principal of the entity originally named in the Complaint, i.e., The Algorithm L.L.C.

On August 22, 2024, The Algorithm L.L.C. filed an application for a United States trademark for a word mark CONTINIA in International Classes 9 and 42, for goods and services including software for securely storing, sharing and accessing files, messages and emails. The Complainant filed an opposition to the application on March 21, 2025.

5. Parties’ Contentions

A. Complainant

The Complainant states that it has used the domain name <continia.com> since 2010 and that it offers its services and solutions worldwide. It refers to its European Union figurative trademark CONTINIA DOCUMENT CAPTURE, various pending United States and European Union trademark applications, and a list of approximately 35 domain names including the term “continia” which it states it has registered.

The Complainant submits that the disputed domain name is confusingly similar to its European Union trademark CONTINIA DOCUMENT CAPTURE.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It states that it is not affiliated with the Respondent and has never given it permission to use the disputed domain name, and that the Respondent is using a domain name which is materially identical to its own to offer document management and related products and services which are similar to its own.

The Complainant submits that the disputed domain name was registered or is being used in bad faith. It asserts that it is highly unlikely that the Respondent was unaware of the Complainant's rights at the time it registered the disputed domain name, and that it did so with an intent to exploit the Complainant's reputation. The Complainant contends that Internet users looking for its own website are liable mistakenly to access the Respondent's website and that, by using the disputed domain name, the Respondent is attempting to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademark as to the source and /or endorsement of the Respondent's website and the products offered on that website.

B. Respondent

The Respondent submits that it registered the disputed domain name in connection with a plan to launch a document management company. It states that it independently created the disputed domain name, which adopted the Latin term "contin-", meaning "hold together", in order to convey the idea of continuity, consistency and flow, which were appropriate to digital systems and structured operations. It states that added the suffix "-ia", which is common in naming platforms or solutions, to make the disputed domain name more distinct and brandable.

The Respondent submits that, while it was aware that the domain name <continia.com> was not available for registration, it had no knowledge of the Complainant when it registered the disputed domain name and had no intention causing confusion or otherwise benefiting from the Complainant's brand.

The Respondent contends that its own "Continia" logo is significantly different from any logo used by the Complainant, and that its website provides pages concerning the Respondent's products and solutions in various sectors, as well as an informational blog. It states that it has been operating a business from its website at the disputed domain name for over two years and that it therefore has rights or legitimate interests in respect of the disputed domain name.

The Respondent adds that it is located in the United States and primarily does business there, and that it is not prevented by the Complainant's foreign trademark registrations from using the disputed domain name in that territory. It refers to its own application for a United States trademark CONTINIA, filed in August 2024, which it states it did not pursue given the costs of contesting the opposition which was filed by the Complainant.

For similar reasons, the Respondent denies having registered or used the disputed domain name in bad faith. It submits that it registered the disputed domain three years ago and used it for the purpose of a legitimate business for two years prior to any notice of the Complaint. It contends that its use of the name "Continia" does not in any way prevent the Complainant from using its trademark and denies that any of the circumstances which may indicate bad faith, as set out in paragraph 4(b) of the Policy, are present in this case.

6. Discussion and Findings

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered or is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has established that it is the holder of a European Union registration for the trademark CONTINIA. The disputed domain name is identical to that trademark, and it is immaterial for the purposes of the first element under the Policy, which functions primarily as a standing requirement (although potentially relevant to the second and third elements), that the trademark was registered after the date of registration of the disputed domain name.

The disputed domain name is also confusingly similar to the Complainant's trademark CONTINA DOCUMENT CAPTURE, of which the term CONTINA is the distinctive element.

The Panel therefore find that the disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

The Respondent submits that it has rights or legitimate interests in respect of the disputed domain name by virtue of having carried on a bona fide business for at least two years prior to receiving any notice of the present dispute (see paragraph 4(c)(i) of the Policy).

It is well established in prior decisions under the Uniform Dispute Resolution Policy ("UDRP")¹ that the use of a domain name for the purpose of bona fide business, and without intent unfairly to benefit from third-party trademark rights, may indicate rights or legitimate interests on the part of a respondent – or may dictate that the proceeding is outside the scope of the UDRP, which is designed to determine cases of (or akin to) cybersquatting, and not to resolve trademark disputes between legitimate business owners. The question for the Panel in this case, therefore, is whether the Respondent has been using the disputed domain name for legitimate business purposes, as it claims, or whether its apparent business activities are, in fact, a pretext for taking unfair advantage of the Complainant's trademark rights.

