ADMINISTRATIVE PANEL DECISION

DO OR DIE, INC. d/b/a HYPERFLY, Pascal Pakter, Kerstin Pakter v. James Booth , DomainBooth.com
Case No. DAI2026-0042

1. The Parties

The Complainants are DO OR DIE, INC. d/b/a HYPERFLY, Pascal Pakter, Kerstin Pakter, United States of America ("United States"), represented by themselves.

The Respondent is James Booth, DomainBooth.com, United Arab Emirates ("UAE"), represented by Cylaw Solutions, India.

2. The Domain Name and Registrar

The disputed domain name <hyperfly.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 June 2, 2026. On June 2, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 2, 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 Complainants on June 3, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on June 5, 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 June 5, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 25, 2026. On June 16, 2026, the Respondent requested the automatic four calendar day extension for response. On June 18, 2026, the Center granted the automatic four calendar day extension for response under paragraph 5(b) of the Rules. The Response was filed with the Center on June 20, 2026.

The Center received an unsolicited supplemental filing on June 23, 2026, and further email communications from the Complainants on June 26, 27 and 30, and July 2 ,7, 9, 2026. The Center received email communications from the Respondent on June 16, 30, and July 1 and 2, 2026. The Respondent submitted a Supplemental Filing on July 22 and 31, 2026.

The Center appointed Luca Barbero, Gerald M. Levine and Deanna Wong Wai Man as panelists in this matter on July 22, 2026. The Panel finds that it was properly constituted. Each member of 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.

On July 25, 2026, the Complainant submitted a Second Supplemental Filing.

Following the Respondent's nomination of Mr. Levine to be a member of this Panel, the Complainants requested the Center consider whether replacement or recusal was appropriate on the alleged grounds that Mr. Levine had a professional relationship with the Respondent's counsel. Panelists have a duty pursuant to Rule 7 to disclose any facts "that could give rise to justified doubt as to the impartiality or independence of the Panelist." The "ultimate arbiter on this question" of recusal is the nominee. *Teaching Company, LLC, d/b/a The Great Courses v. Brendhan Hight, Marchex Sales, LLC*, WIPO Claim No. D2014-0448.

In any event, the issue was put to rest by the Respondent's supplemental submission in responding to the Complainants' allegations of Mr. Levine's alleged relationship. It stated without response from the Complainants: "Counsel recommended Mr. Levine on the basis of nearly a decade of studying his published treatise . . . . Professional admiration for published scholarship is an entirely legitimate basis for a nomination recommendation in any jurisdiction. The final nomination decision was the Respondent's, not counsel's."

The Panel here by its two other members notes its concurrence with the two other members in *Teaching Company*, *supra*:

"One of the reasons a UDRP party is given the opportunity to request (at additional expense) a three-member panel is to include a panelist likely to sympathize with each party's desired interpretation of an issue of Policy precedent [. . .]. Following that election in this case, the Complainant presumably exercised that same opportunity at least in part for the same reasons when nominating its panelist choices".

4. Factual Background

The Complaint has been filed in the name of DO OR DIE, INC. d/b/a HYPERFLY ("the first Complainant"), Pascal Pakter and Kerstin Pakter ("the Second and Third Complainants").

The first Complainant is the operating entity that uses the HYPERFLY mark in commerce and is the registered owner of domain names encompassing the HYPERFLY mark. The Second and Third Complainants are the owners of the first Complainant and the record co-owners of trademark registrations for HYPERFLY in the United States and other jurisdictions.

HYPERFLY is an established and widely recognized performance apparel brand in the grappling and combat sports categories. Particularly, the trademark HYPERFLY has been used in connection with the production and sale of technical performance apparel, sportswear, training equipment, footwear, and headgear.

HYPERFLY products have been the subject of brand collaborations with the National Basketball Association (NBA), Major League Baseball (MLB), Jordan Brand, Carhartt WIP, Champion and Godzilla. HYPERFLY licensed apparel has appeared on globally recognized athletes, including Shohei Ohtani.

