

ADMINISTRATIVE PANEL DECISION

Donald Miller Words, LLC v. Shaunna Menard
Case No. DIO2025-0035

1. The Parties

The Complainant is Donald Miller Words, LLC, United States of America ("United States"), represented by Holland & Knight LLP, United States.

The Respondent is Shaunna Menard, Canada, self-represented.

2. The Domain Name and Registrar

The disputed domain name <coachbuilderpro.io> is registered with eNom, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 2, 2025. On September 3, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 3, 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 (Respondent Information Hidden By Privacy Service / REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 11, 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 amendment to the Complaint on September 16, 2025.

The Center verified that the Complaint together with the amendment to the 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 September 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 7, 2025 which was extended to October 11, 2025 at the Respondent's request pursuant to paragraph 5(b) of the Rules. The Response was filed with the Center on October 10, 2025. On October 22, 2025, the Complainant filed an unsolicited Supplemental Filing.

The Center appointed Jeremy Speres as the sole panelist in this matter on October 22, 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.

The Panel issued Procedural Order No. 1 on October 30, 2025, inviting the Respondent to prove her identity. The Respondent responded on October 30, 2025. The Panel issued Procedural Order No. 2 on November 7, 2025, inviting the Complainant to support its claim that its mark is well known with evidence. The Complainant responded on November 13, 2025.

4. Factual Background

The Complainant, based in the United States, uses the mark COACH BUILDER in relation to its business offering coaching-related goods and services aimed at helping self-employed coaches grow their businesses. The Complainant's founder, Donald Miller, is a nine-time New York Times bestselling author. The Complainant's website is hosted at its domain name <coachbuilder.com>.

The Complainant's mark is registered in the United States, including under Trademark Registration No. 3368087 COACH BUILDER in class 9, having a registration date of January 15, 2008, and a use in commerce date of September 13, 2004.

The Respondent operates a business in Canada trading as "The Health Professional Academy", assisting health coaches build their professional practices.

The disputed domain name was registered on January 19, 2023. The Respondent has used the disputed domain name to host a customer relationship management platform entitled "Coach Builder Pro", offering the Respondent's health coach clients services aimed at building their practices, such as website building, form and survey creation, and appointment scheduling.

5. Parties' Contentions

A. Complainant

The Complainant contends that its COACH BUILDER mark is well known, that the Respondent has no rights or legitimate interests in the disputed domain name and that the Respondent registered and has used the disputed domain name in bad faith in order to take advantage of confusion with the Complainant's competing offering.

B. Respondent

The Respondent claims rights and legitimate interests in her use of "Coach Builder Pro", a name she claims was chosen descriptively to refer to a tool that helps coaches build their businesses and not to target any existing brand or trademark.

The Respondent claims that her Coach Builder Pro platform supports 205 client accounts, with over 100 actively in use by clients who rely on the platform to access their business systems and client booking functions - many serving individuals with serious health issues.

The Respondent claims that she was not aware of the Complainant prior to the Complaint being lodged.

6. Discussion and Findings

A. Unsolicited Supplemental Filing

The Complainant filed an unsolicited Supplemental Filing on October 22, 2025.

Paragraphs 10 and 12 of the Rules in effect grant the Panel sole discretion to determine the admissibility of unsolicited supplemental filings. Admissibility of supplemental filings is to be assessed based on relevance, foreseeability, the need to conduct the proceedings with due expedition, and the equal treatment of the parties so that each has a fair opportunity to present its case. Paragraph 10(b) of the Rules; *Société aux Loteries en Europe, SLE v. Take That Ltd.*, WIPO Case No. [D2007-0214](#); WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 4.6.¹

The Complainant's Supplemental Filing exclusively dealt with changes that the Respondent made to the disputed domain name's website after receiving the Complaint and claims that the Respondent's post-Complaint changes to the website evidence "clear knowledge of wrongdoing and an intent to obscure it." That evidence was not foreseeable nor was it available to the Complainant when filing the Complaint. It is also relevant to the Complainant's claims surrounding bad faith.

The Panel thus admits the Complainant's Supplemental Filing.

B. 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 3.0](#), section 1.7.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other term, here "pro", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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

C. Rights or Legitimate Interests

Given the Panel's findings in relation to the third element below, there is no need for the Panel to consider the second element.

D. Registered or Used in Bad Faith

The core of the Complaint is the Complainant's claim that, because of the reputation of the Complainant's mark, which the Complainant claims is well known, the Respondent knew, or should have known, that its domain name infringed the rights of the Complainant.

