

## **ADMINISTRATIVE PANEL DECISION**

Oasis Labs, Inc. and AStar Technologies, Ltd. v. john jack, ko  
Case No. D2022-3904

### **1. The Parties**

The Complainants are Oasis Labs, Inc. (the “First Complainant”), United States of America (“United States”) and AStar Technologies, Ltd. (the “Second Complainant”), Cayman Islands, United Kingdom, represented by Hanson Bridgett LLP, United States.

The Respondent is john jack, ko, Jersey.

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

The disputed domain name <oasisprotocol.app> is registered with NameSilo, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 18, 2022. On October 19, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 19, 2022, 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 (See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainants on October 21, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on October 25, 2022.

The Center verified that the Complaint together with the amended 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 November 3, 2022. In accordance with the Rules, paragraph 5, the due date for Response was November 23, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 1, 2022.

The Center appointed John Swinson as the sole panelist in this matter on December 13, 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 by the Center to ensure compliance with the Rules, paragraph 7.

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

The First Complainant is a corporation formed in Delaware, United States with its principle place of business in San Francisco. The Second Complainant is a corporation formed in Cayman Islands, United Kingdom. The First Complainant owns all the capital stock in the Second Complainant. The Second Complainant owns all trademarks used by the First Complainant.

For convenience, the Panel will refer to both Complainants as “the Complainant” unless expressly stated otherwise.

The Complainant is a provider of online platforms. Since at least 2018, the Complainant has offered a cloud computing platform on blockchain using the OASIS trademark and other trademarks such as OASIS PROTOCOL and OASIS FOUNDATION. The Complainant’s platform allows secure sharing of sensitive information, including those relating to financial transactions or patient medical information.

The Complainant is the owner of United States Registration No. 6747021 for OASIS, filed on July 10, 2018 and registered on May 31, 2022.

The Complainant is the owner of the domain name <oasisprotocol.org> which is the primary official presence of and access point for consumers using the Complainant’s OASIS platform.

The disputed domain name was registered on July 29, 2022.

The Respondent did not file a response, so little is known of the Respondent.

At the present time, the disputed domain name resolves to a website titled “The Oasis Protocol Foundation” featuring the Complainant’s logo, that has a look and feel similar to the Complainant’s website. The website at the disputed domain name includes in the metatags for the website the text “To continue recent momentum and further drive growth for the Oasis ecosystem, we have announced a giveaway of 1,000,000,000 ROSE.” The website also includes the text:

“To verify your ROSE address, just send from 25,000 to 5,000,000 ROSE to the generated address below and get from 75,000 to 15,000,000 ROSE sent back to the address you sent it from or the one you specified below, you will get 3X of what you send to the giveaway address.”

“Rose” is the native, capped supply utility and settlement token for the Oasis Network.

#### **5. Parties’ Contentions**

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

In summary, the Complainant makes the following submissions:

The Complainant’s OASIS trademark has achieved significant consumer recognition as the Complainant’s website receives a significant amount of monthly organic web traffic.

The Respondent first registered the disputed domain name in 2022 (roughly three years after the Complainant registered the <oasisprotocol.org> domain name) with the intent to scam individuals looking for

the Complainant and its genuine OASIS service. The Respondent registered the disputed domain name with prior actual knowledge and constructive notice of the Complainant's rights in the OASIS trademark in a scheme to divert users to a scam site using direct copies of the Complainant's online presence to impersonate the Complainant and perpetrate a financial scam.

The website located at the disputed domain name redirects to a "giveaway" page requesting that users send their "Rose" cryptocurrency in exchange for "3X of what you send," which is highly likely to be fraudulent. The Respondent is not affiliated with the Complainant or any affiliate of their services, nor is the Respondent licensed to use the OASIS trademark.

The Complainant's entire OASIS trademark is incorporated in the disputed domain name, with an additional word "protocol" which is descriptive, as the OASIS platform's core user interface is on blockchain, which runs using a set of protocols used to govern the blockchain network.

The Respondent is not known by OASIS, nor could the Respondent have developed any common-law trademark rights in the Complainant's well-known trademarks. The Complainant has not licensed or permitted the Respondent to use the OASIS trademark, any other of the Complainant's trademarks, or any domain names incorporating them.

The Respondent's conduct – a deliberate and deceitful copying of the Complainant's legitimate website for an illegitimate diversion to an unrelated website and financial scam – is *prima facie* evidence that the Respondent does not have rights or legitimate interests in the disputed domain name under paragraph 4(c)(ii) of the Policy.

The Respondent has only used the disputed domain name for deceiving consumers who are seeking out the OASIS service and instead redirecting them to the Respondent's request to send cryptocurrency as part of a fraudulent giveaway scheme. The Respondent's website at the disputed domain name is designed to trick consumers into believing that it is affiliated with the Complainant, and the Respondent goes to great lengths to hide the fraudulent nature of the website. Accordingly, the Respondent has not used the disputed domain name for a legitimate purpose. The Respondent has failed to make a good faith use of the disputed domain name in the period that has elapsed since it was first registered.

The Respondent's registration and use of the disputed domain name is in bad faith. The Respondent registered and used the disputed domain name in a deliberate attempt to deceive third parties as to the Respondent's identity or connection with the Complainant, to disrupt the Complainant's legitimate business by misdirecting its customers through deceit. This is made especially clear given that the Respondent has copied the text, illustrations, and website design of the Complainant on its homepage, which automatically redirects to the Respondent's giveaway scam, requesting users to send it cryptocurrency.