HYPERFLY products are sold through the e-commerce site at <hyperfly.com>, authorized retailers, and brand academies and partners.

The Second and Third Complainants are co-owners, amongst others, of the following trademark registrations:

- United States trademark registration No. 4138095 for HYPERFLY (word mark), filed on August 3, 2011, and registered on May 8, 2012, in international class 25;

- United States trademark registration No. 5996879 for HYPERFLY (word mark), filed on August 2, 2019, and registered on February 25, 2020, in international class 35;

- United States trademark registration No. 5997071 for HYPERFLY (word mark), filed on August 5, 2019, and registered on February 25, 2020, in international class 28;

- International trademark registration No. 1492429 for HYPERFLY (word mark), registered on August 5, 2019, in classes 25 and 28, designating and protected in India, New Zealand and Russian Federation;

- Japanese trademark registration No. 6086956 for HYPERFLY (word mark), filed on December 20, 2017, and registered on October 5, 2018, in class 25.

The three Complainants are the co-owners of the European Union trademark registration No. 014887574 for HYPERFLY (word mark), filed on December 4, 2015, and registered on September 27, 2016, in classes 25 and 28.

The third Complainant is the owner of more than 30 HYPERFLY-formative domain names, including <hyperfly.com>, registered on June 4, 1999, and used in connection with the primary website dedicated to the HYPERFLY brand and products.

The Respondent is a domain investment and brokerage company based in UAE specializing in generic, descriptive, brandable, and short-character domain names with a particular focus on premium .com and premium .ai domain names.

The disputed domain name <hyperfly.ai> was registered on November 22, 2025, and is redirected to an internal page of the website “www.atom.com” (“the Atom.com website”), where it is offered for sale at USD$149,995. Prior to this proceeding, it was offered at USD $89,995 on the Atom.com website and at USD $99,995 on the Spaceship SellerHub and Namecheap aftermarket.

5. Parties’ Contentions

A. Complainants

The Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainants contend that the disputed domain name is identical to the trademark HYPERFLY in which they have registered trademark rights.

The Complainants state that the Respondent has no rights or legitimate interests in the disputed domain name since:

i) the Respondent’s parking of the disputed domain name for resale at a six-figure asking price does not amount to a bona fide offering of goods or services;

ii) the Respondent does not own trademark registrations for HYPERFLY and has not been commonly known by the disputed domain name;

iii) the disputed domain name, being offered for sale, is not being used for legitimate noncommercial or fair use;

iv) registration in the .ai country-code Top Level Domain ("ccTLD"), which is commonly interpreted as an acronym of "Artificial Intelligence" ("AI"), does not provide an inherent business rationale considering the Respondent has not used the disputed domain name in connection with a AI-related project and, should it be the case, this would "face the existence" of the Complainants' prior rights on HYPERFLY in class 35 for "online retail services"; and

v) the Complainants have not authorized the Respondent's use of HYPERFLY and have no relationship whatsoever with it.

The Complainants also submit that the Respondent registered the disputed domain name in bad faith because:

i) the Respondent's offers of the disputed domain name for sale on domain name marketplaces for amounts of USD $89,995 on the Atom.com website and at USD $99,995 on the Spaceship and Namecheap interfaces suggest that the Respondent registered the disputed domain name for the purpose of selling it at an amount exceeding the out-of-pocket costs according to paragraph 4(b)(i) of the Policy;

ii) the Respondent had constructive and actual knowledge of the Complainants' rights at the time of registration, in view of the Complainants' prior use of the HYPERFLY mark in commerce for over fourteen years, the Complainants' prior trademark registrations and domain names, the use of the <hyperfly.com> domain name since 2011 and the media coverage related to the HYPERFLY mark;

iii) the Respondent targeted the Complainants' trademark since the disputed domain name exactly reproduces the HYPERFLY mark, which is an inherently distinctive composite mark with no descriptive meaning as applied to apparel, training services, retail services, or any of the goods or services covered by Complainants' trademark registrations;

