

ADMINISTRATIVE PANEL DECISION

Open Society Institute v. Chris Davis

Case No. D2026-2271

1. The Parties

The Complainant is Open Society Institute, United States of America ("United States"), represented by Morrison & Foerster, LLP, United States.

The Respondent is Chris Davis, United States.

2. The Domain Name and Registrar

The disputed domain name <opensocietysfoundations.org> is registered with Squarespace Domains II LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 27, 2026. On May 27, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 27, 2026, the Registrar transmitted by email to the Center its verification response confirming that the 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 the Respondent of the Complaint, and the proceedings commenced on June 5, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 25, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 30, 2026.

The Center appointed Gary Saposnik as the sole panelist in this matter on July 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 Complainant is a United States charitable trust with its headquarters in New York. According to the Complainant, the Complainant is a philanthropic organization that works to build vibrant and tolerant societies whose governments are accountable and open to the participation of all people. The Complainant funds a range of programs around the world, from public health to education to business development. It conducts a number of philanthropic services, promotes awareness and fosters the development of a civil society, and provides a database for the exchange of related information, among other services, under its OPEN SOCIETY marks, including OPEN SOCIETY FOUNDATIONS, OPEN SOCIETY INSTITUTE, and OPEN SOCIETY POLICY CENTER. The Complainant has had total expenditures of USD 24.2 billion, in 2024 expenditures of USD 1.2 billion, and over 50,000 total grants awarded.

The Complainant is the owner of a number of registered trademarks for OPEN SOCIETY, including the following:

- OPEN SOCIETY FOUNDATIONS, United States Reg. No. 4248358, registered November 27, 2012, in classes 9, 16, 36, 38, and 41;
- OPEN SOCIETY POLICY CENTER, United States Reg. No. 3769307, registered March 30, 2010, in class 35;
- OPEN SOCIETY INSTITUTE, United States Reg. No. 2412029, registered December 12, 2000, in classes 16, 36, 41, and 42.

Since its registration on April 6, 2010, the Complainant has operated a website at <opensocietyfoundations.org> to promote its mission.

The disputed domain name was registered by the Respondent on May 10, 2026. The disputed domain name resolves to an "Under construction" webpage.

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 the disputed domain name is virtually identical or confusingly similar to the OPEN SOCIETY FOUNDATIONS trademark in which the Complainant has rights. The disputed domain name merely adds the letter "S" at the end of the word "SOCIETY" in an obvious attempt to capitalize on typographical errors made by Internet users. The use of a trademark in a domain name in which letters have been omitted, added, inverted, or substituted is commonly known as "typosquatting" and does not negate the confusingly similar aspect of the domain name pursuant to paragraph 4(a)(i) of the Policy.

The Complainant alleges that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant contends that: 1) the Respondent has not made use of the disputed domain name in connection with a bona fide offering of goods or services; 2) the Respondent is not commonly known by the disputed domain name; and 3) the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name.

The Complainant has not authorized or licensed the Respondent to use the OPEN SOCIETY FOUNDATIONS trademark, nor is the Respondent a provider of the Complainant's services. The disputed domain name is "parked", a use which does not give rise to rights or legitimate interests in a domain name. The Respondent has not been commonly known by the disputed domain name. The Respondent did not use the disputed domain name in connection with any legitimate business or offering of goods or services

before it registered the disputed domain name. Additionally, the Respondent is not making legitimate noncommercial or fair use of the disputed domain name.

Lastly, the Complainant avers that the disputed domain name was registered and is being used in bad faith. Bad faith can be shown where the respondent is aware of a complainant's well-known trademark and has no connection to the owner of the trademark, and no authorization or legitimate purpose to utilize the mark. The virtually identical use of the Complainant's OPEN SOCIETY FOUNDATIONS mark in the disputed domain name, as well the Complainant's long-term prior use of the mark, shows that the Respondent had actual knowledge of the Complainant's rights in the mark. In addition, the Complainant has not provided the Respondent with the authorization to use the disputed domain name, which further demonstrates bad faith.

Bad faith may also be shown by a respondent's passive use of the disputed domain name when considering the totality of the circumstances. Factors to consider include the degree of distinctiveness or reputation of the complainant's mark, the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, the respondent's concealing its identity or use of false contact details, and the implausibility of any good faith use to which the domain name may be put. In the instant case, the Complainant's mark has a strong reputation, the Respondent is concealing its identity, and there is implausibility of any good faith use of the disputed domain name.

