



**DETERMINATION**  
(URS Procedure 9, URS Rules 13)

**URS DISPUTE NO. AFC55311**

Determination Final

**I. PARTIES**

Complainant(s): Even Labs, Inc. (United States)  
Complainant's authorized representative: Leichtman Law PLLC (United States)

Respondent(s): Walter Kovacs (Latvia)

**II. THE DOMAIN NAME, REGISTRY OPERATOR AND REGISTRAR**

Domain Name: evenbiz.biz  
Registry Operator: GoDaddy Registry  
Registrar: Gransy, s.r.o.

**III. PROCEDURAL HISTORY**

Complaint submitted: 23 September 2025  
Lock of the domain name(s): 6 October 2025  
Notice of Complaint: 16 October 2025  
Response Submitted: 29 October 2025  
Panel Appointed: 2 November 2025  
Final Determination issued: 5 November 2025

**IV. EXAMINER**

Examiner's Name: The Honorable Neil Anthony Brown KC.

The Examiner certifies that he has acted independently and impartially and to the best of his knowledge has no known conflict in serving as the Examiner in this administrative proceeding.

**V. RELIEF SOUGHT**

The Complainant requests that the domain name be suspended for the balance of the registration period.

The Respondent has submitted a Response.

**VI. STANDARD OF REVIEW**

Clear and convincing evidence.



## VII. DISCUSSIONS AND FINDINGS

The Complainant is a United States company engaged in the provision of software as a service (SAAS) services featuring software for artists and content creators to distribute music, manage fan engagement, analyze audience data and sell digital content directly to fans.

The Complainant brings this proceeding under the Uniform Rapid Suspension System ("the URS") of the Internet Corporation for Assigned Names and Numbers ("ICANN"). It submits that it does so under the EVEN service mark, registered with the United States Patent and Trademark Office ("USPTO"), Registration Number 7,935,903, Filed on 29 December 2024, Registered on 9 September 2025 and registered with respect to the aforesaid services ("the EVEN trademark"). The Complainant has also submitted that it acquired common law trademark rights in the EVEN trademark from 2022 when the EVEN mark was first in use.

By the proceeding, the Complainant seeks the suspension of the domain name <evenbiz.biz> ("the disputed domain name") which was registered by the Respondent on 6 September 2025.

Both parties have made contentions in the proceeding.

### Contentions

The Complainant has made the following contentions.

1. The disputed domain name is identical or confusingly similar to a word mark (URS Procedure 1.2.6.1) for which the Complainant holds a valid registration and which is in current use; the Complainant submits that this is so as the disputed domain name includes the EVEN trademark in its entirety.
2. The Registrant has no legitimate right or interest in the domain name (URS Procedure 1.2.6.2) as it creates the likelihood of confusion for the Complainant's customers with the EVEN trademark, contains offending content including proprietary information and trade secrets of the Complainant which is believed to have been stolen by a former contractor, including screenshots from the backend of the Complainant's website which display multiple uses of the EVEN trademark as well as sensitive client information; moreover, the Complainant submits that the aforesaid information is calculated to disparage the Complainant and its founder and to disrupt the business operations of the Complainant; the Complainant also contends that the Respondent has no affiliation with the Complainant and has not been authorized to use that information or the EVEN trademark in any way.
3. The domain name was registered and is being used in bad faith (URS 1.2.6.3), for the foregoing reasons and in particular because the registration and use of the domain name by the Respondent has created an immediate and substantial likelihood of consumer confusion for consumers looking for the Complainant's own website. Moreover, it is contended that the use of the domain name by the Respondent harms the Complainant's brand, reputation and trademark rights.



Accordingly, the Complainant submits that the disputed domain name should be suspended.

The Respondent has made the following contentions.

1. The disputed domain name is not identical or confusingly similar to the EVEN trademark.

2. That is so because the EVEN trademark was not registered at the time the Respondent created and registered the disputed domain name. That submission is made because the Respondent registered the domain name on 6 September 2025, the EVEN trademark was applied for three days later, on 9 September 2025 and accordingly the Complaint was “reactive and strategic, made after the Respondent’s registration, not evidence of pre-existing rights.” Thus, it is submitted that the Complainant has not proved that the disputed domain name is confusingly similar to a valid, preexisting, or enforceable mark.