iv) considering the Respondent is a professional domain investor, it had heightened duty of trademark due diligence before registering a domain name and no reasonable basis exists on which the Respondent could claim it was unaware that HYPERFLY is a registered trademark when it registered the disputed domain name on November 22, 2025M

v) the Respondent's use of a privacy proxy to conceal its identity supports a finding of bad faith;

vi) the Respondent's selection of the .ai ccTLD, in light of HYPERFLY's commercial expansion into technical performance athletic apparel and the Complainants' registered trademark rights for HYPERFLY for online retail registration in class 35, further demonstrates the Respondent's bad faith; and

vii) the Respondent was involved as respondent in prior UDRP cases which were concluded with a denial of the complaints, but the circumstances in those cases where different from the ones in the case at hand since they involved a three-letter generic combination, a dictionary word and a domain name predating the complainant's rights.

The Complainants further claim that the Respondent is using the disputed domain name in bad faith since:

i) the Respondent is passively holding the disputed domain name and such circumstance demonstrates the Respondent's bad faith in light of the distinctiveness of the HYPERFLY mark, the lack of evidence of any actual or contemplated good-faith or legitimate use and the Respondent's concealment of its identity;

ii) the act of offering the disputed domain name for sale on multiple marketplaces amounts to bad faith use; and

iii) the Respondent, by redirecting the disputed domain name to a marketplace listing offering the disputed domain name for sale, is exploiting the goodwill in the Complainants' mark to attract Internet traffic for commercial gain.

B. Respondent

The Respondent contends that the Complainants have not satisfied the elements required under the Policy for a transfer of the disputed domain name.

The Respondent acknowledges, solely for the purposes of this proceeding, that the Complainants hold registered trademark rights in HYPERFLY and therefore satisfy the threshold requirement under paragraph 4(a)(i) of the Policy. However, the Respondent submits that the Complainants have failed to demonstrate the second and third requirement.

Particularly, the Respondent claims it has legitimate interests in the disputed domain name because:

i) the Respondent acquired the disputed domain name since it is a short, pronounceable, evocative combination of two ordinary English words with substantial independent commercial appeal across multiple industries, suitable for investment and resale;

ii) the Respondent has been engaged in domain investment for over a decade, and its investment strategy has consistently focused on premium .com and .ai domain names formed from dictionary words or common-word combinations, including strings built around "hyper" and "fly", a clear and consistent pattern of investment in comparable linguistic combinations;

iii) the disputed domain name was acquired, for USD $202.96, as part of a single bulk portfolio transaction in which the Respondent purchased twenty premium .ai domain names for USD $8,628.20 in total. The other domain names acquired in the same transaction include numerous other two-word combinations (<mindbuddy.ai>, <neuroforge.ai>, <microdev.ai>, <blackmoth.ai>, <digitalweb.ai>, <eview.ai>, <firstbank.ai>, <baycare.ai>, <lifenote.ai>, <supersend.ai>, <growthhero.ai>, <wisehire.ai> and <jobtrack.ai>).

iv) the Respondent acquired the disputed domain name with the intention of reselling it to a third party who recognized the value of the same for a new business venture, most likely in artificial intelligence, technology, or web-based services - the natural commercial home of the .ai ccTLD. Following acquisition, the Respondent listed the disputed domain name on the Atom.com website - the standard channel for premium .ai aftermarket sales. The Respondent submits that the parking page has been auto-generated by the platform on the basis of the disputed domain name itself and that every premium listing on the Atom.com website follows the identical template: the marketplace algorithmically renders a logo from the second level domain, applies its standard 'AI' visual treatment, and inserts a fixed-price offer;

v) "Hyperfly" is a common-word composite with multiple independent uses by third parties globally in contexts entirely unrelated to the Complainants. Particularly, there were earlier third-party trademark filings for or including HYPERFLY and "HyperFly" is currently in active commercial use by numerous unrelated parties across multiple industries across AI, water sports, pharma, aviation, and marketing (none of it connected to the Complainants);

vi) the Respondent has never been found to be a cybersquatter or to have registered any domain name in bad faith and professional domain investing is expressly endorsed as a bona fide commercial enterprise under WIPO Overview 3.1, sections 2.1 and 2.10.

