

ADMINISTRATIVE PANEL DECISION

Swishly Inc v. Mudassar Ali
Case No. D2026-3606

1. The Parties

The Complainant is Swishly Inc, United States of America ("U.S."), internally represented.

The Respondent is Mudassar Ali, Pakistan.

2. The Domain Name and Registrar

The disputed domain name <iwebtv.org> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 13, 2026. On August 13, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 14, 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 August 17, 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 a first amendment to the Complaint on August 17, 2026, and a second amendment to the Complaint on August 22, 2026.

The Center verified that the Complaint together with the amendments 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 August 25, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 14, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 16, 2026.

The Center appointed John Swinson as the sole panelist in this matter on September 21, 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 Delaware, U.S. corporation with California, U.S. operations. The Complainant owns and develops the iWebTV mobile application. This application casts online web videos from a phone to a smart TV or streaming device without full-screen mirroring. The Complainant's iWebTV application has been publicly available on Apple's App Store since July 11, 2015. The Complainant has used the domain name <iwebtv.app> since March 19, 2025.

The Complainant owns U.S. Trademark Registration No. 7351525 for IWEBTV that was filed on March 4, 2023, and has a registration date of April 9, 2024. This registration claims a date of first use of July 11, 2015. The "webtv" portion of the trademark is disclaimed.

The Respondent did not file a Response, so little information is known about the Respondent.

The disputed domain name was registered on February 28, 2026.

The website at the disputed domain name at one time included the heading "Install IWEBTV App on Fire TV", and showed an image that included an icon for the Complainant's application. The website included information about the Complainant's application and a link "Download iWebTV – Free" and also "□ 2026 iwebtv.org – Unofficial Fan Resource", and made use of a similar layout and color combination as of the Complainant's official website. The website also included a statement that "We are NOT associated, affiliated, or endorsed by" the Complainant. The homepage metatags for the description of the website at the disputed domain name state: "Tired of screen mirroring lag? iWebTV extracts direct video URLs for zero-latency 4K casting to Roku, Apple TV, and Smart TVs. Read our official guide." The website source code also includes Google Adsense account information.

At the present time, when the Panelist visits the website at the disputed domain name, the website automatically diverts to an online gambling or adult entertainment website.

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.

In summary, the Complainant makes the following submissions.

The disputed domain name incorporates the IWEBTV mark in full.

The Complainant has not licensed, authorized, or otherwise permitted the Respondent to use the IWEBTV mark, the iWebTV app name, or the Complainant's name. The Respondent is not affiliated with the Complainant.

The Respondent's website is not a bona fide offering of goods or services.

The download page of the website at the disputed domain name is particularly misleading. It is titled "Download iWebTV App 2026 (APK, PC & iOS Official)", uses official security-style wording including Official Repository and Verified Secure, and presents Android APK / Fire OS and PC/Mac Emulator Guide options.

This is not merely commentary or a fan page; it presents itself as a download/support path for the Complainant's product.

The website's own disclaimer and terms pages do not create rights or legitimate interests. Those pages state that the operator is not associated, affiliated, or endorsed by the Complainant, while the site still uses the Complainant's exact mark, product name, company name, download-style calls to action, and support language likely to confuse users before they encounter any disclaimer. The disclaimer instead supports an inference that the Respondent knew of the Complainant and knew the Respondent's site was not official.

The evidence of the website at the disputed domain name shows commercial diversion. The source code includes Google ad and monetization indicators, including Google AdSense account identifiers.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

- (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 onus of proving these elements is on the Complainant.

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 is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

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.

Panels have held that the use of a domain name for illegitimate activity (here, a claimed copycat site and passing off) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

Even if the website at the disputed domain name is to be treated as a fan or informational site, the Panel notes that the disputed domain name is identical to the Complainant's trademark, and almost identical to the Complainant's own domain name, save for the use of a different generic Top-Level Domain, which creates the impression that the disputed domain name is sponsored or endorsed by the Complainant. Further, the evidence introduced by the Complainant indicates that the website at the disputed domain name is not merely a noncommercial fan website, but rather, a commercial website within the meaning of the Policy. [WIPO Overview 3.1](#), sections 2.5.3 and 2.7.

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

C. Registered and Used in Bad Faith

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the respondent in question has registered and is using the disputed domain name to take advantage of its significance as a trademark owned by (usually) the complainant.

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 evidence clearly shows that the Respondent was aware of the Complainant. Despite a disclaimer contained in website legal terms, the website at the disputed domain name is clearly misleading, and Internet users must navigate to separate "About Us" or "Legal Disclaimer" pages once they are already on the website to see the disclaimer. Combined with the identical composition of the disputed domain name, this gives the false impression that the disputed domain name is an official website of the Complainant. In the circumstances of this case then, the Panel finds that the disclaimer operates instead as an admission by the Respondent that Internet users may be confused. [WIPO Overview 3.1](#), section 3.7.

Moreover, panels have held that the use of a domain name for illegitimate activity (here, a claimed copycat site and passing off) constitutes bad faith. [WIPO Overview 3.1](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

It is also relevant that, at the present time, when the Panelist tries to visit the website at the disputed domain name, the website automatically diverts the Panelist's browser to an online gambling or adult entertainment website.

This is a clear case of intentionally attempting to attract, for commercial gain, Internet users to the Respondent's website by creating a false impression of affiliation with the Complainant and its trademark, in violation of paragraph 4(b)(iv) of 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 <iwebtv.org> be transferred to the Complainant.

/John Swinson/

John Swinson

Sole Panelist

Date: October 5, 2026