

ADMINISTRATIVE PANEL DECISION

Wikimedia Foundation, Inc. v. Hammad Ahmed, Sigmatis Solutions, Warren Frank, WEG, Rana Majid, Muhammad Safdar Malik, Hamza Faisal
Case No. D2024-0985

1. The Parties

The Complainant is Wikimedia Foundation, Inc., United States of America (“United States”), represented by Zacco Sweden AB, Sweden.

The Respondents are Hammad Ahmed, Sigmatis Solutions, Pakistan (“First Respondent”), Warren Frank, WEG, United States (“Second Respondent”), Rana Majid, Pakistan (“Third Respondent”), Muhammad Safdar Malik, Pakistan (“Fourth Respondent”), and Hamza Faisal, Pakistan (“Fifth Respondent”).

2. The Domain Names and Registrars

The disputed domain name <wikipediaadmin.org> is registered with Wild West Domains, LLC (the “First Registrar”).

The disputed domain names <wikipediaeditor.org>, <wikipediaeditors.org>, <wikipediamediator.org>, and <wikipediamediators.org> are registered with GoDaddy.com, LLC (the “Second Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 6, 2024. On March 6, 2024, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On March 6, 2024, the First Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name <wikipediaadmin.org> which differed from the named Respondent (Domains By Proxy) and contact information in the Complaint. On March 7, 2024, the Second Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names <wikipediaeditor.org>, <wikipediaeditors.org>, <wikipediamediator.org>, and <wikipediamediators.org>, which differed from the named Respondent (Domains By Proxy) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 7, 2024 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaints for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amendment to the Complaint on March 8, 2024.

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 Respondents of the Complaint, and the proceedings commenced on March 15, 2024. In accordance with the Rules, paragraph 5, the due date for Response was April 4, 2024. The First Respondent sent an informal email communication to the Center on April 3, 2024, and the other Respondents did not submit any response. The Center notified the Parties of the Commencement of Panel Appointment Process on April 5, 2024.

The Center appointed Assen Alexiev as the sole panelist in this matter on April 11, 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.

On April 16, 2024 and April 17, 2024, the Complainant made unsolicited supplemental filings and requested the Panel to admit them in the proceeding. The Panel reviewed these supplemental filings and issued Procedural Order No. 1 on April 19, 2024, by which he decided to accept them and to grant an opportunity to the Respondents to submit a response until April 24, 2024. The Respondents did not submit any comments to the Complainant’s supplemental filings and did not object to their admission in the proceeding within the time limit fixed in Procedural Order No. 1.

4. Factual Background

The Complainant is a nonprofit charitable organization dedicated to encouraging the growth, development, and distribution of free multilingual educational content. It was founded in 2003, and today manages 14 free knowledge projects built and maintained by a community of thousands of active volunteers, known as the “Wikimedia movement.” Projects managed by the Complainant include Wikipedia, a free online encyclopedia compiled, edited, and maintained by over 115,000 active contributors; Wikimedia Commons, a shared media repository of over 100 million freely usable images, sound files, and video files; and Wikinews, a free-content news source.

The Complainant is the owner of numerous trademark registrations for the sign “WIKIPEDIA” (the “WIKIPEDIA trademark”), including the following:

- the United States trademark WIKIPEDIA with registration No. 3040722, registered on January 10, 2006 for services in International Class 41; and
- the International trademark WIKIPEDIA with registration No. 907474, registered on September 20, 2006 for goods and services in International Classes 9, 35, 38, 41 and 42.

The Complainant is also the owner of the domain name <wikipedia.org> registered on January 13, 2001, which resolves to its official website for the Wikipedia online encyclopedia.

The details about the dates of registration of the disputed domain names, their registrants, and the websites to which they resolve are the following:

Disputed domain name	Date of registration	Registrant	Use at the time of filing of the Complaint	Current use
<wikipediaadmin.org>	November 23, 2023	Hammad Ahmed, Sigmatise Solutions (“First Respondent”)	redirected to an administrator login webpage of the Complainant	resolves to a website that sells mobile phones

<wikipediaeditors.org>	November 25, 2023	Warren Frank, WEG (“Second Respondent”)	resolved to a parking webpage with pay-per-click (“PPC”) links	redirects to a parking webpage of the Second Registrar
<wikipediaeditor.org>	September 19, 2023	Rana Majid (“Third Respondent”)	resolved to a login webpage for “Wikipedia editors”	inactive
<wikipediamoderator.org>	December 5, 2023	Safdar Malik (“Fourth Respondent”)	resolved a login webpage for “Wikipedia moderators”	inactive
<wikipediamoderators.org>	December 12, 2023	Hamza Faisal (“Fifth Respondent”)	resolved to a parking webpage with PPC links	inactive

5. Parties’ Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for the transfer of the disputed domain names.

The Complainant states that the disputed domain names are confusingly similar to its WIKIPEDIA trademark, because they incorporate the trademark in its entirety. The Complainant maintains that the addition of the dictionary words “moderator”, “editor”, “moderators”, “editors”, and “admin” in the disputed domain names increases rather than mitigates the potential risk of confusion.

According to the Complainant, the Respondents have no rights or legitimate interests in respect of the disputed domain names, because they are not affiliated with the Complainant, and the Complainant has not authorized them to register the disputed domain names. The Complainant maintains that the Respondents are not commonly known by the disputed domain names and have not used the disputed domain names in connection with a bona fide offering of goods or services or made any legitimate non-commercial or fair use of them.