The Respondent states that the Complainants have failed to demonstrate that the Respondent registered and used the disputed domain name in bad faith because:

i) the Complainants have not provided evidence that the Respondent intended to target the Complainants' mark, and particularly that the Respondent acquired the disputed domain name primarily for the purpose of selling it to the Complainants;

ii) HYPERFLY is not inherently distinctive, being a combination of two ordinary English words, both extensively documented in dictionaries, embedded in the technical vocabulary of AI and machine learning, and both used by numerous unrelated third parties across multiple industries;

iii) the Respondent had no actual or constructive knowledge of the Complainants' mark at the time of registration, since the Respondent is a UAE-based domain investor specializing in premium .com and .ai brandable strings while the Complainants are a US-based jiu-jitsu apparel brand with no trademark registration in class 42, no presence in artificial intelligence or technology and no trademark registration and commercial activity in UAE;

iv) Google searches for "HyperFly AI" or "Hyper fly ai" return results relating to "Hyperfly Developers, HyperFly AI on Hyperliquid, hyperfy.ai, VML Health Platforms, CloseBi.AI, hyperfi.ai, Xiaomi HyperAI, HyperFlow AI, HyperComply, and the ThemeForest aviation template, but not the Complainants", and the Respondent's own listing of the disputed domain name on the Atom.com website in fact surfaces in the search results ahead of any reference to the Complainants;

v) the Complainants' product line is "technical" only in the fabric-science sense, as the Complainants have no software product, no AI tool, no Software as Service (SaaS) offering, no wearable technology, and no commercial presence of any kind in the AI or computing field;

vi) the Telstra passive-holding doctrine does not apply in this case since there has been no bad faith registration and the HYPERFLY mark is niche US-centric with no global notoriety, there being evidence of plausible good-faith use of "HyperFly" by unrelated parties across multiple industries, particularly the AI/technology field;

vii) the Respondent's use of a proxy service does not amount to bad faith since it is the default offering of the registrar, used by millions worldwide for legitimate privacy reasons.

The Respondent requests that the Panel declare that the Complaint constitutes Reverse Domain Name Hijacking ("RDNH") for the following reasons:

i) the Complainants have made material misstatements, including claiming the continuous use since 2011 of the domain name <hyperfly.com>, which is contradicted by the post-July 2020 wayback record annexed to the Complaint;

ii) the Complainants advanced the bad-faith theory that asking-price multiples of registration cost are the "textbook" 4(b)(i) pattern, a theory which has been expressly rejected in prior WIPO cases (Mecalac Construction Equipment UK Limited v. Domain Admin, Global IP Holdings Inc, WIPO Case No. D2026-1396, and DANIEL DIEMERS v. Domain Admin, WIPO Case No. D2026-1004);

iii) the Complaint is conclusory on bad faith, producing no evidence of targeting and of the Respondent's awareness of the Complainants, and relying only on a for-sale listing and the asking price as its bad-faith case;

iv) the Complainants characterized the case as a "textbook case of cybersquatting" notwithstanding the fact that they knew the Respondent was a professional domain investor and they had no evidence of targeting, no evidence of any contact, solicitation, or correspondence between the parties, and no documentary basis for any inference that the Respondent acquired the disputed domain name because of them.

C. Complainants' first Supplemental Filing

In its Supplemental Filing of June 23, 2026, the Complainants rebut the Respondent's assertion, included in a Declaration submitted as Annex 1 to the Response, that the price at which the disputed domain name was listed was selected by the Respondent within an algorithmically generated valuation band produced by the Atom.com website based on its proprietary valuation model, which takes into account length, dictionary status, comparable aftermarket sales, and other factors and that the listed price band was not set by reference to the Complainants or their business.

