

## **ADMINISTRATIVE PANEL DECISION**

Google LLC v. cheng xinfang  
Case No. DIO2025-0056

### **1. The Parties**

The Complainant is Google LLC, United States of America, represented Morgan, Lewis & Bockius, LLP, United States of America.

The Respondent is cheng xinfang, China.

### **2. The Domain Name and Registrar**

The disputed domain name <nanabanana.io> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 17, 2025. On December 18, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 19, 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 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 December 22, 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 December 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 18, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 19, 2026.

The Center appointed Tobias Malte Müller as the sole panelist in this matter on January 23, 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 Delaware limited liability company located in California, United States of America.

Based on the Complainant's documented and undisputed allegations, on August 12, 2025, the Complainant released its AI-powered image editing model, "Nano Banana", on the publicly available LM Arena platform. The model allows users to edit images using text prompts through the Google Gemini platform, and it was released without disclosing the Complainant's identity. Exhibit D to the Complaint demonstrates that the release of the "Nano Banana" software model immediately generated public commentary, including discussions on Reddit, as well as speculation that the Complainant was its creator. Shortly thereafter, on August 26, 2025, the Complainant officially released its AI image model under the name Gemini 2.5 Flash Image, codenamed "nano-banana". Public commentary continued following this official release.

The disputed domain name has been registered on September 3, 2025, i.e. shortly after the release of the Complainant's "Nano Banana" AI image generation and editing tool.

The Complainant provided uncontested evidence that the disputed domain name resolves to a commercial website offering commercial AI-powered image editing services under the brand "Nana Banana" at packaging prices from USD 7,90 ("Starter") to USD 55,90 ("Max"). The resolving website also references the sign "nano banana".

#### **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:

- (1) It owns unregistered, common law rights in the highly distinctive trademark NANO BANANA, which it uses in connection with AI-powered image editing models. These rights predate the Respondent's registration and use of the disputed domain name, which is nearly identical to the Complainant's trademark. The only difference is that the Respondent has substituted the letter "a" for the letter "o" in "nano" and added the ".io" Top-Level Domain;
- (2) The Complainant has not authorized or licensed the Respondent to use the NANO BANANA mark in the manner described in this complaint. The Respondent is not commonly known as "Nana Banana". The Respondent has not used and is not using the disputed domain name in connection with any bona fide offering of goods or services or a legitimate noncommercial or fair use. To the contrary, the Respondent is using the disputed domain name with a commercial website that intentionally creates the false impression that the site is operated by or affiliated with, sponsored or endorsed by, or otherwise authorized by the Complainant in relation to its own offerings, and which has been used to promote the Respondent's own identical and competing commercial AI-powered image editing services under the nearly identical name;

(3) The timing of the Respondent's registration of the disputed domain name, and the creation of a directly competing and commercial AI service that references Google and its NANO BANANA mark, demonstrate the Respondent's awareness of the Complainant's rights, and the Respondent's bad faith intention to confuse consumers and profit off the goodwill the Complainant has created in its unregistered NANO BANANA mark.

## **B. Respondent**

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

## **6. Discussion and Findings**

Paragraph 15(a) of the Rules instructs this Panel to "decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable". Paragraph 4(a) of the Policy requires a complainant to prove each of the following three elements in order to obtain an order that the disputed domain name be transferred or cancelled:

- (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 or is being used in bad faith.

The Panel will therefore proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied.

### **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 of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.<sup>1</sup>

The Complainant asserts unregistered common law rights in its NANO BANANA mark. Based on the available record, the Panel finds the Complainant has shown such unregistered common law rights in respect of a trademark or service mark by the time the Complaint was filed on December 17, 2025, for the purposes of the Policy, [WIPO Overview 3.0](#), section 1.2.1.

To establish unregistered or common law trademark rights for purposes of the Policy, the complainant must show that its mark has become a distinctive identifier which consumers associate with the complainant's goods and/or services. Relevant evidence demonstrating such acquired distinctiveness (also referred to as secondary meaning) includes a range of factors such as (i) the duration and nature of use of the mark, (ii) the amount of sales under the mark, (iii) the nature and extent of advertising using the mark, (iv) the degree of actual public (e.g., consumer, industry, media) recognition, and (v) consumer surveys. (Particularly with regard to brands acquiring relatively rapid recognition due to a significant Internet presence, panels have also been considering factors such as the type and scope of market activities and the nature of the complainant's goods and/or services.), see [WIPO Overview 3.0](#), section 1.3.

Based on the Complainant's documented and undisputed allegations, on August 12, 2025, the Complainant released its AI-powered image editing model, "Nano Banana", on the publicly available LM Arena platform. The model allows users to edit images using text prompts through the Google Gemini platform, and it was released without disclosing the Complainant's identity. Exhibit D to the Complaint demonstrates that the release of the "Nano Banana" software model immediately generated widespread public commentary,

---

<sup>1</sup> Given the similarities between the Policy and the Uniform Domain Name Dispute Resolution Policy (the "UDRP"), the Panel will refer to cases decided under both the Policy and the UDRP, and notably the [WIPO Overview 3.0](#), if relevant to this proceeding.

including discussions on Reddit, as well as speculation that the Complainant was its creator. Shortly thereafter, on August 26, 2025, the Complainant officially released its AI image model under the name Gemini 2.5 Flash Image, codenamed “nano-banana”. Public commentary continued following this official release.

