

ADMINISTRATIVE PANEL DECISION

Microsoft Corporation v. Syeda Zehra
Case No. D2026-0899

1. The Parties

Complainant is Microsoft Corporation, United States of America (“United States” and “US”), represented by Edward Nathan Sonnenbergs Inc., South Africa.

Respondent is Syeda Zehra, US.

2. The Domain Name and Registrar

The disputed domain name <smartwindows.app> (the “Domain Name”) is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 2, 2026. On March 2, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On March 2, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name, which differed from the named Respondent (Registration Private, Domains By Proxy, LLC / FiveRivers, Technologies Pvt Ltd) and contact information in the Complaint. The Center sent an email communication to Complainant on March 3, 2026, 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 March 6, 2026.

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 March 9, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 29, 2026.

A Response was received by the Center on March 27, 2026.¹

The Center notified the Parties the commencement of panel appointment on April 3, 2026.

The Center appointed Christopher S. Gibson as the sole panelist in this matter on April 14, 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.

On April 17, 2026, Complainant submitted a Supplemental Filing.

4. Factual Background

Complainant is one of the world's leading providers of personal-computer software systems, cloud services, video games and related products. Complainant, which celebrated its 50th anniversary in April 2025, was founded in 1975. Among its best-known offerings is the WINDOWS operating system, first launched in 1985 and used globally by hundreds of millions of users.

Complainant owns (and has provided evidence of) numerous trademark registrations for the WINDOWS mark (which is used both on its own and in combination with other elements, such as WINDOWS XP, WINDOWS 10, WINDOWS 11, WINDOWS MEDIA PLAYER, and WINDOWS 365, to name a few) in multiple jurisdictions worldwide, including United States, European Union, United Kingdom, and other international registrations. Among the trademarks submitted in evidence is US Registration No. 74090419, registered on January 10, 1995, for the WINDOWS word mark. Complainant's mark has acquired substantial reputation and goodwill such that its WINDOWS mark qualifies as a well-known trademark.

The Domain Name was registered on October 16, 2020. The registrant has been identified as an individual located in Texas, US. However, he appears to be associated with FiveRivers Technologies (Private) Limited, which is the entity that submitted the Response.

The Domain Name has been used in connection with a commercial website offering software products. Initially, the Domain Name resolved to a website branded "SmartWindows," which prominently displayed the Complainant's WINDOWS trademark and offered third-party software products "SmartWindows" and "FastWindows" described as compatible with Windows 10 and Windows 11 operating systems. The website repeatedly used the WINDOWS mark, including with "™" designation, without authorization and without any disclaimer of affiliation.

Following notice by letter dated November 7, 2025, from Complainant, Respondent modified the website to rebrand the offering as "SmartPanels" and "TurboCharger" for certain products. However, the Domain Name itself was retained, and, following receipt of the letter, redirects to a website offering the same (rebranded) software products. The current website continues to reference Complainant's WINDOWS trademark, including statements that the software is designed for Windows operating systems. The record indicates that the site is commercial in nature, offering downloadable software to a global audience, and that Respondent is not affiliated with, nor authorized by, Complainant to use the WINDOWS mark.

¹ A Response was submitted by Ahmad Nadeem & Co on behalf of FiveRivers Technologies (Private) Limited which seems to be an entity associated with Respondent.

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.

(i) Identical or Confusingly Similar

Complainant contends the Domain Name is confusingly similar to its well-known WINDOWS trademark. The Domain Name wholly incorporates the WINDOWS mark, which remains clearly recognizable as its dominant element. The addition of the term "smart" does not prevent a finding of confusing similarity, as it is merely a descriptive or laudatory prefix.

Complainant further submits that the applicable Top-Level Domain ("TLD") ".app" should be disregarded for purposes of the comparison. In any event, Complainant states the ".app" TLD reinforces the confusing similarity because it directly relates to software and applications, which are central to Complainant's WINDOWS offerings.

(ii) Rights or Legitimate Interests

Complainant asserts that Respondent has no rights or legitimate interests in respect of the Domain Name. Respondent is not affiliated with Complainant and has not been authorized to use the WINDOWS trademark or to register any domain name incorporating it.

According to Complainant, Respondent is not making a bona fide offering of goods or services. Rather, the Domain Name has been used to resolve to a commercial website offering third-party software products while prominently using Complainant's WINDOWS trademark. Complainant argues that such use falsely suggests affiliation or endorsement and fails to meet the requirements for legitimate reseller use under established UDRP precedent (including the Oki Data criteria), particularly as the website offers non-Microsoft products and does not accurately disclose the lack of relationship with the trademark owner.

In this case, Complainant submits there can be no doubt that Internet users and relevant consumers are misled regarding the relationship between the website and Complainant and will falsely believe the site to be Complainant's or at the very least officially affiliated with Complainant and/or its Windows operating system. Such use of the Domain Name cannot be considered a bona fide offering of goods and does not establish a legitimate interest on behalf of Respondent.

Complainant further submits that Respondent's conduct—initially using "SmartWindows" and "FastWindows" branding and subsequently rebranding after receiving Complainant's letter – demonstrates the absence of any legitimate interest, while continuing to use the Domain Name incorporating the WINDOWS mark.

