ADMINISTRATIVE PANEL DECISION
Modular Inc v. Phu Nguyen
Case No. D2026-1178

1. The Parties

The Complainant is Modular Inc, United States of America (“Unites States”), represented by Markmonitor, United States.

The Respondent is Phu Nguyen, United States, self-represented.

2. The Domain Name and Registrar

The disputed domain name <moxular.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 18, 2026. On March 19, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 20, 2026, 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, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 20, 2026, 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 March 24, 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 the Respondent of the Complaint, and the proceedings commenced on March 26, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 15, 2026. The Respondent sent email communications to the Center on March 24, April 16, and 21, 2026. The Respondent made a supplemental filing on April 22, 2026, followed by another email communication on April 24, 2026.

The Center appointed Evan D. Brown as the sole panelist in this matter on April 24, 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

The Complainant is in the business of developing and providing artificial intelligence (AI) infrastructure software, including an AI developer platform, programming language tools, and related services. The Complainant owns the trademark MODULAR, for which it enjoys the benefits of registration, including Mexican Registration No. 2432969, registered on August 4, 2022.

According to the WhoIs records, the disputed domain name was registered on October 16, 2025. The Respondent used the disputed domain name to resolve to a Sedo pay-per-click parking page displaying sponsored links related to AI products and services. The disputed domain name also has active email forwarding records configured, such that emails sent to addresses at the disputed domain name would be received and forwarded by the Respondent.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is identical or confusingly similar to the Complainant's trademark; that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and that the disputed domain name was registered and is being used in bad faith.

B. Respondent

The Respondent did not file a formal response to the Complainant's contentions within the due date for Response. The Respondent submitted email communications to the Center on March 24, April 16, and April 21, 2026, and a supplemental filing on April 22, 2026, followed by another communication on April 24, 2026. In these communications, the Respondent denied any intent to infringe the Complainant's trademark, claimed to have registered the disputed domain name in connection with a concept for a physical product, and asserted that he did not configure the pay-per-click content appearing on the website associated with the disputed domain name. The Respondent provided no documentary or other evidence in support of these assertions.

6. Discussion and Findings

6.1. Procedural Issue – Respondent Submissions

The Respondent sent a number of informal submissions to the Center before and after the due date for Response. Paragraphs 10 and 12 of the Rules grant the Panel sole discretion to determine the admissibility of statements or documents received from either Party. Having reviewed the Respondent's submissions, and noting that procedural matters and clarifications of Party positions related to such matters resulted in submissions being received after the due date for Response, the Panel will consider all of the Respondent's submissions.

6.2. Substantive Issues

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (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. The Panel finds that all three of these elements have been met in this case.

A. Identical or Confusingly Similar

This first element functions primarily as a standing requirement. WIPO Overview of WIPO Panel Views on Select UDRP Questions, Third Edition ("WIPO Overview 3.1"), section 1.7. 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. *Id*. This element requires the Panel to consider two issues: first, whether the Complainant has rights in a relevant mark; and second, whether the disputed domain name is identical or confusingly similar to that mark.

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. See *Advance Magazine Publishers Inc., Les Publications Conde Nast S.A. v. Voguechen*, WIPO Case No. D2014-0657. The Complainant has demonstrated its rights in the MODULAR mark by providing evidence of its trademark registrations, including Mexican Registration No. 2432969, registered on August 4, 2022. See WIPO Overview 3.1, section 1.2.1.

This case presents a classic example of typosquatting, where the Respondent has registered a minor misspelling of the Complainant's mark, substituting the letter "x" for the letter "d" in MODULAR to arrive at the disputed domain name <moxular.com>. The Panel finds that such conduct supports a finding of confusing similarity. *America Online, Inc. v. John Zuccarini, also known as Cupcake Message, Cupcake Messenger, The Cupcake Secret, Cupcake Patrol, Cupcake City, and The Cupcake Incident*, WIPO Case No. D2000-1495 (finding that the mere addition of a minor misspelling does not create a new or different mark in which the respondent has rights but instead results in a domain name that is confusingly similar to the complainant's mark). The MODULAR mark remains readily recognizable within the disputed domain name notwithstanding this single-letter substitution.

It is standard practice when comparing a disputed domain name to a complainant's trademark to disregard the applicable Top-Level Domain ("TLD") extension. See WIPO Overview 3.1, section 1.11.1. Accordingly, the ".com" extension is disregarded here.

The Panel finds that the Complainant has established this first element under the Policy.

B. Rights or Legitimate Interests

The Panel evaluates this element of the Policy by first looking to see whether the Complainant has made a prima facie showing that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. If the Complainant makes that showing, the burden of production of demonstrating rights or legitimate interests shifts to the Respondent (with the burden of proof always remaining with the Complainant). See WIPO Overview 3.1, section 2.1; *AXA SA v. Huade Wang*, WIPO Case No. D2022-1289.