In the present case, the Panel has reached the view, on the evidence available to it, that the Respondent's use of the disputed domain name is more likely to be pretextual than to represent a genuine business venture commenced without intent to benefit from the Complainant's trademark rights. The Panel has arrived at this conclusion primarily for the following reasons.

First, the Complainant's trademark CONTINIA appears to be a coined and distinctive term. A simple Google search against that term² returns results that appear to relate exclusively to the Complainant, save for one result that relates to the Respondent, which must be presumed not to have been present before the Respondent registered the disputed domain name. While the Respondent has provided an explanation for having independently come up with a business name which happened to be identical to the Complainant's name, the Panel finds that explanation to be improbable. The Panel also notes that the Respondent claims to have added the suffix "-ia" to the (supposed) Latin term "contin-" in order to make it "more distinct", while this claimed provision in fact had the opposite effect.

Secondly, the Respondent concedes in the Response that it was aware that the domain name <continia.com> was unavailable. While it goes on to assert that it was nonetheless ignorant of the Complainant, the Panel does not find this to be credible. The Respondent having explained that it went to some trouble to arrive at an apposite and distinctive domain name to represent its business, the Panel finds it inconceivable that the Respondent would not have conducted a simple search against the already-taken

¹ While the proceeding is subject to the Policy, the Policy is similar in structure and application to the UDRP and the Panel finds that prior decisions under the UDRP, and also the commentary included in WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), may be instructive and of assistance in determining the matters in dispute in the proceeding.

² As discussed in section 4.8 of [WIPO Overview 3.0](#), a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision.

domain name <continia.com>, from which it would have learned not only of the Complainant's existence, but also that it was engaged in the same business sector.

Thirdly, the Respondent has failed to provide persuasive evidence in support of its submissions that it has established the criteria set out in paragraph 4(c)(i) of the Policy, namely, "... 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."

As discussed in section 2.2 of [WIPO Overview 3.0](#), evidence to establish such use or preparations:

"... may include: (i) evidence of business formation-related due diligence/legal advice/correspondence, (ii) evidence of credible investment in website development or promotional materials such as advertising, letterhead, or business cards (iii) proof of 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, and (v) other evidence generally pointing to a lack of indicia of cybersquatting intent. While such indicia are assessed pragmatically in light of the case circumstances, clear contemporaneous evidence of bona fide pre-complaint preparations is required."

In this case, the evidence offered by the Respondent is limited to its website and its (now apparently abandoned) application for a United States trademark.

So far as the Respondent's website at "www.continia.io" is concerned, the Panel finds this to be highly generic in its content, and to lack any specificity that might convey the impression of an active business that has been trading for over two years as the Respondent claims. It is also notable that, while the website includes links to Facebook, X, LinkedIn, and Instagram, all of these links redirect to pages operated by The Algorithm L.L.C., none of which appears to include any reference whatsoever to the term "Continia".

Nor has the Respondent provided any evidence of any business registration, business plan, sales turnover, promotional spend, supplier or customer details, banking or accounting information, or any other particulars that might commonly be tendered in support of a claim to be engaged in a bona fide trading venture.

Turning to the Respondent's trademark application, while an application of this nature may in some cases support a claim of demonstrable business preparations, neither a trademark application nor indeed a completed registration is by itself determinative of this (see e.g., section 1.12.2 of [WIPO Overview 3.0](#)), particularly where the overall circumstances suggest, as in the present case, that the application was likely to have been pretextual.

The Panel finds in the circumstances that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

C. Registered or Used in Bad Faith

For reasons similar to those set out in respect of the second element, above, the Panel finds that the disputed domain name was registered or has been used in bad faith. While the Policy provides for a relatively summary procedure, permitting limited factual investigation, on the information available to it, the Panel does not accept the Respondent's explanation of its choice of the disputed domain name (being identical to the Complainant's coined term), or that it was unaware of the Complainant and its area of business when it registered the disputed domain name. Nor has the Respondent provided any persuasive evidence in support of its claim to have operated a bona fide business from the disputed domain name for a period of over two years. In the circumstances, the Panel is drawn inevitably to the inference that the Respondent registered the disputed domain name primarily for the purpose of targeting the Complainant CONTINIA trademark and of taking unfair commercial advantage of the Complainant's established business goodwill attaching to that trademark.

The Panel finds in particular that, by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation, or endorsement of its website or of a product or service on its website (paragraph 4(b)(iv) of the Policy).

The Panel therefore finds that the disputed domain name has been registered or is being used in bad faith.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <continia.io> be transferred to the Complainant.

/Steven A. Maier/

Steven A. Maier

Sole Panelist

Date: July 22, 2025