(iii) Registered and Used in Bad Faith

Complainant contends that the Domain Name was registered and is being used in bad faith. Given the longstanding and global fame of the WINDOWS trademark, Respondent knew or should have known of Complainant's rights at the time of registration.

Complainant argues that Respondent intentionally registered the Domain Name to create a likelihood of confusion with the WINDOWS mark and to attract Internet users for commercial gain. The use of the Domain Name to resolve to a website offering software products – while prominently referencing the WINDOWS mark and suggesting compatibility with Windows operating systems – allegedly misleads users into believing that the site is affiliated with or endorsed by Complainant.

Complainant also points to Respondent's conduct following notice of the dispute, including rebranding the website while retaining the Domain Name, as evidence of bad faith and an attempt to preserve the benefit of prior confusion. Additional factors cited include the use of privacy services to obscure Respondent's identity and the allegedly misleading nature of content on the website, including altered customer reviews and unauthorized use of Complainant's Bloom imagery.

On this basis, Complainant submits that the requirements of paragraph 4(a)(iii) of the Policy are satisfied.

B. Respondent

(i) Identical or Confusingly Similar

Respondent denies that the Domain Name is confusingly similar to Complainant's WINDOWS trademark. The Domain Name clearly differs from the standalone trademark WINDOWS by incorporating the distinctive prefix "smart". According to Respondent, the term "windows" is commonly used in the computing industry in a descriptive and functional sense, referring to graphical interface windows displayed on a computer screen. Respondent's use of the term is descriptive of the software's functionality and not intended to reference or exploit Complainant's WINDOWS trademark.

Respondent further argues that the website presents its own independent branding and there is no representation or claim suggesting association with Complainant. The services offered are third-party productivity tools compatible with multiple platforms. Accordingly, Respondent contends there is no likelihood of consumer confusion regarding the source, sponsorship, or affiliation of Respondent's services.

(ii) Rights or Legitimate Interests

Respondent contends that it has a legitimate interest in the Domain Name, which it asserts corresponds to its intended product name, "SmartWindows". In support of this position, Respondent notes that it filed a trademark application for SMARTWINDOWS with the Intellectual Property Organization of Pakistan (Application No. 724235, dated October 26, 2023), which it states has been accepted and is at the advertisement stage.

According to Respondent, it intends to develop and promote a productivity software tool under the "SmartWindows" name, designed to assist users in managing application windows and workspace layouts. Respondent submits that the Domain Name is being used, or is intended to be used, in connection with this software for legitimate commercial purposes. It further maintains that it has not sought to mislead users into believing that its website is affiliated with, sponsored by, or endorsed by Complainant. Respondent also asserts that it is engaged in a bona fide offering of goods or services. Finally, Respondent contends that its use of the term "windows" constitutes nominative fair use, as it was necessary to describe the platform for which its software is designed.

(iii) Registered and Used in Bad Faith

Respondent contends it did not register or use the Domain Name in bad faith. Specifically, the Domain Name was not registered for the purpose of selling it to the trademark owner; it is used for a legitimate software product and not for phishing, impersonation, or misleading activities; and Respondent has consistently used the Domain Name in good faith to promote its own technology solution.

6. Discussion and Findings

6.1. Supplemental Filing

The Panel must determine whether to admit Complainant's Supplemental Filing of April 17, 2026. While the Rules do not expressly provide for additional submissions, panels retain discretion under paragraphs 10 and

12 of the Rules to determine the admissibility of further evidence. In this case, the Panel finds that Complainant's Supplemental Filing is narrowly focused, directly responsive to matters first raised in the Response, and provides relevant clarification regarding the status of Respondent's asserted trademark application for SMARTWINDOWS in Pakistan. Specifically, Complainant explains that contrary to Respondent's characterization of its application as merely pending and proceeding toward advertisement, the application has been actively contested through opposition proceedings filed by Complainant on December 23, 2025.

In the interests of fairness and a complete record, the Panel therefore admits and has considered Complainant's Supplemental Filing.

6.2. Substantive Matters

In order to succeed on its Complaint, Complainant must demonstrate that the three elements set forth in paragraph 4(a) of the Policy have been satisfied. These elements are that:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) Respondent has registered and is using the Domain Name 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 Complainant's trademark and the Domain Name. WIPO Overview of WIPO Panel Views on Select UDRP Questions, Third Edition, ("[WIPO Overview 3.1](#)"), section 1.7.

The Panel finds that Complainant has established rights in the WINDOWS trademark through longstanding use and multiple trademark registrations worldwide, establishing well-known status. The Domain Name incorporates Complainant's WINDOWS mark in its entirety. Moreover, the addition of the term "smart" does not prevent a finding of confusing similarity. See [WIPO Overview 3.1](#), section 1.8 ("Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element").

The gTLD ".app" is typically disregarded for purposes of the confusing similarity analysis.

Accordingly, the Panel finds that the Domain Name is confusingly similar to a trademark in which Complainant has rights. The first element of paragraph 4(a) of the Policy is satisfied.

