

## ADMINISTRATIVE PANEL DECISION

TextNow, Inc. v. Obinna Agwuh

Case No. DIO2025-0040

### 1. The Parties

The Complainant is TextNow, Inc., Canada, represented by Kelly IP, LLP, United States of America (USA).

The Respondent is Obinna Agwuh, Nigeria.

### 2. The Domain Name and Registrar

The disputed domain name <textnowplus.io> is registered with NameCheap, Inc. (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 1, 2025. On October 2, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 3, 2025, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on October 13, 2025 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 14, 2025.

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 15, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 4, 2025. The Response was filed with the Center on October 24, 2025. On November 5, 2021, the Center received an unsolicited Supplemental Filing from the Complainant.

The Center appointed Mladen Vukmir as the sole panelist in this matter on November 10, 2025. 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 telecommunication company founded in 2009 under the laws of Canada.

The Complainant is the owner of numerous TEXTNOW trademarks in various jurisdictions, including TEXTNOW trademark registered in USA on July 16, 2013, under the registration number 4366623 for goods in class 9 of International Classification ("IC"), and TEXTNOW trademark registered in Canada on October 21, 2016, under the registration number TMA952938 for goods and services in Nice Classes 9, 38 and 41 of IC ("TEXTNOW trademark").

The Complainant owns and operates domain name <textnow.com> since February 2011. The Complainant's domain name has been used for providing information and details regarding the Complainant's various telecommunications solutions.

The disputed domain name was registered on September 14, 2024. It resolves to a website where telecommunication solutions are being offered, advertising for third party websites and services are being displayed, and visitors are being redirected to third-party websites.

#### **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) Since its founding, the Complainant's offerings have expanded, and now the Complainant is one of the leading providers of free text and call services and its offerings have been utilized by millions of users. The Complainant's telecommunications offering is also promoted and offered via its TEXTNOW downloadable mobile application. Said application has been downloaded more than 200 million times and is ranked as a top 10 free social networking application in Apple's app store. The Complainant's <textnow.com> domain name, resolving website, and mobile application are all integral elements of the Complainant's overall corporate and brand identity. The Complainant widely advertises and promotes its TEXTNOW trademark through various mediums, including online via its popular social media pages, such as Instagram account (with approximately 73,400 followers), TikTok account (with 17,000 followers), Facebook page (with 192,000 followers), and X account (with 55,000 followers). The Complainant has obtained numerous trademark registrations all over the world for its TEXTNOW trademark, which has been used alone or in combination with other elements. As a result of the inherited strength of TEXTNOW trademark as applied to the Complainant's services, the Complainant's extensive use and promotion of its TEXTNOW trademark for years, the Complainant's commercial success under its trademark, and the media attention of the same, TEXTNOW trademark and brand have become well-known in the industry, and are associated exclusively in the minds of consuming public with a single source, namely, the Complainant, thereby creating tremendous goodwill and value to the Complainant.

(ii) The disputed domain name is confusingly similar to the Complainant's well-known and registered TEXTNOW trademark. The disputed domain name prominently starts with and features the Complainant's identical TEXTNOW trademark in its entirety and merely adds the non-distinctive term "plus" and the domain extension ".io".

(iii) The Respondent has no rights or legitimate interests in respect of the disputed domain name because it is not commonly known by the disputed domain name, and the Respondent's use of the disputed domain name does not constitute a bona fide offering of goods/services, nor does it constitute a noncommercial use or fair use of the disputed domain name. The Complainant has never authorized the Respondent, or any associated person or entity, to use or register TEXTNOW trademark in any manner, including in the disputed domain name or in the website.

(iv) The disputed domain name was registered and being used in bad faith. The disputed domain name resolves to a website that impersonates the Complainant or conveys the false and misleading impression that the website is one of the Complainant's websites, such as for a TEXTNOW "plus" offering, or is affiliated with the Complainant, including by using the Complainant's intellectual property without authorization, while purporting to provide telecommunications services. The Respondent's use of the confusingly similar domain name to operate the website in this manner to pass itself off as affiliated with the Complainant, and purport to provide identical, competing, similar, or related telecommunications solutions for commercial gain is likely to cause confusion in the marketplace, infringes the Complainant's intellectual property, disrupts the Complainant's business, and indicates the Respondent's bad faith registration and use of the disputed domain name. Any use of the disputed domain name and website as part of a nefarious and fraudulent scheme, including to phish for and collect sensitive personal and financial information from visitors to the Respondent's website, constitutes bad faith under the Policy. The website at the disputed domain name displays advertising for, and redirects visitors to, third party websites and services. The disclosed registration information for the disputed domain name uses inconsistent contact details (the Registrant's city is stated as Adelaide, which is in South Australia, while as the Registrant country is listed Nigeria, which is country in Africa). The Respondent had actual knowledge of the Complainant and its TEXTNOW trademark prior to registering and using the disputed domain name.

