ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
International Business Machines Corporation v. finder, usd
Case No. D2026-2137

1. The Parties

The Complainant is International Business Machines Corporation, United States of America ("United States"), internally represented.

The Respondent is finder, usd, Afghanistan.

2. The Domain Name and Registrar

The disputed domain name <watsonxcloud.com> is registered with Dominet (HK) Limited (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 18, 2026. On May 19, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 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 (John Doe) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 26, 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 amendment to the Complaint on May 26, 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 the Respondent of the Complaint, and the proceedings commenced on May 27, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 16, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 17, 2026.

The Center appointed Levan Nanobashvili as the sole panelist in this matter on June 19, 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 was incorporated in 1911 and adopted the name International Business Machines Corporation (IBM) in 1924. Since its inception, the Complainant has provided innovative products and services within the information technology sector. While its initial offerings comprised office and research equipment, such as punch card systems, calculating machines, clocks, and scales, the Complainant has since pioneered numerous technological advancements. These innovations include the first IBM computer (1944); the IBM 701, the company's first large-scale vacuum tube computer (1952); the specialized computing systems and software for the Apollo space missions (1969); the IBM personal computer (1981); and the ThinkPad notebook series (1992).

The Complainant spent more than USD 8.3 billion on advanced research in 2025 and more than USD 7.4 billion in 2024. The Complainant has been constantly ranked as one of the most valuable global brands.

In 2010, the Complainant introduced WATSON, a question answering computer system capable of answering questions posed in natural language. Since the release of the WATSON computer, the Complainant has used WATSON mark in association with computer products and services. In 2023, the Complainant announced its next-generation artificial intelligence and data platform – WATSONX.

The Complainant owns numerous registrations worldwide for WATSON and WATSONX, including the following:

1) International Trademark WATSON (word), Registration No. 1113321, registered on September 21, 2011, duly renewed, in International Classes 9, 35, 38, and 42, designating multiple jurisdictions;

2) International Trademark WATSONX (word), Registration No. 1770434, registered on September 18, 2023, in International Classes 9, 35, and 42, designating multiple jurisdictions; and

3) United States trademark WATSONX (word), Registration No. 7656559, registered on January 21, 2025, in International Classes 9, 42, and 35.

The Respondent is reportedly residing in Afghanistan.

The disputed domain name was registered on December 8, 2025. At the time of filing of the Complaint, the disputed domain name resolved to an active website offering cloud and artificial intelligence services. At the time of the Decision, the disputed domain name does not resolve to an active website.

The Complainant sent a cease-and-desist letter to the Respondent through the Registrar on December 31, 2025, followed by a reminder. The Respondent did not reply.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that:

(i) it owns numerous registrations worldwide for the WATSON, WATSONX and WATSONX-based marks;

(ii) it has a global reputation as one of the premier developers of artificial intelligence computer offerings and computer related goods and services;

(iii) it has never licensed or otherwise permitted anyone to register and use the disputed domain name;

(iv) there is no evidence that the Respondent has been using the disputed domain name for a bona fide offering of goods or services;

(v) the Respondent has intentionally created a likelihood of confusion by pointing the disputed domain name to a cloud service platform, thereby likely deriving illegitimate commercial benefits;

(vi) the use of the disputed domain name is highly likely to mislead consumers into falsely believing that the Complainant is affiliated with, or has endorsed the commercial activities of the Respondent, when no such relationship exists;

(vii) the Respondent's registration and use of the disputed domain name is a clear attempt to capitalize on the goodwill associated with the Complainant's marks;

(viii) the Respondent was undoubtedly aware of the Complainant's marks at the time of registration of the disputed domain name. A simple Internet search demonstrates the widespread recognition and fame of the Complainant's marks; and

(ix) the Respondent cannot plausibly make any good faith use of the disputed domain name.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

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

(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 Respondent's default in the case at hand does not automatically result in a decision in favor of the Complainant. However, paragraph 5(f) of the Rules provides that if the Respondent does not submit a Response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the Complaint.