B. Rights or Legitimate Interests

Although the overall burden of proof in UDRP proceedings is on the complainant, UDRP 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).

Here, having reviewed the available record, the Panel finds that Complainant has made a prima facie showing Respondent lacks rights or legitimate interests in the Domain Name. Respondent is not affiliated with Complainant, is not an authorized distributor or reseller of the WINDOWS software products and has not been authorized to use the WINDOWS trademark. The Domain Name was registered well after Complainant

had established substantial goodwill and well-known rights in its WINDOWS trademark, and the evidence indicates Respondent was aware of Complainant and its WINDOWS marks when registering the Domain Name.

Respondent's case is that he is making a legitimate noncommercial or fair use of the Domain Name. In this regard, he relies in the Response, somewhat inconsistently, on the descriptive meaning of the term "windows" in computing as graphical user interface, and referential fair use designating operating systems with which his software is compatible. The Panel notes that the evidence shows the Domain Name has been used to resolve to a commercial website offering Respondent's software products while prominently using Complainant's WINDOWS trademark. The website initially marketed products under the names "SmartWindows" and "FastWindows", and made repeated use of the WINDOWS mark, including with a "™" designation, without any clear disclosure of the lack of affiliation with Complainant. While Respondent asserts that "there is no representation or claim suggesting association with Microsoft", Complainant's evidence shows that the website contained statements such as "SmartWindows is a feature-rich productivity app for Windows 10 and 11", "Ultimate Solution for Windows Management" without clearly indicating that the products offered are not official products of Complainant and against the background of using Complainant's Bloom imagery. The Panel finds that such use, coupled with the composition of the Domain Name itself, goes beyond what is necessary to be able to qualify the platform compatible with Respondent's software and creates a misleading impression of association or endorsement.

Nor does Respondent's conduct satisfy the criteria articulated in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#). Respondent is not offering Complainant's goods, does not accurately disclose its lack of relationship with Complainant, and uses the Domain Name in a manner that suggests affiliation.

The Panel also notes that, following notice of the dispute, Respondent altered the branding on its website while retaining the Domain Name. This change does not cure the lack of rights or legitimate interests; rather, it underscores that Respondent was aware of the problematic nature of its conduct.

For completeness, the Panel further notes that, Respondent relied on a pending trademark application for SMARTWINDOWS to support its claim of rights or legitimate interests. However, the record reflects that Respondent failed to disclose that this application was, at the time of the Response, already the subject of formal opposition proceedings initiated by Complainant, which Complainant has supported with documentary evidence. The evidence indicates Respondent was aware of such opposition but did not bring this fact to the Panel's attention, thereby presenting an incomplete and potentially misleading account of the status of Respondent's asserted trademark rights.

Accordingly, the Panel finds that Respondent has no rights or legitimate interests in respect of the Domain Name. The second element of paragraph 4(a) of the Policy is satisfied.

C. Registered and Used in Bad Faith

The third element of paragraph 4(a) of the Policy requires that Complainant demonstrate Respondent registered and is using the Domain Name in bad faith. UDRP paragraph 4(b) provides that any one of the following non-exclusive scenarios constitutes evidence of a respondent's bad faith:

- (i) circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or
- (ii) the 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 the respondent has engaged in a pattern of such conduct; or
- (iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the respondent's website or location.

Moreover, [WIPO Overview 3.1](#), section 3.1, states, "bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant's mark".

Here, the Panel finds that the Domain Name was registered and is being used in bad faith. At the time of registration in October 2020, Complainant's WINDOWS trademark was well known globally. Given the widespread use and recognition of the mark, the Panel finds that Respondent – who operates within the same industry - knew or should have known of Complainant's rights when registering the Domain Name. The incorporation of the WINDOWS mark in its entirety, combined with the term "smart", and the manner in which the Domain Name has been used, supports a finding that it was deliberately chosen to target Complainant.

The evidence further demonstrates that Respondent has used the Domain Name to attract Internet users to a commercial website by creating a likelihood of confusion with Complainant's mark as to source, sponsorship, affiliation, or endorsement. The website prominently used the WINDOWS trademark and Complainant's Bloom imagery, offered software products purportedly designed for Windows operating systems, and failed to include any clear disclaimer of affiliation. This conduct falls squarely within paragraph 4(b)(iv) of the Policy.

The Panel also considers Respondent's subsequent conduct. After receiving notice of Complainant's concerns, Respondent modified the branding on its website but retained the Domain Name and continued to use it to redirect users to substantially the same offering. This behavior indicates an attempt to preserve the benefit of prior confusion and does not negate bad faith.

Additional factors supporting a finding of bad faith include Respondent's initial use of Complainant's official Bloom imagery, and the overall misleading nature of the website content.

In light of the foregoing, the Panel concludes that the Domain Name was registered and is being used in bad faith. The third element of paragraph 4(a) of the Policy is satisfied.

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 <smartwindows.app> be transferred to Complainant.

/Christopher S. Gibson/

Christopher S. Gibson

Sole Panelist

Date: April 28, 2026