

ADMINISTRATIVE PANEL DECISION

Open Society Institute v. opensociety foundation, opensocietyfoundationn
Case No. D2025-1638

1. The Parties

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

The Respondent is opensociety foundation, opensocietyfoundationn, Nigeria.

2. The Domain Name and Registrar

The disputed domain name <opensocietyfoundationn.online> is registered with Tucows Domains Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 23, 2025. On April 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 27, 2025, 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 April 29, 2025.

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 April 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 19, 2025. The Response was filed with the Center on May 18, 2025. The Center sent an email regarding possible settlement to the Parties on May 28, 2025. However, the Complainant did not request a suspension for settlement talks.

The Center appointed Steven A. Maier as the sole panelist in this matter on June 26, 2025. 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 charitable trust headquartered in New York, United States. It is a philanthropic organization that works for tolerant societies, accountable government and full public participation.

The Complainant is the owner of various trademark registrations, including United States trademark registration number 4248358 for the word mark OPEN SOCIETY FOUNDATIONS, registered on November 27, 2012 in International Classes 9, 16, 36, 38 and 41.

The Complainant operates a website at “www.opensocietyfoundations.org.” The domain name <opensocietyfoundations.com> also redirects to that website.

The disputed domain name was registered on March 8, 2025.

The disputed domain name appears at all material times to have resolved to a holding page hosted by Zoho, promoting web design services.

5. Parties’ Contentions

A. Complainant

The Complainant submits that it has conducted and funded a range of philanthropic projects around the world since at least 2010, its programs including public health, education and business development. Its website claims it has made total grants of USD 23 billion (USD 1.7 billion in 2023), with over 50,000 individual grants awarded.

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

The Complainant submits that the disputed domain name is confusingly similar to its trademark OPEN SOCIETY FOUNDATIONS. It contends that the disputed domain name is virtually identical to its trademark and merely replaces the final “s” in the trademark with the letter “n”, in an obvious attempt at “typosquatting”.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It states that it has no relationship with the Respondent and has never authorized it to use its OPEN SOCIETY FOUNDATIONS trademark, that the Respondent has not been commonly known by the disputed domain name, and that the Respondent is making neither bona fide commercial use nor legitimate noncommercial or fair use of the disputed domain name.

The Complainant submits that the disputed domain name was registered and has been used in bad faith. It states that the disputed domain name is so obviously connected with its trademark (which it claims to be well known) that there should be a presumption that the disputed domain name was registered opportunistically and in bad faith. It adds that the obvious misspelling of the word “foundationn” demonstrates that the Respondent had actual knowledge of the Complainant’s trademark, and can only be explained by a deliberate attempt at “typosquatting”. The Complainant further contends that the disputed domain name damages the Complainant by confusing Internet users seeking to find its website, and that the Respondent’s non-use of the disputed domain name does not preclude a finding of registration and use in bad faith.

B. Respondent

The Respondent states that its full name is “Awujo Sisi – Open Society Foundation”. It submits that it is an organization which was founded as “Awujo Sisi” in 2019 to advocate for prisoners unjustly detained within Nigeria’s penal system, and that it began to use the English equivalent “Open Society Foundation” in 2021. It exhibits what appears to be a Certificate of Incorporation issued by the Nigerian Corporate Affairs Commission, in the name of “AWUJO SISI – OPEN SOCIETY FOUNDATION”, dated February 14, 2022.

The Respondent exhibits various additional documents, including those that appear to be third-party correspondence, which reference “Awujo Sisi” and “Awujo Sisi – Open Society Foundation”.

The Respondent states that its preferred domain name registrations were <opensocietyfoundation.org> or <opensocietyfoundation.com>, but neither of these was available. It submits that it therefore registered both <opensocietyfoundation.online> and <opensocietyfoundations.online>, but lost control of both domain names owing to “managerial missteps by the IT firm.” The Respondent states that, faced with deadlines and a need to maintain continuity, it acquired the disputed domain name with a view to developing its website and later harmonizing all the domain names in question.

The Respondent asserts that it engaged in intensive internal deliberations in response to the present proceedings and ultimately decided that “... we are willing to relinquish the brand name in its entirety, both online and offline, in the interest of peace and greater good.” It goes on to propose a “negotiated settlement” to assist with supporting a new brand identity, and states that its request for compensation is not adversarial but pragmatic.