The Complainants point out that, on June 1, 2026, the date of filing of the Complaint, the three marketplace platforms where the disputed domain name has been listed showed the asking price of USD $89,995 (Atom.com) and at USD $99,995 (the Spaceship and Namecheap marketplaces), while on June 12, 2026, after the Respondent's identity was revealed, the asking price stood at USD $149,995 on the Atom.com website and at USD $179,995 on the Spaceship and Namecheap interfaces. The Complainants highlight that the same increase of prices have been observed on the Respondent's website "www.bqdn.com", where the Respondent displays the same listing template Atom.com applies across his account.

The Complainants conclude that, since the Respondent has declared that it selected the listed price, it cannot characterize a change in that price as an automated event for which it bears no responsibility, because by the selection of the price was its act, not the platform's.

D. Respondent's Supplemental Filing

In its Supplemental Filing of July 22, 2026, the Respondent questions the authority of the Second Complainant to maintain this proceeding since it filed and prosecuted this proceeding *pro se*, describing itself as the "President and Co-Founder" of the first Complainant and as representing all three Complainants, but has not provided any corporate resolution authorizing it to initiate this proceeding on behalf of the First and the Second Complainant.

The Respondent also states that, contrary to the Complainants' allegations, the price for the disputed domain name on the Atom.com website was increased from $89,995 to $149,995 on May 18, 2026, before the filing of the Complaint, as highlighted by a Atom.com price change timeline annexed to the Supplemental Filing. The Respondent further clarifies that the higher prices observed by the Complainants on Spaceship and Namecheap were a consequence of the Atom.com website rules, which require that any domain namelisted on partner platforms, including Spaceship and Namecheap, must be priced at a minimum of 10% above the price listed on the Atom.com website. The Respondent concludes that the Complainants' assertions as to the price change made by the Respondent is disproven by documentary evidence drawn from the Atom.com website provided by the Respondent.

E. Complainants' second Supplemental Filing

In its second Supplemental Filing of July 25, 2027, the Complainants reiterate arguments already raised in the Complaint and respond to the Respondent's objections as to the authority of the Second Complainant to maintain this proceeding.

The Complainants highlight that UDRP panels routinely permit related complainants — individuals and affiliated entities with a common grievance and common interest in the disputed domain name — to proceed jointly where, as here, they share a clear nexus: common ownership, common control, and a shared trademark interest in HYPERFLY. The Complainants also state that Panels assess this pragmatically, not through a formal corporate-law lens, and that the Respondent identifies no prejudice arising from the joint filing, because there is none — the same core facts and the same mark are at issue regardless of which Complainant entity or individual formally holds title to it.

The Complainants also point out that the Rules do not require a complainant to submit a board resolution or formal corporate authorization as a precondition to filing and submit that the Second Complainant's role as an owner/principal across the related Complainant entities, combined with its personal and family ownership interest in the HYPERFLY mark itself, is sufficient basis for it to proceed with this proceeding on behalf of the Complainants collectively.

F. Respondent's second Supplemental Filing

In its Supplemental Filing of July 31, 2026, the Respondent objects to the admissibility of the Complainant's second Supplemental Filing, indicating that it consists exclusively of conclusory assertions unsupported by evidence and that such submission does not address the arguments raised in the Response.

6. Discussion and Findings

According to paragraph 15(a) of the Rules: "A Panel shall 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 directs that the Complainants must prove each of the following:

(i) that the disputed domain name registered by the Respondent is identical or confusingly similar to a trademark or service mark in which the Complainants have rights;

(ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

(iii) that the disputed domain name has been registered and is being used in bad faith.

6.1 First preliminary procedural issue: the Parties' Supplemental Filings

Before entering into the merits of the case, the Panel addresses the issue of the unsolicited supplemental filings submitted by the Parties to the Center.