The Panel notes that in a digital environment - particularly within AI-driven online platforms - a mark may acquire source-identifying significance in an exceptionally short period when it is exposed to a sufficiently large and relevant audience. Given the publicly known popularity of the LM Arena platform, it is reasonable to infer that the Complainant’s “Nano Banana” software achieved immediate and substantial market visibility upon its release. Moreover, “Nano Banana” is inherently distinctive in connection with AI image-generation software, as it is neither descriptive nor generic. Accordingly, it does not require an elevated degree of consumer recognition to establish secondary meaning, and the Complainant’s evidence supports a finding that the mark promptly acquired source-identifying significance under these circumstances.

These findings, following which the Complainant’s NANO BANANA mark has achieved significance as a source identifier, is supported by the fact that the Respondent is shown to have been targeting the Complainant’s mark based on the manner in which the related website available under the disputed domain name is used, see [WIPO Overview 3.0](#), section 1.3.

Panel assessment of identity or confusing similarity involves comparing the (alpha-numeric) domain name and the textual components of the relevant mark. The Panel shares the Complainant’s view following which the disputed domain name is nearly identical to the Complainant’s trademark, the only difference being that the Respondent has substituted the letter “a” for the letter “o” in “nano”. The Panel considers this to be an obvious misspelling. It is pacific amongst previous panels, that a domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered to be confusingly similar to the relevant mark for purposes of the first element. This stems from the fact that the domain name contains sufficiently recognizable aspects of the relevant mark, see [WIPO Overview 3.0](#), section 1.9.

Based on the available record, the Panel finds the first element of the Policy has been established.

## **B. Rights or Legitimate Interests**

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element, [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

It results from the undisputed evidence before the Panel that the Complainant never granted any kind of authorization to the Respondent to register and/or to use its trademark in any manner, including as a domain name. Furthermore, there is no evidence in the records that can possibly suggest that the Respondent has become commonly known by the disputed domain name. According to the Registrar Verification Response,

the Whois information for the disputed domain name rather lists the Respondent as “cheng xinfang”.

The Respondent has not used and is not using the disputed domain name in connection with any bona fide offering of goods or services or a legitimate noncommercial or fair use. To the contrary, the Respondent is using the disputed domain name with a commercial website that intentionally creates the false impression that the site is operated by or affiliated with, sponsored or endorsed by, or otherwise authorized by the Complainant in relation to its own offerings, and which has been used to promote the Respondent’s own identical and competing commercial AI-powered image editing services under the nearly identical name

Finally, the uncontested evidence provided by the Complainant shows that the disputed domain name resolves to a commercial website offering commercial AI-powered image editing services under the brand “Nana Banana” at packaging prices from UDS 7,90 (“Starter”) to UDS 55,90 (“Max”). The resolving website also references “Nano Banana”. In the Panel’s view, such use cannot be considered a bona fide offering as set out in paragraph 4(c)(i) of the Policy and/or to constitute a legitimate noncommercial or fair use of the disputed domain name as set out in paragraph 4(c)(iii) of the Policy, since the Respondent rather attempts to pass off as the Complainant, its mark NANO BANANA and its product.

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

### **C. Registered or Used in Bad Faith**

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith, [WIPO Overview 3.0](#), section 3.2.1. One of these circumstances is that the Respondent, by using the disputed domain name, has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location (paragraph 4(b)(iv) of the Policy).

In the present case, the Panel notes that it results from the Complainant’s documented allegations that the disputed domain name resolves to a commercial website offering commercial AI-powered image editing services under the brand “Nana Banana” at packaging prices from UDS 7,90 (“Starter”) to UDS 55,90 (“Max”). The resolving website also references “Nano Banana”. Consequently, and in the absence of any evidence to the contrary, the Panel is convinced that the Respondent also knew that the disputed domain name included the Complainant’s (unregistered) trademark rights when it registered the disputed domain name.

In this regard, the further circumstances surrounding the disputed domain name’s registration and use confirm the findings that the Respondent has registered and is using the disputed domain name in bad faith:

- (i) the nature of the disputed domain name incorporating the Complainant’s trademark almost identically;
- (ii) the timing, i.e. the disputed domain name being registered shortly after the launch of the “Nano Banana” AI-tool and further to significant media attention in connection with the launch of the Complainant’s “Nano Banana” software;
- (iii) a clear absence of rights or legitimate interests coupled with no response for the Respondent’s choice of the disputed domain name nor in response to the Complaint; and
- (iv) the Registrant concealing its identity behind a privacy shield.

The Panel finds that the Complainant has established the third element of the Policy.

## **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, <nanabanana.io> be transferred to the Complainant.

*/Tobias Malte Müller/*

**Tobias Malte Müller**

Sole Panelist

Date: February 6, 2026