

ADMINISTRATIVE PANEL DECISION

Quickware, Inc. / Williams Fred v. Quickware
Case No. D2024-2516

1. The Parties

The Complainant is Quickware, Inc. / Williams Fred, United States of America (“United States”).

The Respondent is Quickware, United States, represented by Fred Williams.

2. The Domain Name and Registrar

The disputed domain name <qw.com> is registered with Network Solutions, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 17, 2024. On June 20, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 26, 2024, 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 (THE HACKER (Unknown)) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 2, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The same day, the Complainant replied to the Center’s email, by stating that it did not wish to make substantive amendments.

The Center verified that the Complaint together with the Complaint’s email 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 July 16, 2024. In accordance with the Rules, paragraph 5, the due date for Response was August 4, 2024. The Response was filed with the Center on July 31, 2024.

The Center appointed W. Scott Blackmer as the sole panelist in this matter on August 21, 2024. 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 claims to be the registrant of the disputed domain name, “Quickware, Inc. (Williams Fred)”. Claiming that the disputed domain name was hacked, the Complainant initially filed the Complaint against “THE HACKER” (as a putative demand email was signed) and then amended the Complaint to name itself as the Respondent to correspond with the registration details. The Respondent argues plausibly that the Complainant itself is a fraud.

The Complaint attaches the Whois record for the disputed domain name, showing “Quickware” as the registrant and “Williams, Fred” or “Fred Williams” as a contact, along with a copy of the 2007 Certificate of Incorporation for the Complainant Quickware, Inc from the State of Georgia, United States. The Complaint describes the Complainant’s business as follows:

“The Complainant is a well-known leading provider of terminal emulation software solutions, offering a range of innovative products that cater to both desktop and web-based environments since 1995.”

This description aligns with the Complainant’s website at “www.qw.com,” to which the disputed domain name resolves. The Registrar reports that the disputed domain name was created on September 14, 1995, and is indeed registered to the named Respondent Quickware, showing a postal address in Marietta, Georgia and the contacts are listed as “Fred Williams” or “Williams, Fred”, listing a contact email address at [****]@qw.com. Mr. Williams (whose legal name is Alfred J. Williams) has filed an affidavit and submitted correspondence identifying himself as vice president of Quickware, Inc., a Georgia corporation formed in May, 2007, as documented by a certificate of incorporation and articles of incorporation annexed to the Response.

The disputed domain name resolves to the Respondent’s website headed “Quickware”, with the tagline “Unisys Mainframe Connectivity including superior Terminal Emulation” followed by a contact telephone number. The Respondent’s website has Products, Download, and Support pages, FAQs, links to Unisys and Microsoft resources, and a Contact page. The Website shows that it is operated by Quickware Inc. of Marietta, Georgia. The Panel notes that the Internet Archive’s Wayback Machine has archived screenshots of a similar website as early as April 1997.

The online database of the Georgia Secretary of State, Corporations Division, shows that an Arizona corporation with this name, of which Mr. Williams was the registered agent, was registered as a foreign company doing business in Georgia in 1995 but dissolved in 2000. The same database shows that the Georgia corporation by this name, of which Mr. Williams was also the registered agent, was formed in 2007 (as shown in the certificates attached to the Response) but dissolved in 2011, as the company had not made annual registration filings since 2009. Thus, it is not evident that there is currently a legal entity known as Quickware Inc., the registrant of the disputed domain name and the entity ostensibly operating the associated website for nearly 30 years. Absent evidence of a legal entity or other persons with an interest in the disputed domain name, the Panel will treat Mr. Williams as the real party in interest and the registrant “Quickware Inc.” as his alter ego.

But the question is, who is the real Fred Williams? The Respondent Quickware furnishes correspondence with the Registrar dating from May 2024, showing that the Registrar had received repeated requests to change the password or email associated with the disputed domain name. The Respondent also received an email from the same gmail account cited in connection with the supposed “hacker” named in the Complaint, announcing a hack and demanding payment of USD 20,000 in Bitcoin (as in the “hacker” email quoted in the Complaint in this proceeding). And of course, the actual person involved in the Quickware company went by the name Fred Williams, not “Williams Fred” as the Complainant called him, a mistake that accords with the English spelling and grammar errors found throughout the Complaint. The really telling error, of course, is that the Complaint purports to be grounded on a trademark registration for QUICKWARE as a word mark, United States Trademark Registration No. 146199, registered on September 8, 1987 (long before Quickware, Inc. came into existence). But this trademark is registered to an unrelated company,

Quickware Engineering & Design LLC of Waltham, Massachusetts, United States, and has nothing to do with Quickware Inc.

On the available record, the Panel finds that;

(i) there is no current, relevant legal entity known as Quickware, Inc.;

(ii) the disputed domain name, comprising an inherently valuable, two-character string, is registered to "Quickware", which is now a fictitious name or alter ego of Fred Williams that is used for an apparently long-established information technology business;

(iii) the unknown Complainant in this proceeding is not Fred Williams nor a legal entity known as "Quickware"; and

(iv) the unknown Complainant in this proceeding is not the owner of a relevant trademark.

5. Parties' Contentions

A. Complainant

The Complainant, as described above, claims to be the owner of a relevant trademark, QUICKWARE, and the registrant of the disputed domain name, who has been hacked by an unknown party who has bad faith and no legitimate interest in the disputed domain name and seeks an extortionate sum of money to restore control of the disputed domain name.

B. Respondent

The Respondent, as described above, claims that the Complainant is impersonating the Respondent and its vice president Mr. Williams and is seeking fraudulently to gain control of the valuable disputed domain name.

6. Discussion and Findings

Paragraph 4(a) of the Policy provides that a complainant must demonstrate each of the following:

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

Under paragraph 15(a) of the Rules, "[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable".

A. Identical or Confusingly Similar

As explained above, (a) the record indicates that the Complainant is a fraudster impersonating the Respondent, (b) there is no evidence in the record that Quickware Inc. actually continues to exist as a legal entity, and (c) the trademark cited by the Complainant is held by an entirely unrelated company in any event, Qujickware Engineering & Design LLC of Waltham, Massachusetts. There is no trademark on which to ground a UDRP complaint even if the Complainant were a proper party.

Thus, even if the Complaint were allowed despite the apparent fraudulent nature of the proceeding, the first element of the Complaint would not be established.

B. Rights or Legitimate Interests

Given the Panel's conclusions under the first Policy element, it is not necessary to address the second.

C. Registered and Used in Bad Faith

Given the Panel's conclusions under the first Policy element, it is not necessary to address the third.

7. Decision

For the foregoing reasons, the Complaint is denied.

/W. Scott Blackmer/

W. Scott Blackmer

Date: August 26, 2024