No provision concerning supplemental filings are made in the Rules or Supplemental Rules, except at the request of the panel according to paragraph 12 of the Rules, which states the panel, in its sole discretion, may request any further statements or documents from the parties it may deem necessary to decide the case.

According to paragraph 10 of the Rules, the Panel has the authority to determine the admissibility, relevance, materiality and weight of the evidence, and also to conduct the proceedings with due expedition, ensuring that the Parties are treated with equality and that each Party is given a fair opportunity to present its case.

As stated in section 4.6 of the WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), unsolicited supplemental filings are generally discouraged - unless specifically requested by the panel - and the party submitting an unsolicited supplemental filing should clearly show its relevance to the case and why it was unable to provide the information contained therein in its complaint or response.

Accordingly, UDRP panels generally accept supplemental filings only when they provide material new evidence or a fair opportunity to respond to arguments that could not reasonably have been anticipated. See, along these lines, *Welcomemat Services, Inc. v. Michael Plummer Jr., MLP Enterprises Inc.*, WIPO Case No. D2017-0481.

The Panel accepts the Complainants' first Supplemental Filing as it addresses circumstances that could not be known at the time of the filing of the Complaint, namely the claimed automatic generation of the asking price for the disputed domain name on the Atom.com website referenced in the Response. The Panel also accepts the Respondent's Supplemental Filing to the extent that it offers rebuttal to the Complainants' statements included in its Supplemental Filing. The Panel further accepts the Respondent's submissions as to the asserted lack of authority of the Second Complainant to maintain this proceeding on behalf of the three Complainants and the Complainants' subsequent reply (contained in the second Complainant's Supplemental Filing) on this specific issue.

The Panel noted the Respondent's objection (in its second Supplemental Filing) to the admission of the Complainant's second Supplemental Filing, and notes that the outcome of the case would not have been any different had the Parties' Supplemental Filings not been admitted. However, given the complexity of the case and the numerous statements of both Parties, the Panel has accepted the Supplemental Filings for the sake of completeness, in order to grant both Parties equal rights to provide their arguments and to reach a fair decision.

6.2 Second preliminary procedural issue: the Second Complainant's authority to maintain the proceeding on behalf of the three Complainants

In its Supplemental Filing, the Respondent stated that the Second Complainant has filed and prosecuted this proceeding *pro se*, describing itself as "President and Co-Founder" of the first Complainant and as representing all three Complainants but failing to provide any corporate resolution authorizing it to initiate these proceedings on behalf of the first and the third Complainant.

The Complainants replied to the issue raised by the Respondent, in its second Supplemental Filing, indicating that UDRP panels permit related complainants with a common grievance and common interest in a domain name to proceed jointly where they share a clear nexus. The Complainants also submit that the Rules do not require a complainant to submit a board resolution or formal corporate authorization as a precondition to filing.

The Panel finds that the fact the Second Complainant is the co-owner of trademark registrations for HYPEFLY on which the Complaint is based, which are co-owned by the third Complainant (and, in at least one case, also by the first Complainant), and the Second Complainant's role as an owner and principal of the first Complainant, are sufficient basis for the second Complainant to proceed with this proceeding on behalf of the Complainants collectively.

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 Complainants' trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 1.7.

The Complainants have shown rights in respect of a trademark or service mark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1. Indeed, the Complainants have provided evidence of ownership of valid trademark registrations for HYPERFLY (word mark).

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 3.1, section 1.7.

In addition, the ccTLD ".ai" can be disregarded under the first element test, being a standard registration requirement. WIPO Overview 3.1, section 1.11.1.

Therefore, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

In light of the Panel's findings under the following section, it is not necessary to address this issue separately.

C. Registered and 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.

In the present case, the Panel notes that the Respondent is a professional domain investor which acquired the disputed domain name in November 2025. At that time, the Complainant had registered the HYPERFLY mark for goods in classes 25 and 28 and for online retail services in class 35 in the United States and other countries (but not in the UAE, where the Respondent is based) and had used the HYPERFLY mark in connection with the promotion and sale of technical performance apparel, sportswear, training equipment, footwear, and headgear, including online via the Complainants' website "www.hyperfly.com".

