

ADMINISTRATIVE PANEL DECISION

Wikimedia Foundation, Inc. v. Tom Copper, Saqib Nizam, Muzammil Khan
Case No. D2024-2734

1. The Parties

The Complainant is Wikimedia Foundation, Inc., United States of America ("United States"), represented by Zacco Sweden AB, Sweden.

The Respondents are Tom Copper, United States of America, Saqib Nizam, Pakistan, and Muzammil Khan, Pakistan.

2. The Domain Names and Registrars

The disputed domain names <wikipediaconsultants.com> and <wikipediadraftreview.org> are registered with GoDaddy.com, LLC (the "Registrar").

The disputed domain name <wikipediaregister.com> is registered with Hostinger Operations, UAB (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 4, 2024. On July 4, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On July 5, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (REDACTED FOR PRIVACY/PRIVACY SERVICE PROVIDERS/JARED BAUER) and contact information in the Complaint.

The Center sent an email communication to the Complainant on July 5, 2024 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amendment to the Complaint on July 13, 2024.

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 September 23, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 13, 2024. On September 30, 2024, the Center suspended the proceedings for the purposes of settlement discussions concerning one of the disputed domain names. On October 17, 2024, the Center notified the reinstitution of the proceedings, and the due date for Response was set for October 30, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 31, 2024.

The Center appointed John Swinson as the sole panelist in this matter on November 6, 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.

The Panel notes that the Complaint was initially filed regarding 10 disputed domain names. After discussions between the parties involved, the Complaint now involves 3 disputed domain names.

4. Factual Background

The Complainant was founded in 2003 and is a United States nonprofit charitable organization dedicated to encouraging the growth, development and distribution of free, multilingual, educational content.

The Complainant owns an international portfolio of trademark registrations for WIKIPEDIA in over 100 countries, among which include:

- United States Registration No. 3040722 for WIKIPEDIA, registered on January 10, 2006;
- International Trademark Registration No. 839132 for WIKIPEDIA, registered on December 16, 2004; and
- European Union Trade Mark No. 012847836 for WIKIPEDIA, registered on December 4, 2014.

The Complainant’s main website is located at “wikipedia.org”. This domain name was registered in 2001.

The Respondent(s) did not file a formal Response, so little information is known about the Respondent(s).

The disputed domain names were registered on the following dates:

- <wikipediaconsultants.com> – May 27, 2024
- <wikipediadraftreview.org> – September 14, 2024
- <wikipediaregister.com> – June 10, 2024

Currently, the disputed domain names resolve as follows:

- <wikipediaconsultants.com> resolves to a page titled “Wikipedia Consultants” that offer services relating to the Complainant’s website, and that includes statements such as “With our Wikipedia profile creation services, you can establish your brand’s robust presence on the online platform and gain the deserved recognition.”
- <wikipediadraftreview.org> resolves to a registrar generated parking page.
- <wikipediaregister.com> does not currently resolve to an active website, but at one time appeared to have a website promoting a Wikipedia page editing service.

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 names.

Notably, the Complainant contends that any visitors to the websites at the disputed domain names are likely to believe that the disputed domain names are connected to the Complainant in some way. Such use does not give rise to a legitimate interest in the disputed domain names. Some of the websites do have a small disclaimer buried at the very bottom of the website, which very few visitors are likely to notice.

The Respondents did not adopt the disputed domain names in ignorance of Complainant's Wikipedia trademark.

The Complaint did not specifically refer to the <wikipediaconsultants.com> disputed domain name in respect of the second and third elements of the Policy.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

- (i) the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondents have no rights or legitimate interests in respect of the disputed domain names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

The *onus* of proving these elements is on the Complainant.

Paragraph 15(a) of the Rules directs the Panel to decide the 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.

Each disputed domain name must be considered separately.

Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 4.11.2.

