

## **ADMINISTRATIVE PANEL DECISION**

Open Society Institute v. xpress digitalz, Litedigital  
Case No. D2026-0988

### **1. The Parties**

The Complainant is Open Society Institute, United States of America, represented by Morrison & Foerster, LLP, United States of America.

The Respondent is xpress digitalz, Litedigital, Nigeria.

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

The disputed domain name <opensocietyfoundation.org> is registered with Dynadot Inc (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 6, 2026. On March 9, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 10, 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 (REDACTED FOR PRIVACY, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 11, 2026, 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 March 13, 2026.

The Center verified that the Complaint together with the amendment to the 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 March 19, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 8, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 15, 2026.

The Center appointed Dr. Clive N.A. Trotman as the sole panelist in this matter on April 20, 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 philanthropic organization concerned particularly to ensure that governments are open and accountable to the people. To this end the Complainant runs programs around the world and provides information and promotional resources.

The Complainant owns trademarks including:

OPEN SOCIETY INSTITUTE, USPTO, registered December 12, 2000, registration number 2412029, in classes 16, 36, 41, and 42;

OPEN SOCIETY POLICY CENTER, USPTO, registered March 30, 2010, registration number 3769307, in classes 35 and 36;



design mark, USPTO, registered April 18, 2006, registration number 3081212, in classes 16, 35, 36, 38, and 41.

The Complainant has also operated the website “[www.opensocietyfoundations.org](http://www.opensocietyfoundations.org)” as its main website since at least as early as April 6, 2010.

No background information of significance is available about the Respondent except for the contact details provided to the Registrar at the time of registration of the disputed domain name on February 22, 2026. The disputed domain name has resolved to a multi-page website (the “Respondent’s website”) making liberal use of the colour green, as does the Complainant’s website, with a theme of soliciting donations for various charitable causes. Some of the pages feature the Complainant’s design mark logo against the words “Open Society Foundation”. A page purporting to attract volunteers invites interested persons to supply their names and contact details and to provide copies of identity documents.

#### **5. Parties’ Contentions**

##### **A. Complainant**

The Complainant’s contentions are summarized below.

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 the disputed domain name is confusingly similar to the Complainant’s trademarks and domain name. The difference is that in the disputed domain name the letter “s” in the word “society” becomes “ss” and the terminal letter “s” in the word “foundations” is omitted. This constitutes typosquatting by the Respondent.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant says the Respondent has not been authorized to use the Complainant’s trademark in any way. The disputed domain name has not been used in connection with a bona fide offering of goods or services, or for a legitimate noncommercial or fair use, and the Respondent is not commonly known by the

disputed domain name. The Respondent has, however, used the disputed domain name to create a website that purports to represent or to be affiliated with the Complainant in the field of philanthropic and humanitarian initiatives. Given the similarity of the disputed domain name to the Complainant's trademark and domain name, the philanthropic assertions on the Respondent's website, the reproduction of a photograph of the Complainant's founder George Soros, the placement of copies of the Complainant's design mark logo on the Respondent's website, and the provision of a New York address for the Respondent (the Complainant having a New York address), it appears to be highly likely that the Respondent had actual knowledge of the Complainant's trademark when registering and using the disputed domain name.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. Some of the reasons were listed under Rights or Legitimate Interests in the Complaint.

The Respondent's website invites Internet visitors to donate money to purported charitable causes. Visitors are also invited to volunteer to assist certain causes, and in order to do so, to provide their names and addresses and certain sensitive information about themselves including identity documents such as their driver's license, social security number and passport details. The Complainant says the Respondent is attempting to elicit donations and personal information from people by misrepresenting itself as the Complainant. Such personal information could later be used for fraudulent purposes.

The Complainant says because the Respondent was aware of the Complainant's well-known trademarks, had no connection with the Complainant and has made use of the Complainant's trademarks without authorization or without there being any possible legitimate purpose, that in itself constitutes registration and use of the disputed domain name in bad faith.

The Complainant says the Respondent has intentionally attempted to attract Internet users to its website for commercial gain by creating likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of the website.

The Complainant requests the transfer of the disputed domain name.

## **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 Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain name, as it reproduces the terms "OPEN SOCIETY" of the Complainant's trademark. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7, 1.8, and 1.9.

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 that 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 3.1](#), 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.

The Panel finds that insofar as the Respondent’s website uses the Complainant’s trademark and design mark logo to represent itself as the Complainant, in a similar field of endeavor to the Complainant, any such service as is offered in connection with the disputed domain name cannot be bona fide or constitute a legitimate noncommercial or fair use under the Policy. There is no evidence the Respondent has been known by the disputed domain name.

Panels have held that the use of a domain name for illegitimate activity (here, claimed impersonation and phishing) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

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

## **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.

Paragraph 4(b)(iv) of the Policy reads as follows:

“by using the domain name, you [the Respondent] have intentionally attempted to attract, for commercial gain, Internet users to your website or other on-line location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation or endorsement of your website or location or of a product or service on your website or location”.

The Respondent’s website, variously among its pages, displays the name “Open Society Foundation” alongside a reproduction of the Complainant’s design mark logo. A New York physical address is given by the Respondent that, according to real estate market evidence produced by the Complainant, is in fact land for sale. A large heading entreats visitors to “Lend a Helping Hand to Those in Need” below a smaller line that reads “Always donate to help the needy”. At the top of the page, and in other locations, are “DONATE NOW” buttons. The extensive text and photographs on the website strive to present the Respondent as a philanthropic organization. Claims include “70m Total donation”; “48k Projects funded”; “38% Kids need help”; and “230 Our volunteers”. The organization purports to be “Non profit”. Other pages present a series of photographs of individuals headed “Meet the team behind their success story”.

On the totality of the evidence, the Panel finds the Respondent to have established its website with the intention of masquerading as the Complainant by confusion and to be soliciting donations in the name of the Complainant. The dispute domain name is so similar to the Complainant's domain name, except for dropping the terminal "s" and the insertion of "ss" to form "openssociety..." where it could go unnoticed, as to lead reasonably to the conclusion that the Respondent's intention is to attract Internet users looking for the Complainant in the expectation that at least some viewers may think they were reading the Complainant's website, if only initially. The Respondent, by seeking donations, has demonstrated the intention of commercial gain. In the terms of paragraph 4(b)(iv) of the Policy, the Panel finds the Respondent to have registered and used the disputed 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 3.1](#), section 3.2.1.

The Respondent's website has a page, displaying the words "Open Society Foundation" and the Complainant's design mark logo, with the headings "Become a volunteer" and "Let's join our community to become a volunteer". The page has a submission form inviting applicants to provide their name, email address, phone number, address, date of birth, occupation, and to write a comment. A list of "Requirements" states: "Register with us by clicking on Donate Now Button / KYC Verification / Uploading of Driver's License, SSN, International Passport or Any valid identity card".

The Respondent, by attempting to acquire such personal and identification evidence from visitors to the Respondent's website, in the name of the Complainant, without any authorization or plausible explanation, is found to be phishing illegitimately for private information.

Panels have held that the use of a domain name for illegitimate activity (here, claimed impersonation and phishing) constitutes bad faith. [WIPO Overview 3.1](#), section 3.4. Having reviewed the record, the Panel finds that the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <openssocietyfoundation.org> be transferred to the Complainant.

*/Dr. Clive N.A. Trotman/*

**Dr. Clive N.A. Trotman**

Sole Panelist

Date: April 29, 2026