

ADMINISTRATIVE PANEL DECISION

Eagle Data, Inc. v. first last, eagle data inc.
Case No. D2024-3666

1. The Parties

The Complainant is Eagle Data, Inc., United States of America (“United States”), represented by Evolution Finance, Inc., United States.

The Respondent is first last, eagle data inc., Singapore.

2. The Domain Name and Registrar

The disputed domain name <eagledata.com> 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 10, 2024. On September 11, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 11, 2024, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 12, 2024, 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 September 12, 2024.

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 September 17, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 7, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 8, 2024.

The Center appointed Jeremy Speres as the sole panelist in this matter on October 11, 2024. 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 United States corporation. No information is provided in the Complaint about the nature of the Complainant's business. The Complainant's website located at the domain name <eagledata.biz>, however, indicates that the Complainant is a financial services provider that matches lenders with lenders.

The Complainant owns United States Trademark Registration No. 7,420,517 EAGLE DATA in class 42, having a registration date of June 18, 2024, and a first use in commerce date of May 1, 2018.

The disputed domain name was registered on August 20, 2002, and currently resolves to a website stating that the disputed domain name is "pending ICANN verification".

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 "[t]he domain name is registered and used in bad faith since at least October 4, 2003, as the only purpose of it, is to be sold."

B. Respondent

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

6. Discussion and Findings

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.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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

B. Rights or Legitimate Interests

Given the Panel's findings in relation to bad faith, it is not necessary to consider the second element of the Policy.

C. Registered and Used in Bad Faith

The Complaint provides no details concerning the Complainant's usage of its mark. However, in accordance with its powers of independent research articulated inter alia in paragraphs 10 and 12 of the UDRP Rules ([WIPO Overview 3.0](#), section 4.8), the Panel has established that the Complainant's existence appears to date from 2017/2018. The Complainant's trademark registration states that the mark was first used in 2017, and first used in commerce in 2018. The Complainant's own LinkedIn profile states that it was founded in 2018. The Complainant's domain name, <eagledata.biz>, was registered in 2017.

With the disputed domain name having been registered in 2002 and with there being no evidence in the record of any ownership changes since then, it appears likely that the disputed domain name was registered 15 years prior to the Complainant's establishment and first use of its mark. Quite how the Respondent could possibly have registered the disputed domain name in bad faith, with the Complainant in mind, in these circumstances is not explained by the Complainant, and is eminently implausible.

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

D. Reverse Domain Name Hijacking

Paragraph 15(e) of the 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 ("RDNH") or 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 mere lack of success of the complaint is not, on its own, sufficient to constitute reverse domain name hijacking. [WIPO Overview 3.0](#), section 4.16.

Reasons articulated by panels for finding RDNH include: (i) facts which demonstrate that the complainant knew it could not succeed as to any of the required three elements – such as the complainant's lack of relevant trademark rights, clear knowledge of respondent rights or legitimate interests, or clear knowledge of a lack of respondent bad faith (see generally [WIPO Overview 3.0](#), section 3.8) such as registration of the disputed domain name well before the complainant acquired trademark rights, (ii) facts which demonstrate that the complainant clearly ought to have known it could not succeed under any fair interpretation of facts reasonably available prior to the filing of the complaint, including relevant facts on the website at the disputed domain name or readily available public sources such as the Whois database, (iii) unreasonably ignoring established Policy precedent notably as captured in this WIPO Overview – except in limited circumstances which prima facie justify advancing an alternative legal argument. [WIPO Overview 3.0](#), section 4.16.

The Panel concludes that the abovementioned factors are all relevant to the case at hand.

The Panel notes that the Complaint was filed using the Center's online complaint filing form. This tool specifically draws the Complainant's attention to the [WIPO Overview 3.0](#), which, if the Complainant had read it, would have made it clear to the Complainant that its Complaint could not succeed. The Complainant also used the Center's UDRP Model Complaint. That document expressly states as follows, in red text:

"[N.B., registration in bad faith is generally considered to be possible only when the domain name registration occurs **after** your trademark rights accrue, please refer to section 3.8 of the [WIPO Overview 3.0](#).]"

The Complainant was therefore either made aware of the nature of the bad faith requirement and chose to file the Complaint anyway, knowing it could not succeed, or the Complainant recklessly filed the Complaint without properly considering the documents he relied upon for filing the Complaint. Both eventualities are reproachable.

The Complainant expressly acknowledged that the disputed domain name had been in the Respondent's hands since at least 2003 in the Complaint, and thus knew that the disputed domain name was registered long before the Complainant acquired rights in its mark.

In the circumstances, the Complainant either knew or at least should have known at the time that it filed the Complaint that it could not prove one of the essential elements required by the Policy, specifically, it is very clear that the Respondent registered the disputed domain name many years before the Complainant came into existence and filed and registered its trademark.

Based on the available record, the Panel finds that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding.

7. Decision

For the foregoing reasons, the Complaint is denied. Moreover, the Panel finds that the Complaint has been brought in bad faith and constitutes an attempt at Reverse Domain Name Hijacking.

/Jeremy Speres/

Jeremy Speres

Sole Panelist

Date: October 20, 2024