

ADMINISTRATIVE PANEL DECISION

Sasai Fintech Limited (formerly 'Cassava Connect Limited') v. Ruby Cheng
Case No. D2024-4135

1. The Parties

The Complainant is Sasai Fintech Limited (formerly 'Cassava Connect Limited'), Mauritius, represented by Adams & Adams Attorneys, South Africa.

The Respondent is Ruby Cheng, Singapore.

2. The Domain Name and Registrar

The disputed domain name <cassava.network> is registered with Squarespace Domains II LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 8, 2024. On October 9, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 9, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Amazon Technologies Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 15, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on October 18, 2024.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "Supplemental Rules").

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on October 22, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 11, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 12, 2024.

The Center appointed Felipe Claro as the sole panelist in this matter on November 22, 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.

On November 25, 2024, the Complainant made a request for the suspension of the proceeding to explore settlement negotiations with the Respondent. On November 27, 2024, the Panel issued Procedural Order No. 1, allowing the suspension of the proceeding until December 31, 2024, for purposes of settlement negotiations.

On December 31, 2024, the Center received a further request from the Complainant for the extension of the suspension period. Accordingly, the Panel issued Procedural Order No. 2, further suspending the proceeding until February 2, 2025.

On January 31, 2025, the Center received a third request from the Complainant for the extension of the suspension period. The Panel issued Procedural Order No. 3, agreeing to further suspend the proceeding until March 6, 2025, and informing the Parties that absent exceptional circumstances, the Panel will not be granting a further extension of the suspension period.

On March 5, 2025, the Complainant informed the Center that the settlement negotiations were in the process of being concluded, but have been delayed. In light of this, the Complainant had made a request for a final extension of the suspension period. Given these exceptional circumstances, the Panel issued Procedural Order No. 4, allowing for a final extension of the suspension of the proceeding until April 30, 2025.

On April 4, 2025, the Complainant sent a request to the Center for the reinstitution of the proceedings as the Parties did not reach a settlement agreement. Accordingly, on April 25, 2025, the Panel issued Procedural Order No. 5, confirming the reinstitution of the proceeding.

4. Factual Background

The Complainant is a subsidiary of Cassava Technologies Limited and part of the Cassava Technologies group. The Complainant and its affiliates are a global provider of innovative telecom solutions, delivering specialized information and communications technology and telecommunication projects, having over 300 4G deployments in over 100 countries. The Complainant also provides a vertically integrated ecosystem of digital services and infrastructure, enabling digital transformation across Africa.

Through its business units, the Complainant has operations across key growth markets, including Africa, the Middle East, Latin America and the United States of America. It provides its customers in 94 countries with offers that will help them grow, transform, and expand their operations.

The Complainant's group owns Africa's largest open access cross-border fiber broadband network spanning over 100,000 km, as well as Africa's largest network of interconnected carrier neutral data centers, solar renewable energy, cloud and cybersecurity, fintech, and on-demand digital platforms.

The Complainant is backed by significant investment and extensive collaboration with some of the world's largest technology businesses and institutional investors interested in Africa's digital transformation such as Microsoft, Mastercard, Google, Facebook and Amazon, among others.

The Complainant's goods and services are advertised at its website "www.cassavatechnologies.com". The Complainant changed its name from Cassava Connect Limited to Cassava Fintech Limited. It then changed its name again from Cassava Fintech Limited to Sasai Fintech Limited.

The Complainant is the proprietor of the CASSAVA trademark in numerous countries. Some of its trademark registrations are the following:

1. Australia trademark Registration no. 1721899, registered on September 16, 2015, in classes 9, 36 and 38.
2. Botswana trademark Registration no. 2015/000812, registered on September 13, 2016, in classes 9, 36 and 38.
3. Canada trademark Registration no. TMA1035859, registered on July 4, 2019, in classes 9, 36 and 38.
4. European Union trademark Registration no. 014557458, registered on September 13, 2018, in classes 9, 36, and 38.
5. Kenya trademark Registration no. 1089283, registered on June 7, 2016, in classes 9, 36 and 38.

The disputed domain name was registered on April 21, 2021. At the time that the Complainant discovered the disputed domain name, it resolved to a website promoting itself as a Web3 platform for entertainment, rewards and games in Africa. At the time of filing the Complaint, the disputed domain name resolved to a website providing services in relation to “AI-Driven Social Data Value Mining Protocol” which are nearly identical to the Complainant’s CASSAVA branded generative AI services. Presently, the disputed domain name resolves to an inactive webpage.

5. Parties’ Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

In particular, the Respondent is attempting to aggregate online traffic with the disputed domain name for its own benefit by causing confusion with the Complainant’s trademark. The disputed domain name is used to capitalize on notorious brand recognition and demonstrates the Respondent’s intention to target the Complainant’s customers.

B. Respondent

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

6. Discussion and Findings

In view of the lack of a response filed by the Respondent as required under paragraph 5 of the Rules, this proceeding has proceeded by way of default. Hence, under paragraphs 5(e), 14(a) and 15(a) of the Rules, the Panel is directed to decide this administrative proceeding based on the Complainant’s undisputed representations that the Panel considers reasonable. In that regard the Panel makes the following specific 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 3.0](#), section 1.7.1.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy, including trademarks in Africa. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The addition of the generic Top-Level Domain (“gTLD”) “.network” extension does not alter the above findings.

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

B. Rights or Legitimate Interests

Paragraph 4(b) 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.

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 considers that the composition of the disputed domain name when considered together with its use creates a risk of implied affiliation with the Complainant.

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(a) 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(a) 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 3.0](#), section 3.2.1.

The Respondent is using the disputed domain name in relation to the same services offered by the Complainant. The Respondent having registered the disputed domain name years after the first registered CASSAVA mark, it is highly likely that the Respondent was aware of the Complainant’s business fame. Moreover, the identical nature of the disputed domain name further supports a finding that the Respondent was aware of and attempted to take unfair advantage of the Complainant’s CASSAVA mark.

Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain name carries a risk of implied affiliation, in a likely attempt of taking an unfair advantage of the identity with the Complainant’s CASSAVA mark, and 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 <cassava.network> be transferred to the Complainant.

/Felipe Claro/

Felipe Claro

Sole Panelist

Date: May 6, 2025