

ADMINISTRATIVE PANEL DECISION

Signal Technology Foundation, Signal Messenger, LLC v. vait hieu
Case No. D2023-3792

1. The Parties

The Complainants are Signal Technology Foundation, United States of America (“United States”), and Signal Messenger, LLC, United States, represented by IPLA, LLP, United States.

The Respondent is vait hieu, Cayman Islands.

2. The Domain Name and Registrar

The disputed domain name <signal.org> is registered with Nicenic International Group Co., Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 11, 2023. On September 12, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 12, 2023, 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 Respondents (Nicenic International Group Co., Limited and Vait Hieu) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 14, 2023 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 amendment to the Complaint on September 14, 2023.

The Center verified that the Complaint together with the amendment 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 September 18, 2023. In accordance with the Rules, paragraph 5, the due date for Response was October 8, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 10, 2023.

The Center appointed Pablo A. Palazzi as the sole panelist in this matter on October 20, 2023. 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

Signal Technology Foundation (the “first Complainant”) and Signal Messenger, LLC (the “second Complainant”), the Complainants in the present proceedings, are respectively an American corporation and its subsidiary. The Complainant developed and operates the Signal Messenger app (the “Signal Messenger”). Since 2014, the Signal Messenger has had over 105 million downloads, with over 40 million users as of January 2021. The Complainants’ Signal Messenger app ranks as the 13th most downloaded application in Apple’s App Store under Social Networking, with over 600,000 reviews and a 4.8 rating, and was the number one downloaded free app in January 2021. On Google Play, the Complainants’ App has over 2,300,000 reviews and a 4.4 rating overall.

The Complainants are the owner of numerous SIGNAL trademark registrations, including:

- the Russian Federation Registration SIGNAL No. 776472 registered on September 28, 2020; and
- the United States Registration SIGNAL No. 5230850 registered on June 27, 2017.

The Complainants are also the owners of numerous domain names incorporating its SIGNAL trademark, including <signal.org> and <signalfoundation.org>.

The disputed domain name <signal.org> was registered on June 21, 2023, and resolved to a website which duplicates the Complainants’ official website “www.signal.org”.

5. Parties’ Contentions

A. Complainants

The Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainants contend that:

- the disputed domain name is confusingly similar to their trademarks;
- the Respondent has no rights or legitimate interests in respect of the disputed domain name;
- the Respondent has registered and is using the disputed domain name in bad faith.

B. Respondent

The Respondent did not reply to the Complainants’ contentions.

6. Discussion and Findings

Paragraph 4(a) of the Policy lists three elements, which a complainant must satisfy in order to succeed. The Complainant must satisfy that:

- (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.

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 Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

Based on the available record, the Panel finds the Complainants have shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognizable 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.

The disputed domain name is nearly identical to the Complainants' trademarks. The slight misspelling of the Complainants' SIGNAL mark by replacing the letter "G" with the letter "Q" is a classic example of typo squatting, which is further evidenced by the fact that the respondent substituted two visual similar-appearing characters. See, [WIPO Overview 3.0](#), section 1.9.

Based on the available record, 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.

While 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 often impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the record, the Panel finds the Complainants have established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainants' *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.

Based on the available record, the Panel finds the second element of the Policy has been established.

C. Registered and 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 Panel notes that:

- The Complainants' trademarks were registered in 2017 and has been in use since then, while the disputed domain name was registered by the Respondent in 2023.

- The Complainants' SIGNAL trademark is well-known and unique to the Complainant. Thus, the Respondent could not likely reasonably ignore the reputation of products and services this trademark identifies. In sum, the Respondent in all likelihood registered the disputed domain name with the expectation of taking advantage of the reputation of the Complainants' trademark. See *Signal Technology Foundation, Signal Messenger, LLC v. Sergei Gromov, Sergei Zdrilyuk*, WIPO case No. [D2022-0588](#).
- The disputed domain name imitates the SIGNAL trademark with the replacement of the letter "g" by "q", which does not avoid confusing similarity with the Complainant's trademark: a classical typo squatting case.

Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4. The fact that the disputed domain name resolved to a website which duplicates the Complainants' official website "www.signal.org" without any reasonable explanation reinforces the Panel's finding.

The Respondent has intentionally attempted to attract, for commercial gain, Internet users to its web site or other on-line location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's web site or location or of a product or service on the Respondent's web site or location. Paragraph 4(b)(iv) of the Policy, and [WIPO Overview 3.0](#), section 3.1.4.

Based on the available record, the Panel finds the third element of the Policy has been established.

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 <signal.org> be transferred to the Complainant.

/Pablo A. Palazzi/

Pablo A. Palazzi

Sole Panelist

Date: November 3, 2023.