

ADMINISTRATIVE PANEL DECISION

Outsystems, Software Em Rede, S.A. v. First Last
Case No. D2025-2529

1. The Parties

Complainant is Outsystems, Software Em Rede, S.A., Portugal, represented by SafeNames Ltd., United Kingdom.

Respondent is First Last, Singapore.

2. The Domain Names and Registrar

The disputed domain names <outsystem.net> (“disputed domain name No. 1”) and <outsystemcloud.net> (“disputed domain name No. 2”) are registered with Wild West Domains, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 27, 2025. On June 30, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On July 1, 2025, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to Complainant on July 1, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on July 3, 2025.

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 Respondent of the Complaint, and the proceedings commenced on July 4, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 24, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on July 25, 2025.

The Center appointed Stephanie G. Hartung as the sole panelist in this matter on July 29, 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

Complainant is a company organized under the laws of Portugal and headquartered in the United States of America that is active in the AI industry, offering an AI-powered low-code platform for delivering mobile apps, portals, and web applications which is accessible, inter alia, in English, German, French, Portuguese and Japanese. Besides, Complainant offers the so-called “Outsystems Developer Cloud (ODC)” which is a cloud-native, low-code platform that enables rapid development and deployment of enterprise mobile and web applications.

Complainant has provided evidence that it is the registered owner of various trademarks relating to its company name and brand OUTSYSTEMS, inter alia, but not limited to, the following:

- word trademark OUTSYSTEM, European Union Intellectual Property Office (EUIPO), registration number: 017070616, registration date: November 16, 2017, status: active;
- word/device trademark OUTSYSTEMS, United Kingdom Intellectual Property Office (UKIPO), registration number: UK00907256415, registration date: July 23, 2009, status: active.

Moreover, Complainant has demonstrated to own the domain name <outsystems.com>, which has been used since 2002 to operate its official website, promoting Complainant’s products and related services in different languages.

Respondent, according to the Registrar verification, is located in Singapore. The disputed domain name No. 1 was registered on June 11, 2019, while the disputed domain name No. 2 was registered on March 13, 2020; they both redirect to a website at “www.spankbang.com” which displays pornographic content.

On May 1 as well as on May 8, 2025, Complainant’s representative sent cease-and-desist letter notices to both Respondent as well as to the entity associated with the website to which the disputed domain names redirect. While Respondent did not respond to those notices, the website owner replied, disclaiming any association with the disputed domain names.

Complainant requests that the disputed domain names be transferred to Complainant.

5. Parties’ Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain names. Notably, Complainant contends that it has established a global presence with offices in 16 countries and has amassed over 800,000 community members, more than 500 partners, and thousands of active customers across over 75 countries, which is why Complainant’s OUTSYSTEM(S) trademarks have meanwhile attained goodwill and recognition and have become a distinctive identifier associated with Complainant.

Complainant submits that the disputed domain name No. 1 is identical to Complainant’s OUTSYSTEM trademark, as it includes the entirety thereof without any additions or amendments, while the disputed domain name No. 2 is at least confusingly similar to Complainant’s OUTSYSTEMS trademark, as it encompasses the entirety of the latter with the addition of the word “cloud”. Moreover, Complainant asserts that Respondent has no rights or legitimate interests in respect of the disputed domain names since (1) Respondent has not received any license from Complainant to use domain names featuring the

OUTSYSTEM(S) trademarks, and (2) Respondent obviously has no trademark rights in or other connection to the words used in the disputed domain names, but rather aims to harm the reputation of Complainant's OUTSYSTEM(S) trademarks by redirecting the disputed domain names to pornographic content. Finally, Complainant argues that Respondent has registered and is using the disputed domain names in bad faith since (1) Complainant's trademark registrations predate the creation date of the disputed domain names by several years, (2) the term "outsystem(s)" has no ordinary or dictionary meaning, but is used solely in connection with Complainant's services, (3) given that the entire OUTSYSTEM(S) trademarks are used in the disputed domain names, with an additional term "cloud" which refers to Complainant's services, it is highly likely that Respondent was aware of Complainant's rights in those trademarks and sought to target them at the point of the disputed domain names' registrations, and (4) it is highly likely that Respondent also registered another third-party domain name to target a different software company.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, Complainant carries the burden of proving:

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

Respondent's default in the case at hand does not automatically result in a decision in favor of Complainant, however, paragraph 5(f) of the Rules provides that if Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute solely based upon the Complaint. Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from Respondent's failure to submit a Response as it considers appropriate.