The Complainants states that the Respondent registered the disputed domain name in bad faith to offer it for sale at amounts in excess of the out-of-pocket costs and essentially based its bad faith claim on the notoriety of its trademark, asserting that HYPERFLY can be exclusively referred to the Complainants' mark. The Complainants further points out that, given the Respondent is a domain name investor, it had heightened duty of trademark due diligence before registering the disputed domain name and no reasonable basis exists on which the Respondent could claim it was unaware of the HYPERFLY registered trademark when it registered the disputed domain name.

The Panel notes that, as stated in prior decisions, such as *typeguard, inc. v. Narendra Ghimire*, WIPO Case No. DAI2026-0029 (<glide.ai>), the practice as such of registering a domain name for subsequent resale does not by itself support a claim that the registrant registered the domain name in bad faith with the primary purpose of selling it to a trademark owner (or its competitor), as the complainant must demonstrate that the disputed domain name was registered to profit from or exploit the complainant's trademark.

As stated in section 3.1.1 of the WIPO Overview 3.1, "[c]ircumstances indicating that a domain name was registered for the bad-faith purpose of selling it to a trademark owner can be highly fact-specific; the nature of the domain name (e.g., whether a typo of a famous mark, a domain name wholly incorporating the relevant mark plus a geographic term or one related to the complainant's area of commercial activity, or a pure dictionary term) and the distinctiveness of trademark at issue, among other factors, are relevant to this inquiry. The use to which the domain name is put, particularly the absence of circumstances indicating that the respondent's aim in registering the disputed domain name was to profit from or exploit the complainant's trademark, can inform a panel's assessment of the respondent's intent. Such circumstances notably include credible pre-complaint website content corresponding to a dictionary meaning of the term comprising the domain name, as opposed to targeting the trademark owner or its competitor. Panels have also viewed a respondent's use of 'negative keywords' or similar means to avoid links/content impermissibly capitalizing on a trademark as relevant in assessing a respondent's overall intent.

If, on the other hand, circumstances indicate that the respondent's intent in registering the disputed domain name was in fact to profit in some fashion from or otherwise exploit the complainant's trademark, panels will find bad faith on the part of the respondent. Although panel assessment remains fact-specific, generally speaking such circumstances, alone or together, include: (i) the respondent's likely knowledge of the complainant's rights, (ii) the distinctiveness of the complainant's mark, (iii) a pattern of abusive registrations by the respondent, (iv) website content targeting the complainant's trademark, e.g., through links to the complainant's competitors, (v) threats to point or actually pointing the domain name to trademark-abusive content, (vi) threats to 'sell to the highest bidder' or otherwise transfer the domain name to a third party, (vii) failure of a respondent to present a credible evidence-backed rationale for registering the domain name, (viii) a respondent's request for goods or services in exchange for the domain name, (ix) a respondent's attempt to force the complainant into an unwanted business arrangement, (x) a respondent's past conduct or business dealings, or (xi) a respondent's registration of additional domain names corresponding to the complainant's mark subsequent to being put on notice of its potentially abusive activity".

The Panel has carefully reviewed all the documents and statements submitted by the parties and notes that, based on the records, there is no evidence that the Respondent specifically targeted the Complainants' mark when it registered and offered the disputed domain name for sale.

