

## **ADMINISTRATIVE PANEL DECISION**

The Optimism Foundation v. Ridvan  
Case No. DIO2022-0047

### **1. The Parties**

The Complainant is The Optimism Foundation, United Kingdom, represented by Cobalt LLP, United States of America (“United States”).

The Respondent is Ridvan, Türkiye.

### **2. The Domain Name and Registrar**

The disputed domain name <optimism.io> (the “Domain Name”) is registered with Key-Systems GmbH (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 1, 2022. On October 3, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On October 4, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on October 5, 2022, 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 October 5, 2022.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the .IO Domain Name Dispute Resolution Policy (the “Policy”), the Rules for .IO Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for .IO 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 October 7, 2022. In accordance with the Rules, paragraph 5, the due date for Response was October 27, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 1, 2022.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on November 9, 2022. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required to ensure compliance with the Rules, paragraph 7.

#### **4. Factual Background**

The Complainant facilitates access to the blockchain and to other financial transactions on the Internet, through the development of open-source software that is used in conjunction with the Ethereum blockchain.

The Complainant provides its services through the OPTIMISM brand, from an online portal located at <optimism.io> and its network offices throughout the world. The Complainant has been recognized by Media, such as Yahoo! Finance, CoinDesk, Cryptoslate, CBInsights, and Currency.com. The Complainant is active on social media.

The Domain Name was registered on September 16, 2022. At the time of Complaint, and the time of drafting the Decision, the Domain Name resolved to a website that appears to be an unauthorized copy of the Complainant's website.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant provides evidence of use of its trademark and argues it has unregistered common law trademark rights, more specifically that its trademark is synonymous with secure access to digital currency, and famous within the meaning of United States trademark law and the Paris Convention. The Domain Name is confusingly similar to the Complainant's trademark, as it is a misspelling of the Complainant's Domain Name.

The Complainant asserts that the Respondent is neither affiliated with the Complainant nor authorized by it in any way to use the Complainant's trademark. The Respondent is not making a *bona fide* offering of goods or services through the Domain Name, nor is the Respondent making a legitimate noncommercial or fair use of the Domain Name. The Respondent uses the Domain Name to pass itself off as the Complainant by using the Complainant's home page and OPTIMISM Mark in an attempt to confuse unsuspecting consumers into believing they have found the Complainant's website.

The Complainant argues that the Respondent registered the Domain Name for the sole purpose of attempting to defraud the Complainant's community members and diverting their digital assets to the Respondent. The Respondent's "typosquatting", in connection with passing itself off as the Complainant, is clear evidence of bad faith.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

##### **A. Identical or Confusingly Similar**

The Complainant has established that it has unregistered rights in its trademark. The test for confusing similarity involves a comparison between the trademark and the Domain Name. The Domain Name appears to be a deliberate misspelling of the Complainant's trademark. The misspelling does not prevent a finding of confusing similarity between the Domain Name and the trademark.

For the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the Top-Level Domain ("TLD"), in this case ".io", see [WIPO Overview 3.0](#), section 1.11.

The Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

### **B. Rights or Legitimate Interests**

The Complainant has made un rebutted assertions that it has not granted any authorization to the Respondent to register a domain name containing the Complainant's trademark or otherwise make use of the Complainant's trademark. There is no evidence that the Respondent has registered the Domain Name as a trademark or acquired unregistered trademark rights. The Respondent has not made use of the Domain Name in connection with a *bona fide* offering. The Respondent's use of the Domain Name is not *bona fide*, but evidence of bad faith, see below.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name in accordance with paragraph 4(a)(ii) of the Policy.

### **C. Registered or Used in Bad Faith**

Based on the composition of the Domain Name and the Respondent's use of the Complainant's trademark, the Panel concludes that the Respondent must have been aware of the Complainant and its trademark when the Respondent registered the Domain Name.

The use of the Domain Name proves that the Respondent has intentionally attempted to attract Internet users, for commercial gain, by creating confusion with the Complainant's trademark. The Respondent has registered a misspelling of the Complainant's trademark, to capitalize on the reputation of the Complainant's trademark.

For the reasons set out above, the Panel concludes that the Domain Name was registered and is being used in bad faith, within the meaning of 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 Domain Name <optimism.io> be transferred to the Complainant.

*/Mathias Lilleengen/*

**Mathias Lilleengen**

Sole Panelist

Date: November 14, 2022