A. Identical or Confusingly Similar

First, 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 Complainant's OUTSYSTEM(S) trademarks and the disputed domain names. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

Complainant has shown rights in respect of its OUTSYSTEM(S) trademarks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. These trademarks are entirely reproduced within the disputed domain names, with respect to the disputed domain name No. 2 with the term "cloud" simply added to Complainant's OUTSYSTEMS trademark. Accordingly, the disputed domain name No. 1 is identical, and the disputed domain name No. 2 is confusingly similar to Complainant's OUTSYSTEM(S) trademarks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. Although the addition of other terms (here, the term "cloud") may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name No. 2 and Complainant's OUTSYSTEMS trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel, therefore, holds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Second, paragraph 4(c) of the Policy provides a list of circumstances in which 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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain names. Respondent has not rebutted 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.

In particular, Respondent has neither been granted a license nor has it otherwise been authorized by Complainant to use its OUTSYSTEM(S) trademarks, either as a domain name or in any other way. Also, there is no reason to believe that Respondent’s name somehow corresponds with the disputed domain names, and Respondent does not appear to have any trademark rights associated with the non-dictionary (as combined) terms “outsystem” and/or “outsystems” on its own. Finally, the disputed domain names, which are identical and confusingly similar to Complainant’s well-reputed OUTSYSTEM(S) trademarks and also, in the case of the disputed domain name No. 2, include the term “cloud”, which is directly targeting Complainant’s core business, resolve to a commercially active website at “www.spankbang.com” which displays pornographic content likely for some commercial gain. Such use of the disputed domain names, which obviously aims at somehow profiting from the reputation connected to Complainant’s undisputedly well-known OUTSYSTEM(S) trademarks, neither qualifies as bona fide nor as legitimate noncommercial or fair within the meaning of paragraph 4(c) of the Policy.

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

C. Registered and Used in Bad Faith

Third, 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 facts of this case allow to conclude that Respondent was well aware of Complainant’s rights in the OUTSYSTEM(S) trademarks when registering the disputed domain names and that the latter are clearly directed thereto. Not only are Complainant’s OUTSYSTEM(S) trademarks undisputedly well-reputed. Also, the combination in the disputed domain name No. 2 of the term “outsystems” (which is identical with Complainant’s OUTSYSTEMS trademark) and the term “cloud” is directly targeting Complainant and its business in the AI industry. In turn, those terms lack any direct or indirect connection to pornographic content as it has been put in place on the website to which both disputed domain names redirect. Such circumstances are clear enough indications for this Panel that – absent any other indication as to why Respondent needed incorporate Complainant’s well-reputed OUTSYSTEM(S) trademarks which are reflected in the disputed domain names – Respondent obviously aimed at either somehow taking unfair advantage of Complainant’s OUTSYSTEM(S) trademarks or even at tarnishing the latter by redirecting the disputed domain names to pornographic content likely for some commercial gain. In this context, UDRP panels have long held that both scenarios give rise to find for bad faith acting on the part of Respondent (see [WIPO Overview 3.0](#), sections 3.1. as well as 3.12).

Finally, it also carries weight in the eyes of the Panel that Respondent obviously provided false or incomplete contact information in the registration details for the disputed domain names (e.g. the name "First Last"), which is why e.g. the Written Notice of the Notification of Complaint dated July 4, 2025 could not be delivered. This fact at least throws a light on Respondent's behavior which supports the Panel's bad faith finding.

The Panel, therefore, holds that Complainant has established the third element of the Policy, too.

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 names, <outsystem.net> and <outsystemscloud.net>, be transferred to Complainant.

/Stephanie G. Hartung/

Stephanie G. Hartung

Sole Panelist

Date: August 11, 2025