On this point, the Complainant asserts, among other things, that: (1) the Respondent is not commonly known by the disputed domain name and is not affiliated with the Complainant in any way; (2) the Complainant has not authorized or licensed the Respondent to use the MODULAR mark in any manner; (3) the term "moxular" has no meaning in any language and therefore cannot support a claim to legitimate independent use; and (4) the Respondent has not used the disputed domain name in connection with any bona fide offering of goods or services. Instead, the Respondent used the disputed domain name to host a pay-per-click parking page displaying sponsored links related to AI products and services, which is the very field in which the Complainant operates, and configured email forwarding records on the disputed domain name.

The Panel finds that the Complainant has made the required prima facie showing. The burden of production therefore shifted to the Respondent to come forward with evidence demonstrating rights or legitimate interests in the disputed domain name. The Respondent has failed to meet that burden. His informal communications consist entirely of bare, unsupported assertions, namely, that he registered the disputed domain name for a physical product concept and did not configure the pay-per-click content. Under the balance of probabilities standard applicable in UDRP proceedings, unsupported self-serving claims, without any corroborating evidence such as a business plan, correspondence, investment records, or other contemporaneous documentation, are insufficient to rebut a complainant's prima facie case. See WIPO Overview 3.1, section 2.2. Nothing in the record otherwise tilts the balance in the Respondent's favor.

Accordingly, the Panel finds that the Complainant has established this second element under the Policy.

C. Registered and Used in Bad Faith

The Policy requires the Complainant to establish that the disputed domain name was registered and is being used in bad faith. Policy, paragraph 4(a)(iii). The Panel finds that the Complainant has satisfied this requirement. The circumstances of this case, considered in their totality, support a finding of bad faith registration and use.

With respect to registration, the Panel finds it implausible that the Respondent was unaware of the Complainant and its MODULAR mark at the time the disputed domain name was registered. The Complainant's mark had been in use globally since 2022, its earliest trademark registrations predate the disputed domain name registration by more than three years, and the Complainant operates the domain name <modular.com> as its principal website. Most significantly, the disputed domain name was registered on October 16, 2025, just three weeks after the Complainant's widely-reported USD 250 million Series C funding round was announced on September 24, 2025, generating substantial coverage in the technology and business press. The timing of the registration, so shortly after this high-profile announcement, supports an inference that the Respondent had the Complainant in mind when registering the disputed domain name. Moreover, as the Complainant notes, a simple Internet search for the term "modular" returns the Complainant's website as the first organic result, further undermining any claim that the Respondent was unaware of the Complainant. See WIPO Overview 3.1, section 3.2.2.

The nature of the disputed domain name itself reinforces this conclusion. The term "moxular" has no independent meaning in any language. The Respondent claims its choice of the disputed domain name, which differs by only a single letter from the Complainant's MODULAR mark, was "a play on moxy and modular for a future product idea", but provided no further explanation or evidence regarding its choice of the disputed domain name or alleged product. In this regard, the Panel notes the substitution of the letter "x" for the letter "d", keys that are adjacent on a standard QWERTY keyboard. See WIPO Overview 3.1, section 3.1.4.

With respect to use, the disputed domain name resolved to a Sedo pay-per-click parking page consistently displaying sponsored links related to AI products and services, the Complainant's precise field of commerce, across multiple captures spanning more than three months. The use of a domain name to host a parking page comprising pay-per-click links that capitalize on the reputation and goodwill of a complainant's mark constitutes bad faith use under paragraph 4(b)(iv) of the Policy. See WIPO Overview 3.1, section 3.1.4. A respondent cannot disclaim responsibility for content appearing on the website associated with its domain name, regardless of whether that content was generated by a third-party platform. See WIPO Overview 3.1, section 3.5. The Panel additionally notes that active email forwarding records were configured on the disputed domain name, meaning that emails sent to addresses at the disputed domain name, which differs from the Complainant's domain name <modular.com> by a single letter, would be received and forwarded by the Respondent.

The Respondent's unsupported assertions, that the disputed domain name was registered for a physical product concept and that he did not configure the pay-per-click content, are not supported by the record and insufficient to rebut the weight of evidence supporting bad faith. The Panel draws adverse inferences from the Respondent's failure to provide any corroborating evidence in support of these claims. See WIPO Overview 3.1, section 4.3.

Accordingly, the Panel finds that the Complainant has established this third element under 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 <moxular.com> be transferred to the Complainant.

/Evan D. Brown/
Evan D. Brown
Sole Panelist
Date: May 8, 2026