

ADMINISTRATIVE PANEL DECISION

Cool Calc Inc. v. Victor Ojo
Case No. D2025-5348

1. The Parties

Complainant is Cool Calc Inc., United States of America (“United States”), internally represented.

Respondent is Victor Ojo, United States.

2. The Domain Name and Registrar

The disputed domain name <coolcalc.org> (the “Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 19, 2025. On December 22, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On December 23, 2025, the Registrar transmitted by email to the Center its verification response confirming that Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 Respondent of the Complaint, and the proceedings commenced on January 7, 2026. In accordance with the Rules, paragraph 5, the due date for Response was January 27, 2026. The Response was filed with the Center on January 27, 2026.

The Center appointed Robert A. Badgley as the sole panelist in this matter on February 9, 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

Complainant states that it “sells a software product called ‘Cool Calc’ which is a web-based heating and cooling load calculator software.” According to the Complaint:

“Complainant is the owner of the COOL CALC trademark (the ‘Mark’) as used on and in connection with its web-based heating and cooling load calculator software. Complainant has so used the Mark continuously since 2014. Complainant purchased and began using the domain name www.coolcalc.com in 2014. The Mark has become a distinctive identifier that consumers associate with Complainant’s goods and/or services due to its continuous, long-term use of the Mark on its goods and/or services.”

“Complainant has prominently and extensively used, promoted, and advertised the COOL CALC mark and domain name for over ten (10) years. By virtue of these efforts, the Mark and domain name has become well recognized by consumers as designating Complainant as the source of the goods so marked.”

Complainant provided no evidence of the extent to which its alleged COOL CALC mark has become recognized by consumers. At Complainant’s website (a screenshot of which was not annexed to the Complaint but which the Panel, in its discretion, briefly reviewed), Complainant boasts more than 150,000 “Happy Users” and more than 1,000,000 “Projects Created.”

Complainant does not state that it owns a registered trademark.

Respondent registered the Domain Name on June 26, 2025. The Domain Name resolves to a website which states: “CoolCalc is the first mobile app that helps you quickly calculate the precise cooling load and Air Conditioning system size you need based on real weather data for all 36 Nigerian states.”

5. Parties’ Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

Complainant asserts that COOL CALC “is a suggestive term which has no meaning outside its use to identify Complainant as a source of certain products and services.”

Complainant asserts further that Respondent is not a licensee of Complainant and is not otherwise authorized to use Complainant’s COOL CALC mark for any purpose.

Complainant argues:

“Respondent’s purchase of coolcalc.org suggests that it knew or should have known about the existence of Complainant, Complainant’s product, and Complainant’s coolcalc.com domain. First, had it conducted even the minimal amount of due inquiry as to the availability of a ‘Cool Calc’ domain, a cursory Google search of the term ‘Cool Calc’ reveals that not only is the link to Complainant’s coolcalc.com the first result, but that all seven (7) of the results on the first page refer to Complainant. See Annex 4.” [...]

“Additionally, the fact that Respondent has created a website using a domain name comprised of Complainant’s exact trademark where it sells a product identical to Complainant’s product under the identical product name as Complainant’s product supports Complainant’s assertion that its mark has achieved significance as a source identifier.”

“In addition, on information and belief, Respondent is not a non-profit organization, educational institution, advocacy group, or a charity – the categories of organizations that typically utilize the .org TLD. It is likely that when Respondent learned that coolcalc.com had already been purchased it chose a domain name with the next most popular TLD – coolcalc.org.”

B. Respondent

The entirety of Respondent’s input in this proceeding is the following email it sent to the Center on January 28, 2026:

“Our app’s name is ‘CoolCalc’ and is a trademark registered in Nigeria. This was selected without knowledge of the Complainant’s ‘CoolCalc Manual J’ software. We only came to know about the coolcalc.com site after the coolcalc.org domain was registered when we were testing the SEO optimization of your site. We have our company name registered as coolcalctech and are already planning to create another site using with the company name. This current domain will be taken down but the name of the app – ‘CoolCalc’ will remain.”

Respondent annexed a settlement form he signed for cancellation of the Domain Name to this missive.

6. Discussion and Findings

Paragraph 4(a) of the Policy lists the three elements which Complainant must satisfy with respect to the Domain Name:

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

A. Identical or Confusingly Similar

The Panel concludes, for purposes of this proceeding, that Complainant has common law rights in the unregistered trademark COOL CALC through use. As noted above, Complainant’s website prominently and repeatedly features the mark in the promotion of Complainant’s products.

The Panel also concludes that the Domain Name is identical to Complainant’s COOL CALC mark.

Complainant has established Policy paragraph 4(a)(i).

B. Rights or Legitimate Interests

Pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

- (i) before any notice to you [Respondent] of the dispute, your use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services; or
- (ii) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Domain Name, even if you have acquired no trademark or service mark rights; or
- (iii) you [Respondent] are making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel concludes that Respondent lacks rights or legitimate interests in respect of the Domain Name. The Panel finds Respondent's account implausible. First, Respondent appears to be offering a product very similar to the one offered by Complainant. Second, the Panel agrees with Complainant that the COOL CALC mark is suggestive, and hence enjoys a measure of inherent distinctiveness. It is not entirely descriptive of Complainant's products. As such, there is a somewhat lower likelihood that Respondent's registration of the Domain Name can be put down to sheer coincidence. Third, Respondent claims to have registered COOL CALC as a trademark in Nigeria, but Respondent did not provide any evidence of same. Proof of such a registration would have been exceedingly easy to provide. (Also, Respondent does not state when that purported mark was registered or applied for in Nigeria.) Fourth, if Respondent had no knowledge of Complainant's COOL CALC mark, then it is difficult to fathom why Respondent registered the Domain Name – with the “.org” Top-Level Domain – instead of first seeking out the domain name owner by Complainant – with the more marketable “.com” Top-Level Domain. As noted by Complainant, Respondent does not appear to be a non-profit entity or other entity that one might ordinarily associate with the “.org” Top-Level Domain.

In sum, although Complainant has made out a weak case for its own trademark rights and the degree of renown Complainant's alleged trademark enjoys, the foregoing factors taken together persuade the Panel, on a balance of probabilities, that Respondent was more likely than not aware of Complainant's COOL CALC mark and Respondent's intent was to derive income through the consumer confusion engendered by Respondent's use of the Domain Name and corresponding website. Such conduct does not invest Respondent with a legitimate interest in respect of the Domain Name. The Panel reiterates that, if Respondent had a bona fide interest in the Domain Name, it would have been exceedingly easy to come forward with a modicum of proof. In addition to this, Respondent consented to cancelling the Domain Name.

The Panel concludes that Complainant has established Policy paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy provides that the following circumstances, “in particular but without limitation,” are evidence of the registration and use of the Domain Name in “bad faith”:

- (i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Name; or
- (ii) that Respondent has registered the Domain Name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or
- (iii) that Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or
- (iv) that by using the Domain Name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent's website or other online location, by creating a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation, or endorsement of Respondent's website or location or of a product or service on Respondent's website or location.

The Panel concludes, on the sparse record presented here, that Respondent has registered and used the Domain Name in bad faith. The Panel incorporates its discussion in the “Rights or Legitimate Interests” section, and relies on that discussion to buttress its finding that Respondent more likely than not registered the Domain Name in violation of the above-quoted Policy paragraph 4(b)(iv). The settlement signed by Respondent confirms this finding.

Complainant has established Policy paragraph 4(a)(iii).

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 Domain Name <coolcalc.org> be transferred to Complainant.

/Robert A. Badgley/

Robert A. Badgley

Sole Panelist

Date: February 23, 2026