Despite this being the Complainant's central argument, it is not supported by the Complainant's evidence. The Complaint included no evidence whatsoever showing that the Complainant's mark is well known. The Panel gave the Complainant a second opportunity to present evidence in this regard in Procedural Order No. 2. The evidence supplied by the Complainant in response is problematic for the following reasons.

¹Noting the substantive similarities between the Policy and the Uniform Domain Name Dispute Resolution Policy ("UDRP"), the Panel has referred to prior UDRP cases and the [WIPO Overview 3.0](#), where appropriate.

The majority of the Complainant's evidence is comprised of screenshots from the Complainant's own website hosted at its domain name <coachbuilder.com>. As the panel in *Paladin Labs, Inc. v. Giovanni Cagnoli, PALADIN PHARMA SPA*, WIPO Case No. [D2024-1044](#) stated: "[...]the screenshots of the Complainant's website amount to self-generated material which does not serve to show whether consumers associate the alleged mark with the Complainant's goods and services."

There is another problem with the evidence from the Complainant's own website. In accordance with its powers of independent research articulated inter alia in paragraphs 10 and 12 of the Rules², the Panel has established that the Complainant's own domain name <coachbuilder.com> resolved to the website of a third party domain name marketplace offering the domain name for sale until at least as late as February 4, 2023, according to the Internet Archive. This is corroborated by the Complainant's statement in the Complaint that it has established rights in its domain name "based on its use since at least as early as 2023" and, importantly, strongly suggests that the Complainant only acquired its domain name, and only published the website which it largely relies upon for its evidence of the repute of its mark, sometime after the Respondent registered the disputed domain name in January 2023. The Complainant's website is therefore of little assistance in proving the repute of the Complainant's mark prior to registration of the disputed domain name, and, consequently, of little assistance in showing that the Respondent knew, or should have known, of the Complainant's mark when it registered the disputed domain name.

This timeline problem also afflicts the rest of the evidence supplied by the Complainant in response to Procedural Order No. 2. All of it, as far as the Panel can tell, post-dates registration of the disputed domain name by the Respondent.

To illustrate this, the Panel has independently established the following in relation to evidence relied upon by the Complainant:

1. The Complainant's Coach Builder YouTube channel was registered in July 2023;
2. The Complainant's Coach Builder LinkedIn page began posting in 2024/2025;
3. The Complainant's Coach Builder Instagram page was registered in October 2023; and
4. The Complainant's Coach Builder book was published in 2024.

The Complainant claims that it has used the COACH BUILDER mark since 2004. It relies solely in this respect on the use in commerce date, in 2004, for its United States Trademark Registration No. 3368087 and on the declaration of the Complainant's CEO. No evidence of actual use is provided, let alone any evidence showing the extent of that use, if it did occur, since 2004.

In the circumstances, there is no evidence before the Panel showing that the Complainant's COACH BUILDER mark was well known prior to registration of the disputed domain name by the Respondent. The Complainant's core claim that the Respondent either knew or should have known of its mark due to its reputation is therefore without foundation in the evidence. While the Complainant is only required to prove either registration or use in bad faith under the Policy, considering that, as noted below, the disputed domain name is essentially descriptive of the services offered by the Respondent, to succeed, it would have been incumbent on the Complainant to include such evidence in the Complaint as this is critical to its case that the Respondent was targeting its trademark.

The Complainant's mark is composed of two dictionary words which, when combined, are largely descriptive of the Complainant's, and the Respondent's, businesses. As such, it is not inconceivable that the Respondent may have independently conceived of the name of her platform, as she indeed claims. This is particularly likely the case given the absence of any evidence showing that the Complainant's mark was a) well known; or b) used in the Respondent's jurisdiction of Canada, prior to adoption of the name by the Respondent.

² See also [WIPO Overview 3.0](#), section 4.8.

Apart from the shared “Coach Builder” element, the Respondent’s Coach Builder Pro platform does not appear to feature any of the other distinguishing elements of the Complainant’s branding (this applies also to use of the disputed domain name before the Complaint was filed, as evidenced by the Complainant). The logos, colors, and general look and feel of the Parties’ respective websites are easily distinguishable and, besides the name, there is no other indication pointing to targeting by the Respondent.

The Respondent’s evidence shows that she has used the disputed domain name for a customer relationship management platform for some time, with numerous existing clients using the platform. The Respondent’s use of the platform appears to be for a genuine, active business, and is not merely a pretext.

In the circumstances, there is insufficient evidence in the record showing that it is more likely than not that the Respondent had the Complainant in mind when she registered or used the disputed domain name. Given that the burden of proof is on the Complainant, the Complaint must fail.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Jeremy Speres/

Jeremy Speres

Sole Panelist

Date: November 25, 2025