## **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; and
- (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.

Paragraph 15(a) of the Rules directs the Panel to decide the 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**

Paragraph 4(a)(i) of the Policy provides that the Complainant must establish that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

The Complainant owns a trademark registration for OASIS. Previous UDRP panels have consistently held that domain names are identical or confusingly similar to a trademark for purposes of the Policy when the domain name includes the trademark, or a confusingly similar approximation. See, for example, *Consumer Reports, Inc. v. Wu Yan, Common Results, Inc.*, WIPO Case No. [D2017-0371](#); and *Captain Fin Co. LLC v. Private Registration, NameBrightPrivacy.com / Adam Grunberg*, WIPO Case No. [D2021-3279](#).

The disputed domain name includes OASIS in its entirety.

The Panel concludes that the disputed domain name is confusingly similar to the Complainant's OASIS trademark.

The Complainant succeeds on the first element of the Policy.

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

The second requirement the Complainant must prove is that the Respondent has no rights or legitimate interests in the disputed domain name.

Paragraph 4(c) of the Policy provides that the following circumstances can be situations in which the Respondent has rights or legitimate interests in a disputed domain name:

- (i) before any notice to [the Respondent] of the dispute, [the Respondent's] use of, or demonstrable preparations to use, the [disputed] domain name or a name corresponding to the [disputed] domain name in connection with a *bona fide* offering of goods or services; or
- (ii) [the Respondent] (as an individual, business, or other organization) has been commonly known by the [disputed] domain name, even if [the Respondent] has acquired no trademark or service mark rights; or
- (iii) [the Respondent] is making a legitimate noncommercial or fair use of the [disputed] domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

These are illustrative only and are not an exhaustive listing of the situations in which a respondent can show rights or legitimate interests in a domain name.

The onus of proving this requirement, like each element, falls on the Complainant.

Previous UDRP panels have recognized the difficulties inherent in proving a negative, however, especially in circumstances where much of the relevant information is in, or likely to be in, the possession of the respondent. Accordingly, it is sufficient for a complainant to raise a *prima facie* case against the respondent under this head and an evidential burden of production will shift to the respondent to rebut that *prima facie* case.

The Complainant states that the Respondent is not known by “oasis,” nor could the Respondent have developed any common-law trademark rights in the Complainant’s well-known trademarks. According to the Complainant, the Respondent is not affiliated with the Complainant, and the Complainant has not licensed or permitted the Respondent to use the OASIS trademark, any other of the Complainant’s trademarks, or any domain names incorporating them. The Complainant also asserts that the Respondent is using the disputed domain name for fraudulent purposes.

The Complainant has rights in its trademark which precedes the Respondent’s registration of the disputed domain name.

There is no evidence that the Respondent is commonly known by the disputed domain name or that the disputed domain name has been used in any legitimate way – to the contrary, as discussed below, it is being used for illegal activity. In this regard, the nature of the disputed domain name carries a risk of implied affiliation and the use of the disputed domain name to impersonate the Complainant for fraudulent purposes cannot support a finding of rights or legitimate interests. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), sections 2.5.1 and 2.13.

The Panel finds that the Complainant has established a *prima facie* case under the second element. The Respondent had the opportunity to come forward and present evidence that he has rights or legitimate interests in the disputed domain name. He did not do so.

The Complainant succeeds on the second element of the Policy.

### **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 the complainant. *Fifth Street Capital LLC v. Fluder (aka Pierre Olivier Fluder)*, WIPO Case No. [D2014-1747](#).

The Respondent’s conduct demonstrates the Respondent’s knowledge of the Complainant and its trademark.

By registering and using the disputed domain name to impersonate the Complainant, it is clear that the Respondent specifically knew of and targeted the Complainant to trick the public into believing that the Respondent is associated with the Complainant and to transfer cryptocurrency to the Respondent.

According to the Complainant, the website located at the disputed domain name redirects to a “giveaway” page requesting that users send their “Rose” cryptocurrency in exchange for “3X of what you send,” which is highly likely to be fraudulent. The Panel agrees.

The Respondent’s website appears to be some form of scam or part of a fraudulent scheme which is manifestly evidence of bad faith. See *Australia and New Zealand Banking Group Limited v. Bashar Ltd*, WIPO Case No. [D2007-0031](#). This case was cited with approval in *Regal Funds Management Pty Limited v. WhoisGuard Protected, WhoisGuard, Inc. / John Clerk*, WIPO Case No. [D2020-2773](#), which involved a website that was masquerading as the website of a financial advisory firm for fraudulent purposes. See also *Virgin Enterprises Limited v. Privacy Protection/ LLC Ruslan Khaziev*, WIPO Case No. [D2021-2597](#), which involved a cryptocurrency giveaway fraud like the present case.

Accordingly, the Panel finds that paragraph 4(b)(iv) of the Policy applies in the present case.

The Complainant succeeds on the third element of the Policy in relation to the disputed domain name.

## **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 <oasisprotocol.app> be transferred to the Complainant.

*/John Swinson/*

**John Swinson**

Sole Panelist

Date: December 27, 2022