v) In the Complainant's Supplemental Filing the Complainant states that the Respondent's Response in this proceeding should not be considered by the Panel, while the Response does not comply with the Rules due to the lack of various elements such as specification of the preferred method for communication, identification of any other legal proceedings that have been commenced or terminated in connection with the disputed domain name, statement that a copy of the Response has been sent to the Complainant etc. If the Panel decides to consider the Response, the Complainant underlines that the Respondent has no rights or legitimate interest in the disputed domain name, moreover its registration and use were done in bad faith.

## **B. Respondent**

The Respondent replied to the Complainant's contentions by sending to the Center an email communication and the document that it specifies as a legal opinion on the issues raised by the Complaint concerning the disputed domain name (the "Response"). The Respondent has not responded specifically to the statements and allegations contained in the Complaint. The Response does not contain the elements prescribed for the response in paragraph 5(c) of the Rules, it is of difficult comprehension in some paragraphs, which seems to be due to the fact that it may have been drafted using some sort of Artificial Intelligence (AI) tool, without reviewing the output provided. For example, the Response starts with an introduction of legal aspects considered (some of which are not necessarily relevant to a dispute under the Policy) followed by "I then set out practical next steps." Then, in the "Practical next steps" section it continues with "Prepare a WIPO Response: under the .IO Policy, file a timely response addressing each element." While the use of such AI tools may not necessarily weigh in an assessment of bad faith, it raises questions as to the relevance or reasonableness of some of the arguments that may be submitted using these AI tools, particularly when there are inconsistencies or the submission is not coherent. However, the Panel notes the Respondent's claims that the disputed domain name was available for purchase, that it belongs to whoever purchase it, and that the Respondent does not have intention to disrupt anyone's business.

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy prescribes that the Complainant must prove each of the following:

- i) that the disputed domain name registered by the Respondent is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- iii) that the disputed domain name has been registered or is being used in bad faith.

Having in mind the similarities between the Policy and Rules on the one side, and the Uniform Domain Name Dispute Resolution Policy (“UDRP”) and associated rules on the other side, the Panel considers some UDRP precedents as well as the applicable sections of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“[WIPO Overview 3.0](#)”), relevant to the present proceeding and will refer to them where appropriate.

### **6.1. Complainant’s Supplemental Filing**

On November 5, 2025, the Center received an unsolicited Supplemental Filing from the Complainant in which it stated that the Respondent’s Response do not comply with the Rules and that it should not be considered by the Panel. The Complainant further reiterated that the Respondent has no rights or legitimate interest in the disputed domain name, and that the disputed domain name has been registered and used in bad faith.

Paragraph 12 of the Rules expressly provides that it is for the panel to request, in its sole discretion, any further statements or documents from the parties it may deem necessary to decide the case. UDRP panels have been consistent that the party submitting or requesting to submit an unsolicited supplemental filing should clearly show its relevance to the case and why it was unable to provide the information contained therein in its complaint or response. [WIPO Overview 3.0](#), section 4.6.

The Complainant’s Supplemental Filing basically comments on the Respondent’s Response (e-mail communication and the document/legal opinion). The Panel notes that generally a supplemental filing should not become an opportunity of rebuttal for a complainant, unless there is information in a response that merits a complainant’s comments particularly if the information could not have been anticipated by a complainant. In the present case, the Panel notes the Complainant’s Supplemental Filing addresses some procedural aspects of the submitted Response that obviously could not have been anticipated, as these refer to the Complainant’s arguments of the submitted Response not being compliant with the Rules. The Panel has addressed this aspect within section 5.B of this decision regarding the Response. The Panel considers that the main arguments submitted within the Response shall be assessed when rendering this decision to ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case, paragraph 10 (b) of the Rules.

However, it seems to the Panel that, except for those comments on the Response not complying with the Rules, the Complainant’s Supplemental filing consists mainly of a reiteration of some of the arguments already introduced in the Complaint together with comments to the arguments in the Response, arguments that to some extent could have been anticipated in the original filing. The Complainant’s comments which merely reply to the Respondent’s email and legal opinion/document setting out its views do not introduce relevant information unavailable at the time of the filing of the Complaint, and importantly the procedural efficiency will be better served by proceeding to a decision without considering the Complainant’s Supplemental Filing.