Further, according to paragraph 14(b) of the Rules, the Panel shall draw such inferences from the Respondent's failure to submit a Response as it considers appropriate.

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 the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The entirety of the mark WATSONX is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7. Moreover, the disputed domain name is also confusingly similar to the Complainant's WATSON mark.

Although the addition of other terms, in this case the term "cloud", may bear on assessment of the second and third elements, the Panel finds that the addition of such a term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.8. See also *elasticsearch B.V. v. MOHAMMAD ATIKUR RAHMAN BHUYAN*, WIPO Case No. D2025-2401, and *The Constant Company LLC v. wang yi*, WIPO Case No. D2025-2288.

The addition of the generic Top-Level Domain ".com" is a standard registration requirement and, as such, is disregarded under the first element confusing similarity test. WIPO Overview 3.1, section 1.11.1.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the 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 that 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 3.1, section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The Respondent provided no evidence that it has been commonly known by the disputed domain name, or has made a legitimate noncommercial use thereof. The Respondent has not rebutted the Complainant's contention that it has not authorized the Respondent to use the Complainant's marks, or that there is no relationship between them that would justify the Respondent's use of the Complainant's marks in the disputed domain name.

The Panel finds that the composition of the disputed domain name coupled with its use signals the Respondent's intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant. As such, the use of the disputed domain name for offering competing cloud and AI-related services is not a bona fide offering.

The Panel also notes that by promoting fee-based services (according to the evidence on file) similar to those of the Complainant, the Respondent has likely derived commercial benefits.

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

C. Registered and Used in Bad Faith

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.

In the present case, the Panel finds, on balance, that the Respondent intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's marks.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. WIPO Overview 3.1, section 3.2.1.

The Panel notes that the Complainant's trademark registrations predate the registration of the disputed domain name. The Complainant's earliest registration of the WATSON mark dates from 2011. The disputed domain name was registered in 2025. A gap of several years between registration of the Complainant's trademarks and the Respondent's registration of the disputed domain name containing the trademark at issue can indicate the bad faith registration. See *Hunza G Limited v. Nikos Kalouris,* WIPO Case No. D2025-3956 and *Hi-TEC Sports International Holdings B.V. v. Thomas Birch, Finlay Nolan, Anna Akhtar, Tyler Reynolds, Keira Donnelly*, WIPO Case No. D2024-1891.

Panels have consistently found that the mere registration of a domain name that is confusingly similar to a famous or widely known trademark by an unaffiliated entity can by itself create a presumption of bad faith. WIPO Overview 3.1, section 3.1.4.

Noting the near instantaneous and global reach of the Internet and search engines, and particularly in circumstances where the complainant's mark is widely known (including in its sector) or highly specific and a respondent cannot credibly claim to have been unaware of the mark, panels have been prepared to infer that the respondent knew, or have found that the respondent should have known, that its registration would be identical or confusingly similar to a complainant's mark. WIPO Overview 3.1, section 3.2.2. The Panel finds that a simple search for the WATSON or WATSONX marks would have revealed the Complainant's marks to the Respondent.

The Panel finds it unlikely that the Respondent was unaware of the Complainant's marks when registering the disputed domain name. Given this prior knowledge, and in accordance with section 3.1.4 of the WIPO Overview 3.1, the Panel concludes that the Respondent's incorporation of the Complainant's mark in the disputed domain name, for which no explanation was provided, signals targeting and the Respondent's intention to trade off the Complainant's reputation, which is bad faith.

At the time of the Decision, the disputed domain name does not resolve to an active page. However, panels have found that the non-use of a domain name would not by itself prevent a finding of bad faith under the doctrine of passive holding. WIPO Overview 3.1, section 3.3. Having reviewed the available record, the Panel notes the reputation of the Complainant's trademark, the composition and prior use of the disputed domain name and finds that in the circumstances of this case the current passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

The Panel finds that the Complainant has established the third element 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 <watsonxcloud.com> be transferred to the Complainant.

/Levan Nanobashvili/
Levan Nanobashvili
Sole Panelist
Date: June 30, 2026