3. The Respondent has legitimate rights and interests in the disputed domain name for the following reasons:

- (a) the Respondent’s use of the domain name was a fair and *bona fide* use under URS Procedure 5.7;
- (b) the Respondent’s website does not offer competing goods or services and operates independently of the Complainant’s business model;
- (c) the word “even” is a generic English word, and the word “biz” is short for business and the combination of those descriptive elements is fair and legitimate;
- (d) there is no evidence of confusion or commercial intent, the site has no paid content, advertisements or sales activity and there is no attempt to divert consumers or mislead the public.

4. The disputed domain name was neither registered nor used in bad faith. That is so because:

- (a) the Complainant’s trademark was filed after the Respondent registered the domain name and it was therefore impossible for the Respondent to have acted in bad faith with respect to a right that did not exist at that time;
- (b) the Respondent has not misused or misappropriated any proprietary materials, as the information relied on by the Complainant was publicly available industry information and it was not stolen or confidential;
- (c) the registration and use of the domain name come within the provisions of URS Procedure 1.2.6.3;
- (d) the Respondent’s actions come within the *bona fide* use standards under URS Procedure 5.7;
- (e) the Respondent’s conduct gives rise to the defences provided in URS Procedure 5.8;



- (f) the Respondent's conduct comes within the provisions of URS Procedure 5.9.
- 5. The Complainant is subject to pending legal proceedings for trademark and copyright infringement that call into question the reliability and legitimacy of its assertions.
- 6. Accordingly, the Respondent requests that the Examiner deny the Complaint and find that the Complaint was brought in abuse of the proceeding pursuant to URS Procedure 11.2 and 11.3.

**A. Procedural findings:**

Having reviewed the communications records, the Examiner finds that MFSD has discharged its responsibility under the URS Procedure paragraphs 3 and 4 and URS Rules paragraph 4.

**B. Findings of fact:**

The Complainant is a United States company engaged in the provision of Software as a service (SAAS) services featuring software for artists and content creators to distribute music, manage fan engagement, analyze audience data and sell digital content directly to fans.

The Complainant provides its services under the EVEN service mark, registered by the Complainant with the United States Patent and Trademark Office ("USPTO"), Registration Number 7,935,903, Registered on 9 September 2025 and registered with respect to the aforesaid services ("the EVEN trademark").

The Complainant brings this proceeding by which it seeks the suspension of the domain name <evenbiz.biz> which was registered by the Respondent on 6 September 2025.

According to the Response, the Respondent is an individual whose address is in Latvia.

**C. Reasoning:**

The starting point in this discussion is that this proceeding has been brought under the Uniform Rapid Suspension System, which is a unique process. It has been devised by ICANN to provide a process by which trademark owners may apply to short-cut the UDRP process and implement what is in effect a fast-track process for resolving domain name disputes. The process does not result in a transfer of the domain name in question but rather the registration of the domain name is suspended for the balance of its term of registration, with an option for the extension of the registration period for a further year and the domain name will not be able to resolve to its original website.



ICANN itself describes the process as being “a lower-cost, faster path to relief for rights holders experiencing the most clear-cut cases of infringement”.<sup>1</sup>

It is implemented by the URS Procedure which addresses substantive issues and Rules that govern the administrative steps in the process. But because it is a fast-track process, safeguards have been built into it to ensure that Orders are made for the suspension of a domain name only on “clear and convincing” evidence and no order for suspension will be made if there are genuine issues of material fact that cannot be resolved by the fast-track process. This also means that if the Complainant trademark owner, having chosen to use the URS, cannot satisfy these stringent tests, the suspension of a domain name will not be ordered. This does not mean that the complainant has no avenue for redress or that its case has no merits. What it means is that suspension of the domain name cannot be obtained under the URS and the complainant will have to have resort to using the UDRP process or take court proceedings.

As will be seen, the present case is one such case where the stringent processes of the URS have not been made out and that if the Complainant wishes to obtain some redress it will have to make an application under the UDRP for transfer or cancellation of the domain name or take action in a court of law.

The remainder of this decision will therefore explain why the present case cannot succeed under the URS and must be dismissed.

Pursuant to Paragraph 13 of the URS Rules, the Examiner shall make a Determination of a Complaint in accordance with the URS Procedure, the URS Rules and any rules and principles of law that it deems applicable.