## **6.2. Substantive issue**

### **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 Complainant's trademark and the disputed domain name. [WIPO Overview 3.0.](#), section 1.7.

The Complainant has shown rights in respect of a trademark for the purposes of the Policy. [WIPO Overview 3.0.](#), section 1.2.1.

The entirety of the Complainant's TEXTNOW trademark 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 3.0.](#), section 1.7.

Although the addition of other terms in the disputed domain name, here "plus", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and TEXTNOW trademark for the purposes of the Policy. [WIPO Overview 3.0.](#), section 1.8.

Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise), would not prevent a finding of confusing similarity under the first element.

The addition of the ccTLD ".io" in the disputed domain name is a standard registration requirement and as such may be disregarded under the confusing similarity test under the Policy. [WIPO Overview 3.0.](#), 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 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 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 with the second element. [WIPO Overview 3.0.](#), 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. Beside stating that the disputed domain name was available for registration, therefore it should belong to whomever registered it, the Respondent has not come forward with any explanation or relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise. The Respondent has not submitted evidence of a bona fide offering of goods or services, or of any legitimate non-commercial or fair use of the disputed domain name.

The Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not commonly known by the disputed domain name, nor is using the disputed domain name for a bona fide offering of goods or services or for any legitimate non-commercial or fair use. Instead, the Respondent is using the disputed domain names to impersonate the Complainant, while purporting to provide telecommunications services the same as the Complainant. The websites make no effort to disclose the Respondent's lack of affiliation with the Complainant and misleadingly incorporate the Complainant's brand which creates a false impression of endorsement or official connection. The Respondent has concealed its identity, uses inconsistent contact details, all of which raise additional concerns about its intentions. The absence of identifying details, combined with unauthorized use of the Complainant's branding and the nature of the services offered, confirms that the Respondent has no rights or legitimate interests in the disputed domain name.

Panels have held that the use of a domain name for illegal activity, here claimed as impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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

### **C. Registered or 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 disputed domain name resolved to a website where the Complainant's brand had been displayed, and telecommunication solutions the same as the Complainant's are being offered. At the same time, the Respondent's lack of affiliation with the Complainant has not been disclosed on said website, which had created a false impression of endorsement or official connection between the Complainant and the Respondent, particularly noting the composition of the disputed domain name. Panels have held that the use of a domain name for illegal activity, here, impersonating/passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

The Panel accepts that the Complainant's TEXTNOW trademark is well known and widely recognized. It is highly unlikely that the Respondent was unaware of the Complainant and its TEXTNOW trademark when it registered the disputed domain name, especially when considering the use to which the disputed domain name was put. Noting the near instantaneous and global reach of the Internet and search engines, and particularly in circumstances where the Complainant's TEXTNOW trademark is widely known in telecommunication services, the Respondent cannot credibly claim to have been unaware of the Complainant's TEXTNOW trademark.

The Complainant's TEXTNOW trademark was registered well before the disputed domain name, and the Respondent has never received authorization from the Complainant to use its TEXTNOW trademark or to register the disputed domain name.

Given the nature and use of the disputed domain name the Panel is of the opinion that the Respondent registered the disputed domain name with full awareness of the Complainant's TEXTNOW trademark and domain name <textnow.com> and is using the disputed domain name to misleadingly attract Internet users. The impression given by the disputed domain name and the website to which it resolves could cause Internet users to believe that the Respondent is somehow associated with the Complainant when, in fact, it is not.

The Panel is of the opinion that, by registering and using the disputed domain name that contains the Complainant's TEXTNOW trademark, the Respondent is attempting to take advantage of the Complainant's well-known trademark. In this Panel's view, the Respondent is, by using the TEXTNOW trademark in the disputed domain name, intentionally attempting to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant and its TEXTNOW trademarks. It is well established that if a

respondent has intentionally attempted to attract for commercial gain by creating a likelihood of confusion with the complainant's trademark it is an indicator of bad faith pursuant to paragraph 4(b)(iv) of the Policy.

The Respondent did not present any good faith use of the disputed domain name.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes 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 <textnowplus.io> be transferred to the Complainant.

*/Mladen Vukmir/  
Mladen Vukmir  
Sole Panelist  
Date: November 24, 2025*