As regards common control, the Complainant submits that the disputed domain names <wikipediaregister.com> and <wikipediaconsultants.com> are both connected to registrants in the regions of Punjab or Sindh in Pakistan. Furthermore, it is submitted that the websites at the disputed domain names <wikipediaregister.com> and <wikipediaconsultants.com> both used different fake addresses which are both in San Francisco. The Complainant states: "As a result, the owner details in the whois are likely false and are in reality connected to the same people."

The Complainant also states that the disputed domain name <wikipediadraftreview.org> "is clearly using false Whois details. The Whois refers to 'Tom Copper', which is a well-known Wikipedia administrator who is often impersonated. ... This domain name is most likely also connected to the same ring of actors based out of Pakistan."

The evidence and arguments submitted by the Complainant do not sufficiently demonstrate that the three disputed domain names are under common control. The fact that two of the disputed domain names have registrants that are both from Pakistan, a country with a population of over 200 million people, does not demonstrate common control. The Complainant did not provide any evidence to prove that <wikipediadraftreview.org> is connected to the other two disputed domain names. The two registrars are different as between the three domain names, as are the dates of registration and site content.

It also does not assist the Complainant's position that the Complaint originally included a total of ten disputed domain names, of which seven have been removed from the Complaint due to various settlements.

As regards fairness and equity, the Panel and the Respondents must deal with a Complaint that refers to 10 disputed domain names, of which only 3 disputed domain names remain in the case. Thus, parts of the Complaint are now irrelevant. Other parts of the Complaint make generalizations that appear to be more relevant to domain names that are no longer in dispute. This leads to potential unfairness, as the Complaint is now difficult to follow.

Accordingly, the Panel decides to not consolidate the disputes regarding the three disputed domain names in a single proceeding.

Accordingly, the proceeding is dismissed regarding <wikipediadraftreview.org> and <wikipediaregister.com>, without prejudice to the filing of new complaints regarding these two disputed domain names.

In the remainder of this decision, the term "disputed domain name" refers to <wikipediaconsultants.com> and the term "Respondent" refers to Saqib Nizam.

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 Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar 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

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.

The website at the disputed domain name is titled “Wikipedia Consultants” but does not appear to include any legal entity name on the website. The Privacy Policy and the Terms and Conditions on this website, which would typically include the legal name of the entity operating the website, do not include such information, and the Privacy Policy is unusual and includes omissions. (For example, “... you should contact us immediately via email or telephone listed in the contact section of .” This sentence just ends unexpectedly.) The links on the website at the disputed domain name to the corresponding social media accounts are broken. Taken as a whole and considering that the Respondent did not file a Response with a rebuttal of the Complainant’s prima facie evidence, there is no evidence to demonstrate that the Respondent has been commonly known by the disputed domain name or that the Respondent is providing a bona fide offering of goods or services.

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 names. 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 names such as those enumerated in the Policy or otherwise.

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.

The Respondent provides no reason for its own choice of the disputed domain name.

The Panel finds that the Respondent was aware of the Complainant when the Respondent registered the disputed domain name. The Complainant and its WIKIPEDIA trademark are extremely well-known worldwide. As stated above, the Respondent’s website clearly refers to the Complainant.

The website at the disputed domain name includes a disclaimer at the bottom of the website as follows: “Wikipedia Consultants is neither allied with any Wikipedia organization nor directly or indirectly in the rivalry with Wikipedia organization and their services.” This is not sufficient to overcome what is otherwise bad faith use of the disputed domain name.

The disputed domain names comprise an appropriation of the Complainant’s trademark. In the view of the Panel, and despite the disclaimer on the Respondent’s website, the disputed domain name is likely in the

circumstances to imply to Internet users that it is endorsed or otherwise affiliated with the Complainant. The Panel finds, therefore, that by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation, or endorsement of its website or of a product or service on its website (paragraph 4(b)(iv) of 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 <wikipediaconsultants.com> be transferred to the Complainant.

The proceeding is dismissed regarding <wikipediadraftreview.org> and <wikipediaregister.com>, without prejudice to the filing of new complaints regarding these two disputed domain names.

/John Swinson/

John Swinson

Sole Panelist

Date: November 20, 2024