The URS Procedure requires that for the Complainant to succeed, it must establish that each of the three following elements under Paragraph 1.2.6 of the URS Procedure are satisfied: -

1. that the Domain Name is identical or confusingly similar to a word mark; and
2. that the Respondent has no legitimate right or interest to the Domain Name; and
3. that the Domain Name was registered and is being used in bad faith.

As will be seen, the first element has not been made out and the Complaint will therefore be dismissed.

### **1. Whether the disputed domain name is identical or confusingly similar to a word mark**

To satisfy URS 1.2.6.1, the Complainant must prove its rights in a word mark and that the Domain Name is identical or confusingly similar to the word mark.

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<sup>1</sup> <https://newgtlds.icann.org/en/applicants/urs>



The Examiner accepts that the Complainant's evidence has proved its rights in the aforesaid EVEN trademark. It is clear that the registered trademark relied on and proved by the Complainant is a word mark and that it is in current use as required by URS 1.2.6.1.

The Complainant has submitted that the Domain Name "is identical or confusingly similar" to the EVEN trademark. The Complainant repeats that submission in the Explanatory Statement which is part of the body of the Complaint.

However, the Complainant makes no submission as to whether its submission is that the domain name is identical to the trademark or that it is confusingly similar to the trademark. Accordingly, the Examiner will consider both contentions.

The domain name is clearly not identical to the trademark as it includes the word or letters "biz" as part of the string of the domain name and which is not part of the trademark. Thus, it cannot be identical to the trademark.

The question therefore arises whether the domain name is confusingly similar to the trademark.

In answering that question, and to show its significance, there are some important provisions of the URS that must be taken into account. That is so because, as already noted, the URS, within which this proceeding has been brought, is a unique proceeding which ICANN describes as being "a rights protection mechanism that complements the existing Uniform Domain-Name Dispute Resolution Policy (UDRP) by offering a lower-cost, faster path to relief for rights holders experiencing the most clear-cut cases of infringement"<sup>2</sup>.

In that regard there are some important provisions in the Procedure that implements the URS and which governs how issues arising under it are to be resolved. The Examiner is obliged to apply those provisions.

For present purposes, the most important of those provisions are as follows.

First, the URS goes out of its way to prescribe in URS Procedure 8.2 that "The burden of proof shall be clear and convincing evidence". Thus, the Examiner may find that a domain name is confusingly similar to a trademark only if there is clear and convincing evidence that the domain name is similar to the trademark and confusingly so. This is consistent with the whole nature of the URS Procedure, because of its immediate effect which is essentially a summary proceeding requiring a higher standard of proof than would apply in other proceedings. The Examiner must therefore ask itself whether it is clear that the domain name is confusingly similar to the EVEN trademark. The Examiner must also decide if there is clear and convincing evidence that the domain name is confusingly similar

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<sup>2</sup> <https://newgtlds.icann.org/en/applicants/urs>



to the trademark. Having compared the domain name with the trademark in the present case, the Examiner finds that it is not clear that the domain name is confusingly similar to the trademark and nor is there convincing evidence that it is.

Secondly, URS Procedure 8.3 also provides that for the Complainant to succeed, the Examiner "shall render a Determination that there is no genuine issue of material fact." The Examiner is unable to make a determination that there is no genuine issue of material fact in this proceeding. There is a genuine issue of material fact in this proceeding and it is whether the domain name is similar to the trademark and confusingly so.

Thirdly, URS Procedure 8.4 provides that a Complaint will fail if "the Complainant has not met its burden, or that genuine issues of material fact remain in regards to ***any of the elements*** (emphasis added)", which must include the element requiring that the domain name is confusingly similar to the trademark. In the present case, there are genuine issues of material fact as to whether the domain name is confusingly similar to the trademark.

Fourthly, URS Procedure 8.6 provides that the Complaint will be denied "(i)f the Examiner finds that ***any of the standards*** (emphasis added) have not been satisfied...". One of the standards that must be satisfied is the standard in URS Procedure 1.2.6.1 that the domain name in question is confusingly similar to the trademark. In that regard, the Examiner finds that this standard has not been satisfied in the present case. Accordingly, as URS Procedure puts it, and "(t)o restate in another way", that standard has not been satisfied and accordingly, the Complaint will fail.

The reasons why the Examiner has reached its conclusions on those issues are as follows.

