ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Whenavailable LLC v. Muhammad Ali
Case No. D2026-1315

1. The Parties

Complainant is Whenavailable LLC, United States of America ("United States"), represented by Hawley Troxell Ennis & Hawley LLP, United States.

Respondent is Muhammad Ali, United States.

2. The Domain Name and Registrar

The disputed domain name <whenavailable.app> is registered with Name.com, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 26, 2026. On March 27, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 30, 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 (NAME REDACTED FOR PRIVACY DOMAIN PROTECTION SERVICES, INC.) and contact information in the Complaint. The Center sent an email communication to Complainant on March 31, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on April 4, 2026.

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 Respondent of the Complaint, and the proceedings commenced on April 8, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 28, 2026. Respondent sent email communications to the Center on March 31, 2026, April 3, 2026 and April 8.

The Center appointed Scott R. Austin as the sole panelist in this matter on May 3, 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 following facts appear from the Complaint (as amended) and its attached Annexes, which have not been contested by Respondent, and provide sufficient evidence to support:

Organized as a California limited liability company and headquartered in Santa Clara, California, United States, Complainant provides software-as-a-service products featuring software for scheduling group meetings and operates a website featuring non-downloadable software for creating, sending invitations, and replying to a poll with meeting time suggestions and sending messages regarding the poll under the trademark WHENAVAILABLE (the "WHENAVAILABLE Mark").

Complainant is the owner of the following registration with the United States Patent and Trademark Office ("USPTO") for the WHENAVAILABLE Mark:

United States Registration No. 6,722,593, WHENAVAILABLE, registered May 24, 2022, for "Providing a website featuring non-downloadable software for creating, sending invitations, and replying to a poll with meeting time suggestions and sending messages regarding the poll; Software as a service (SAAS) services featuring software for scheduling group meetings" in International Class 42, and claiming a first use in commerce date at least as early as October 1, 2019.

The WhoIs record shows the disputed domain name was registered on October 14, 2025, and Complainant shows that as of the date of filing of the Complaint, the disputed domain name resolved to a website hosting a service that provides a substantially similar scheduling functionality to that identified by Complainant's WHENAVAILABLE Mark. Both services enable online coordination of availability via shareable links for meetings, appointments, interviews, and events.

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 name: that the disputed domain name is identical or confusingly similar to Complainant's WHENAVAILABLE Mark; that 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

Respondent provided no formal response to Complainant's contentions. Respondent sent email communications to the Center on March 31, 2026, April 3, 2026 and April 8, 2026 offering to voluntarily transfer the disputed domain name in exchange for withdrawal of the Complaint and a mutual release of any related claims by Complainant.

6. Discussion and Findings

There are no exceptional circumstances within paragraph 5(e) of the Rules to prevent this Panel from determining the present dispute based upon the Complaint (as amended), notwithstanding the failure of any person to lodge a substantive formal Response in compliance with the Rules. Under paragraph 14 of the Rules, where a party does not comply with any provision of the Rules, the Panel shall "draw such inferences therefrom as it considers appropriate".

Where no substantive Response is filed, however, Complainant must still make out its case in all respects under paragraph 4(a) of the Policy. To succeed, Complainant must demonstrate that the requirements for each of the elements listed in paragraph 4(a) of the Policy have been satisfied.

The Panel will address its findings on each of these elements in more detail below.

The standard of proof under the Policy is often expressed as the "balance of the probabilities" or "preponderance of the evidence" standard. Under this standard, an asserting party needs to establish that it is more likely than not that the claimed fact is true. See, WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.2.

A. Identical or Confusingly Similar

Ownership of a trademark registration is generally sufficient evidence that a complainant has the requisite rights in a mark for purposes of paragraph 4(a)(i) of the Policy. WIPO Overview 3.1, section 1.2.1.
The Panel finds Complainant has demonstrated its rights because it has shown that it is the holder of a valid and subsisting trademark registration for the WHENAVAILABLE Mark. See *Advance Magazine Publishers Inc., Les Publications Conde Nast S.A. v. Voguechen*, WIPO Case No. D2014-0657.

With Complainant's rights in the WHENAVAILABLE Mark established, the remaining question under the first element of the Policy is whether the disputed domain name is identical or confusingly similar to Complainant's WHENAVAILABLE Mark.

Prior UDRP panels have held that the incorporation of the entirety of a trademark in a domain name is sufficient to establish identity or confusing similarity for purposes of the Policy. See WIPO Overview 3.1, sections 1.7.

The disputed domain name incorporates Complainant's WHENAVAILABLE Mark in its entirety and adds only the generic Top-Level Domain ("gTLD") ".app" at the end. The addition of the gTLD ".app" is disregarded in determining whether the disputed domain name is identical or confusingly similar. WIPO Overview 3.1, section 1.11. See also, *Philip Morris Products S.A. v. Stanislav Severin,* WIPO Case No. D2020-1546.
This Panel finds the disputed domain name is identical to Complainant's WHENAVAILABLE Mark.
WIPO Overview 3.1, section 1.7.

Accordingly, the Panel finds that Complainant has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Under the second element of the Policy, a complainant is first required to make out a prima facie case that the respondent lacks rights or legitimate interests in the disputed domain name. If a complainant makes that showing, the burden of production on this element shifts to the respondent to come forward with relevant evidence of such rights or legitimate interests in the domain name. If the respondent fails to come forward with such evidence, a complainant is generally deemed to have satisfied the second element.
WIPO Overview 3.1, section 2.1. See also, *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. D2008-1393.