The Complainant has a well-established reputation as a philanthropic organization, operating its aforementioned website at least as early as April 6, 2010. The Respondent has concealed its identity, as the Whois database reveals that the Respondent has intentionally obscured its true identity through the use of inconsistent and misleading registration information. Although the registrant is nominally identified as "Chris Davis," with the same name listed as the organization, the remaining Whois information does not corroborate that identity. The mailing address provided appears to correspond to an office furniture and interior design company, rather than to any individual or entity by the same name. The Respondent also used a generic Gmail address with a different individual's name, rather than an email address associated with the furniture company or any identifiable business domain. The listed telephone number further undermines the reliability of the registration information, as it uses a Maryland area code, while the corporate telephone number of the furniture company at the claimed address is in Illinois. Taken together, these discrepancies indicate that the Respondent deliberately used mismatched name, a third-party business address, a generic email account, and an unrelated telephone number to conceal its true identity and frustrate the Complainant's ability to identify or contact the Respondent directly. Such concealment is indicative of bad faith registration and use. See *Philip Morris USA Inc. v. Domains by Proxy*, WIPO Case No. [D2016-0840](#) (finding concealment of respondent's identity indicative of bad faith registration and use).

Furthermore, the page associated with the disputed domain name is a parked page, which is an additional indication of bad faith use of the Complainant's mark. The Respondent's passive holding of the disputed domain name creates an ongoing risk that the Respondent may later use it to mislead Internet users, divert traffic, or otherwise exploit the Complainant's mark. The passive holding of the disputed domain name is likely intended to capitalize on the Complainant's goodwill in the mark and mislead Internet users into believing that the disputed domain name is associated with the Complainant. The Respondent disrupts the Complainant's business by using the confusingly similar disputed domain name to resolve to a parked webpage, which is likely to frustrate consumers and prevent them from finding the Complainant's legitimate website. The disputed domain name may ultimately harm the Complainant's goodwill and reputation, as it creates the perception that the Complainant is closed, never existed, or is not a legitimate business.

B. Respondent

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

6. Discussion and Findings

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 Panel finds the Complainant's OPEN SOCIETY FOUNDATIONS mark is recognizable 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. A domain name which consists of a variation of a trademark (typically a common, obvious or intentional misspelling, referred to as typosquatting) is considered by panels to be confusing similar to the relevant mark for purposes of the first element. The addition of an "s" after "society" in the disputed domain name is considered an intentional misspelling of the Complainant's mark, and the disputed domain name is therefore confusingly similar to the Complainant's mark. [WIPO Overview 3.1](#), section 1.9.

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 Panel notes the uncontroverted contentions that the Complainant has not authorized or licensed the Respondent to use the OPEN SOCIETY FOUNDATIONS trademark, nor is the Respondent a provider of the Complainant's services. The Respondent has not been commonly known by the disputed domain name. There is no evidence that the Respondent has used, or made demonstrable plans for use, of the disputed domain name in connection with any legitimate business or bona fide offering of goods or services.

Additionally, the Respondent is not making legitimate noncommercial or fair use of the disputed domain name. The Respondent has not come forward with any response to the Complaint and overcome the Complainant's prima facie showing.

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 notes that the Respondent registered the disputed domain name many years after the Complainant acquired rights in its widely-known OPEN SOCIETY FOUNDATIONS mark. The Respondent's registration and use of the disputed domain name, which is a typo domain name clearly based on the Complainant's mark, has been done in bad faith for the benefit or profit of the Respondent. The disputed domain name, on its face, suggests a connection to the Complainant and its services and products, when no such connection exists.

Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a well-known trademark, such as the Complainant's mark as an organization providing grants, can by itself create a presumption of bad faith. The Respondent's registration of the disputed domain name merely adding an "s" after "society" in the Complainant's mark is a clear attempt at typosquatting, noting additionally that the plural of "society" would be "societies", rather than "societys". The Panel finds that there is a presumption of bad faith that the Respondent has failed to rebut. [WIPO Overview 3.1](#), section 3.1.4.

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. These circumstances include the nature of the domain name being a typo of a widely known mark. The evidence presented reflects that the Complainant's mark is widely known and the disputed domain name is clearly a typo of the Complainant's mark. The registration in the ".org" gTLD also corresponds to the Complainant's area of business activity. Other factors of bad faith registration are a clear absence of rights or legitimate interests coupled with no credible explanation for the Respondent's choice of the domain name. As previously determined, the Respondent has a clear absence of rights or legitimate interests and has failed to respond to the Complaint with any credible explanation for the choice of the disputed domain name.

Additionally, the Panel finds that the Respondent's contact details do not appear to show any connection with an organization that would utilize the disputed domain name, as well as the Respondent's name not matching the provided contact information.

Furthermore, Panels have found that the non-use of a domain name (including a "coming soon" page) would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case the 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 <opensocietysfoundations.org> be transferred to the Complainant.

/Gary Saposnik/

Gary Saposnik

Sole Panelist

Date: July 17, 2026