First, no arguments have been addressed or reasons put forward by the Complainant as to why the domain name is confusingly similar to the trademark. Thus, it cannot be said that there is clear and convincing evidence of confusing similarity, nor that there is no genuine issue of material fact left outstanding, nor that all three of the URS standards has been satisfied, when the Complainant has not advanced any evidence or arguments as to why the domain name is confusingly similar to the trademark or why it should be seen as such by internet users. In particular, there is no evidence that the trademark is prominent or well-known or why an internet user would come to the conclusion that the domain name is invoking or referring to the EVEN trademark at all. The Complainant exhibits its website, or rather the website at [www.get.even.biz](http://www.get.even.biz) to which its own domain name, `<even.biz>`, apparently resolves and that certainly shows that the Complainant is active in its own field. It does, however, show a limited audience of followers, either of fans or contributors; thus, for instance, the website carries a "help" section where users are invited to submit questions but which shows very limited usage. There is no evidence that the Examiner has seen which suggests an extensive public use of or recognition of its trademark. Thus, there is little if any



evidence that internet users would associate the use of the word “even” with the trademark or the services offered under it. Accordingly, it is more likely than not that internet users would give to the word “even” little if anything more than its ordinary meaning.

Secondly, and more importantly, the Complainant is presumably arguing that the word “even” in the domain name means, or that it is invoking, the EVEN trademark. The Examiner does not accept that internet users would conclude that this is so. The word “even” is an adverb and an adjective. It means “flat and smooth”, “equal in number, amount, or value”, “to emphasize something surprising or extreme” (Oxford), “surprising, unusual, unexpected, or extreme”(Cambridge dictionary), “having a horizontal surface: flat even ground”(Merriam-Webster), “flat or equal” (Dictionary.com” or even “revenge”. Indeed, so far as the Examiner can tell, the Complainant uses the word in the last mentioned meaning itself as, at [www.https://get.even.biz](https://get.even.biz), which appears to be operated by the Complainant, it uses the repeated banner message “Let’s get even”, thereby using the word in its plain and regular meaning.

It is therefore just as likely that internet users would see the word as having one of the above regular and normal meanings, rather than invoking the EVEN trademark.

Thus, it cannot be said that there is clear and convincing evidence of confusing similarity, nor that there is no genuine issue of material fact left outstanding, nor that all three of the URS standards have been satisfied, when the Complainant has not advanced any evidence or arguments as to why the domain name is confusingly similar to the trademark.

Accordingly, the Examiner concludes that there is no clear and convincing evidence of confusing similarity, that there is “a genuine issue of material fact” at issue, and that there is a genuine issue remaining in regards to one of the elements that the Complainant must prove. The Examiner cannot ignore these real issues that are in dispute and consequently it would be entirely inappropriate to make an order for suspension of the domain name in this summary proceeding.

For these reasons the Examiner finds that the Complainant has not satisfied URS 1.2.6.1.

## **2. Rights or Legitimate Interests and Bad Faith**

In view of the Examiner’s findings on the first element and in view of the fact that all three elements must be proved, the Complainant cannot succeed and the Complaint must be dismissed. It is therefore not necessary to decide the remaining issues, as their outcome could not change the result of this proceeding.

It should also be said, as has already been noted, that the Complainant is entitled to bring other proceedings if it is so advised, either by way of proceedings under the UDRP or in a court of competent jurisdiction. Indeed, URS Procedure 8.6





specifically provides that “If the Examiner finds that any of the standards have not been satisfied, then the Examiner shall deny the relief requested, thereby terminating the URS proceeding without prejudice to the Complainant to proceed with an action in (a) court of competent jurisdiction or under the UDRP”. The Examiner therefore denies the relief and terminates the proceeding without prejudice to the Complainant to proceed with any such action.

### **Abusive Complaint**

The Examiner finds that the Complaint was neither abusive nor contained material falsehoods.

## **VIII. DETERMINATION**

A. Demonstration of URS elements

Not Demonstrated

B. Complaint and remedy

Complaint: Rejects

Domain Name:<evenbiz.biz>

C. Abuse of proceedings

Finding of abuse of proceedings: Not found.

D. Publication

Publication: Publish the Determination

**SIGNATURE**

Name: The Honorable Neil Anthony Brown KC

Date: 5 November 2025