6. Potential Transfer by Consent

As discussed in section 4.10 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), a panel under the UDRP may order the transfer of a domain name, without rendering a reasoned decision, in the event of the respondent’s unilateral consent to the transfer. However, any such consent must be unambiguous. In this case, while the Respondent appears to indicate its willingness to relinquish the disputed domain name, it also proposes a financial settlement, and it is unclear to the Panel whether this is intended to be a condition of any transfer. The Panel does not therefore find there to be unambiguous unilateral consent to a transfer and will proceed to a reasoned decision.

7. Discussion and Findings

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are that:

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

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.

The Complainant has established that it is the owner of registered trademark rights in the mark OPEN SOCIETY FOUNDATIONS. The disputed domain name is identical to that trademark, but for the substitution of a (repeated) letter “n” in the disputed domain name for the letter “s” at the end of the Complainant’s trademark. The Panel therefore finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

The Respondent contends that it registered the disputed domain name in connection with its organization, originally named “Awujo Sisi”, which has operated as “Awujo Sisi – Open Society Foundation” since 2021. The issue for the Panel is, therefore, whether the Respondent registered and has used the disputed domain name for a genuine (commercial or noncommercial) venture without intent to take unfair advantage of the Complainant’s trademark rights, or alternatively, whether the legitimate use which it claims is in reality a sham or pretext for targeting the Complainant’s trademark.

The UDRP is a summary procedure which does not allow for the same level of evidentiary investigation as would a court of law. However, on the evidence available to it in this case and on balance, the Panel is unable to conclude that the Respondent registered and has used the disputed domain name for a legitimate purpose unrelated to the Complainant’s trademark and without intent to cause confusion with that trademark. The Panel makes this finding for a number of reasons.

First the Panel does not accept the Respondent’s explanation for its choice of the disputed domain name. Even if its preferred domain names were unavailable, and even if it was under time or other pressures, it gives no credible reason for selecting the term “foundationn” (with the letter “n” repeated) within the disputed domain name. In the view of the Panel, the selection of this term is significantly more consistent with an attempt to “typosquat” upon the Complainant’s trademark OPEN SOCIETY FOUNDATIONS than with any legitimate purpose.

Secondly, the Panel is not persuaded by the evidence relating to the Respondent organization itself. For example, the Panel was unable readily to verify the Respondent’s registration with the Nigerian Corporate Affairs Commission, despite conducting a search upon that agency’s website.¹ In addition, Google searches against the Respondent’s name, stated street address and telephone number did not appear to produce any results relating to the Respondent.

Thirdly, despite the Respondent asserting that it selected the disputed domain name owing partly to time pressure and a need to develop its website, it appears to have made no demonstrable preparations to use the disputed domain name for the purpose of any active website, and the disputed domain name continues to resolve to what appears to be a holding page hosted by Zoho even at the date of this Decision.

The Panel finds in the circumstances that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

C. Registered and Used in Bad Faith

For similar reasons to those enumerated above, the Panel finds on balance that the disputed domain name was registered and has been used in bad faith.

The Respondent accepts in its Response that it found the domain names <opensocietyfoundation.org> and <opensocietyfoundation.com> to be unavailable when it came to register the disputed domain name, from

¹ As discussed in paragraph 4.8 of [WIPO Overview 3.0](#), a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision.

which the Panel infers that the Respondent was (or ought to have been) aware of the Complainant at that date.

Moreover, the Panel reiterates its incredulity that the Respondent could have chosen the disputed domain name, with the final letter “n” repeated, for any legitimate purpose. The term “foundationn” has no ordinary meaning, and the selection of this term raises a clear inference that the disputed domain name was registered in order to capture Internet traffic in which the Complainant’s trademark OPEN SOCIETY FOUNDATIONS was misspelled.

It is immaterial to the Panel’s conclusions that no active use appears to have been made of the disputed domain name. The Panel is of the view that the composition of the disputed domain name confuses Internet users into believing that it must be owned or operated by, or otherwise legitimately affiliated with, the Complainant. The disputed domain name in the hands of the Respondent therefore represents an ongoing unfair detriment to the Complainant.

The Panel finds in the circumstances that the disputed domain name was registered and is being used in bad faith.

8. 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 <opensocietyfoundationn.online> be transferred to the Complainant.

/Steven A. Maier/

Steven A. Maier

Sole Panelist

Date: July 10, 2025