Based on the record, the Panel finds Complainant has established, prima facie, that Respondent lacks rights or legitimate interests in the disputed domain name. First, Complainant asserts that it has never assigned, sold, or transferred any rights in its WHENAVAILABLE Mark to Respondent. Second, Complainant asserts it has not granted Respondent permission to use or register its WHENAVAILABLE Mark as a domain name or otherwise in any manner. Complainant also contends that Respondent is not commonly known by the disputed domain name. The Panel finds that Respondent is not commonly known by the disputed domain name for purposes of the Policy.

Complainant contends that Respondent has not used the disputed domain name in connection with a bona fide offering of goods or services because it is used solely to redirect users to Respondent's website, offering services similar to Complainant's and displaying the WHENAVAILABLE Mark in a substantially similar colour and font as used by Complainant on its website, with copyright reserved in the name of "WhenAvailable" which also corresponds to Complainant's company name, which does not amount to a legitimate noncommercial or fair use, as it necessarily involves some degree of deception or intent to mislead, and does not constitute use in connection with any bona fide offering of goods or services.

The Panel finds Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services, so as to confer rights or legitimate interests in it in accordance with paragraph 4(c)(i) of the Policy and that the composition of the disputed domain name being identical to Complainant's mark affirms Respondent's intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and Complainant.

These facts establish Complainant's prima facie showing. Respondent has not provided any basis on which that showing may be overcome. Complainant has successfully met its burden under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Finally, Complainant must prove, by a preponderance of the evidence, that the disputed domain name has been registered and used in bad faith under paragraph 4(a)(iii) of the Policy. See, e.g., *Hallmark Licensing, LLC v. EWebMall, Inc.*, WIPO Case No. D2015-2202.

Paragraph 4(b) of the Policy sets out a non-exhaustive list of circumstances that point to bad faith conduct on the part of a respondent. The panel may, however, consider the totality of the circumstances when analyzing bad faith under Policy, paragraph 4(a)(iii) and may make a finding of bad faith that is not limited to the enumerated factors in Policy, paragraph 4(b). See *Do the Hustle, LLC v. Tropic Web*, WIPO Case No. D2000-0624.

First, Complainant contends, and this Panel has found in section 6.A above from the record submitted and its own independent investigation as permitted under the Policy, that the WHENAVAILABLE Mark is widely recognized. Based on the uncontested record, considering that the WHENAVAILABLE Mark is registered, recognized, and advertised in the United States, where Respondent, a competitor of Complainant is purportedly located, as well as the fact that Complainant's trademark registration of the WHENAVAILABLE Mark predates the disputed domain name by more than three years, and the disputed domain name incorporates the WHENAVAILABLE Mark in its entirety, the Panel finds Respondent has no credible argument that he is unaware of the WHENAVAILABLE Mark. See, e.g., *Alstom v. Domain Investments LLC*, WIPO Case No. D2008-0287; see also *Accor S.A. v. Kristen Hoerl*, WIPO Case No. D2007-1722.

Complainant contends Respondent undoubtedly had knowledge of Complainant's rights in its WHENAVAILABLE Mark prior to registering the disputed domain name. The fact that the disputed domain name directs to Respondent's website that competes directly with Complainant's own official website and uses the WHENAVAILABLE Mark supports the conclusion that Respondent was aware of Complainant and its WHENAVAILABLE Mark prior to registering and using the disputed domain name.

Prior UDRP panels have also found that where, as here, it would be implausible to believe that Respondent selected and was using the disputed domain name for any other purpose than to trade on Complainant's trademark rights and reputation, it establishes a fact pattern that repeatedly has been held to constitute bad faith registration. See *Houghton Mifflin Co. v. Weathermen, Inc.*, WIPO Case No. D2001-0211; see also *Philip Morris Incorporated v. Alex Tsypkin*, WIPO Case No. D2002-0946. The Panel finds, therefore, that Respondent had knowledge of the WHENAVAILABLE Mark and that Respondent has targeted Complainant's WHENAVAILABLE Mark in registering the disputed domain name in bad faith. See *Tudor Games, Inc. v. Domain Hostmaster, Customer ID No. 09382953107339 dba Whois Privacy Services Pty Ltd / Domain Administrator, Vertical Axis Inc.*, WIPO Case No. D2014-1754.

Having reviewed the record, which shows the disputed domain name directs to Respondent's clearly competing website hosting a service that provides a substantially similar scheduling functionality to that identified by Complainant's WHENAVAILABLE Mark, providing scheduling software services directly in competition with the scheduling services provided at Complainant's preexisting official website and using its WHENAVAILABLE Mark in a similar stylized manner as Complainant, the Panel finds such use of the disputed domain name supports a finding of bad faith registration and use under the circumstances of this proceeding. WIPO Overview 3.1, section 3.1.4.

The Panel finds Complainant's arguments and evidence persuasive and has received no arguments or evidence from Respondent to the contrary. Considering all the circumstances, the Panel concludes that Respondent has registered and used the disputed domain name in bad faith and finds Complainant has satisfied paragraph 4(a)(iii) of 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 <whenavailable.app> be transferred to Complainant.

/Scott R. Austin/
Scott R. Austin
Sole Panelist
Date: May 20, 2026