The Panel also notes that, whilst the Complainants appear to have established over time a well-known brand within the martial arts and combat sports community, the evidence provided by the Respondent shows that the HYPERFLY mark had already been independently used by multiple parties before the Complainants' first use of the mark (including in earlier trademark registrations) and continues to be used by unrelated third parties operating in different sectors, including across AI, water sports, pharma, aviation, and marketing (none of it connected to the Complainants). The Respondent has demonstrated the existence, amongst others, of the following third-party brands and entities that suggest that "HyperFly" is not only referrable to the Complainants' mark:

- Aerofoils HYPERFLY, a German water-sports company that markets a complete product line, including the Hyperfly Set 230L Aerofoils Inflatable eFoil, and runs an "Aerofoils Hyperfly Academy";

- Hyperfly Developers (hyperflydevelopers.com), an AI/web development company offering NLP, LLM-powered AI assistants, and machine learning integration;

- Hyperfly (@hyperflyai) on X, an AI-driven trading tool on the Hyperliquid blockchain (cryptocurrency token "FLY" listed on CoinGecko), with nearly 4,000 followers;

- Hyperfly by VML Health Platforms, a global pharmaceutical HCP engagement platform;

- HyperFly™ by CloseBi (closebi.ai/hyperfly), an AI-driven hyperlocal marketing platform;

- HyperFly, Private Jet Charter & Aviation WordPress Theme, a commercial web template on ThemeForest for private aviation.

The Panel also notes that the disputed domain name was acquired as part of a documented batch acquisition together with other .ai domain names consisting of two-word combinations, a circumstance which appears to be more consistent with a portfolio investment strategy than with targeting the Complainants.

In addition, the Respondent has shown that its investment strategy has consistently focused on premium .com and .ai domain names formed from dictionary words or common-word combinations, including the following domain names that it owns, encompassing the term "hyper":

hyperpay.ai
hypercast.ai
hyperwave.ai
hypercurve.ai
hyperform.ai
hyperhive.ai
hyperdesk.ai
hyperwise.ai
hypersign.ai
hyperlist.ai

Moreover, the Respondent has not engaged in a pattern of abusive registrations and indeed, as highlighted in the Complaint, the Respondent has been involved as a respondent in three prior UDRP cases which were all concluded in its favor (*Royal Caribbean Cruises Ltd. v. James Booth, BQDN.com*, WIPO Case No. D2019-1042 (<rcc.com>), *Picture Organic Clothing v. James Booth, Booth.com Ltd,* WIPO Case No. D2020- 2016 (<picture.com>) and *Sequent (Schweiz) AG v. James Booth*, WIPO Case No. D2025-1565 (<sequent.com>)).

Furthermore, no evidence of an offer for sale of the disputed domain name directed to the Complainants has been provided and, indeed, there has been prima facie no contact between the parties prior to the filing of the Complaint.

Under the circumstances, the fact that the Respondent has listed the disputed domain name for sale for five figure prices and, after May 18, 2026 (notably, before the filing of the Complaint), increased the price on the Atom.com website to a six-figure amount is not sufficient to demonstrate that the Respondent intended to profit from or exploit the Complainants' trademark.

The evidence on record suggests that the Respondent, on balance of probabilities, registered the disputed domain name as part of a broader batch acquisition of multiple potentially valuable domain names in the AI space, and was selected for its perceived commercial or brandable value as combination of two ordinary English words with substantial independent commercial appeal across multiple industries, without specifically targeting the Complainants.

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 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 3.1, section 4.16.

The Panel is not persuaded that the circumstances of this case justify a finding of RDNH. The Complainants have long-standing registrations for the HYPERFLY mark which predate the acquisition of the disputed domain name by the Respondent and the mark is identically reproduced in the disputed domain name.

Moreover, the Complainants' trademark appears to be known in its sector, and the disputed domain name has been redirected to a website offering the disputed domain name for sale. Therefore, the Complainants' case that the disputed domain name was registered in bad faith, while unsuccessful, was not so weak as to render the filing of the Complaint an act of bad faith.

In view of the above, the Panel declines the request to make a finding of RDNH.

7. Decision

For the foregoing reasons, the Complaint is denied.

The request for a Reverse Domain Name Hijacking is also denied.

/Luca Barbero/
Luca Barbero
Presiding Panelist

/Deanna Wong Wai ManI
Deanna Wong Wai Man
Panelist

/Gerald M. Levine/
Gerald M. Levine
Panelist
Date: August 5, 2026