The Complainant contends that the disputed domain names were registered and are being used in bad faith. According to the Complainant, the Respondents reserved, used, and are holding the disputed domain names willfully, in bad faith, and in complete disregard of the Complainant’s exclusive rights to the WIKIPEDIA trademark. According to the Complainant, the Respondents were well acquainted with the Complainant’s WIKIPEDIA trademark when they registered the disputed domain names.

The Complainant alleges that the Respondents have used the disputed domain names <wikipediaeditor.org> and <wikipediamoderator.org> as a means of sending unauthorized emails purporting to be from official positions with the Complainant as part of a scheme to deceive companies and individuals into paying for the creation of articles falsely described as being intended for Wikipedia. The Complainant adds that the disputed domain name <wikipediaeditor.org> resolves to a webpage that appears as a login screen for Wikipedia editors, and the disputed domain name <wikipediamoderator.org> resolves to a webpage that appears as a login screen for Wikipedia moderators, and both of these webpages use design and logotypes from the Complainant’s website. Given the use of the Complainant’s WIKIPEDIA trademark in the disputed domain names and the email communications sent on behalf of the Complainant, members and users of the Wikipedia community may believe that the Respondents are affiliated with the Complainant, which is not the case. The Complainant believes that this is a clear case of impersonation of the Complainant for commercial purposes.

The Complainant also notes that the disputed domain name <wikipediaadmin.org> redirected to the Complainant's own administrator login page, while the disputed domain names <wikipediaeditors.org> and <wikipediainmoderators.org> are inactive. According to the Complainant, these may be maintained by the Respondents as back-ups in the event that the disputed domain names <wikipediaeditor.org> and <wikipediainmoderator.org> are transferred or canceled. In the Complainant's submission, they are controlled by the same people and thus are connected to the same scheme.

B. Respondents

In its informal letter of April 3, 2024, the First Respondent stated:

"Upon careful review of the documentation received at the provided mailing address, I wish to address the concerns regarding the disputed domain name. It is my assertion that the domain in question was readily available for purchase on the internet, accessible to any interested party. Consequently, my acquisition of the domain was in accordance with standard online practices, and I maintain that I have not engaged in any wrongful conduct. As with numerous instances where larger corporations have acquired domains in the past, I exercised my prerogative to reserve and subsequently offer the domain for sale. This practice aligns with established norms within the digital domain marketplace. I trust that this clarification addresses any uncertainties surrounding the matter at hand."

The other Respondents did not reply to the Complainant's contentions.

6. Discussion and Findings

6.1. Procedural Issue – Consolidation of Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

In support of its consolidation request, the Complainant states that the disputed domain names are all associated with a larger organization that uses shell companies acting as fronts for a hub located in Karachi, Pakistan. These companies impersonate the Wikimedia Foundation in an email scam, using <wikipedia[...].org> domain names to trick recipients into believing they are officially associated with the Complainant. The Complainant adds that the connection between the disputed domain names <wikipediaeditor.org> and <wikipediainmoderator.org> is demonstrated by email correspondence in which a <wikipediaeditor.org> email address copies a <wikipediainmoderator.org> email address and mentions the same as a colleague in connection with soliciting paid editing work on Wikipedia. The Complainant also refers to another email correspondence where a <wikipediaadmin.org> address copies a <wikipedian.world> address. The Complainant submits that the organization acting through the Respondents may have dozens of domain names, and their modus operandi is to have multiple email addresses in each scam email so that if one is shut down, they can continue with another one. The Complainant adds that it is likely that the organization acting through the Respondents would defensively register the slightly modified disputed domain names <wikipediaeditors.org> and <wikipediainmoderators.org> to use them in the event that the other domain names under which they operate are suspended or taken from them in a UDRP or similar action.

The disputed domain name registrants did not comment on the Complainant's consolidation request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 4.11.2.

With respect to common control, the Panel notes that the evidence provided by the Complainant does indeed show that in an email correspondence sent from an email account at the disputed domain name <wikipediaeditor.org>, the sender copied an email address at the disputed domain name <wikipediator.org> and referred to the latter as a colleague with whom they jointly provide the same services. This supports the conclusion that they are acting in concert or under the control of the same entity. Another piece of email correspondence submitted by the Complainant shows that a message sent from an email account at the disputed domain name <wikipediadmin.org> was copied to an email address at the domain name <wikipedian.world>. All of this correspondence contains offers of paid editing services and other assistance with the publication of articles on Wikipedia, with the person offering such services claiming to be a “senior editor” or “senior moderator” of Wikipedia, a “Wikipedia administrator” or a “Wikipedia page moderator”. This indicates that the disputed domain names <wikipediaeditor.org>, <wikipediator.org>, and <wikipediadmin.org> are being used for the same commercial activities, with the individuals sending email communications from these disputed domain names falsely claiming to hold official positions with the Complainant. There is no evidence regarding the use of the other two disputed domain names <wikipediaeditors.org> and <wikipediators.org>, but given their meaning and their high degree of similarity to the disputed domain names <wikipediaeditor.org> and <wikipediator.org>, the short period of time during which all four of these disputed domain names were registered with the same Registrar, and the fact that their registrants have not denied any of the Complainant’s statements or its request for consolidation, the Panel accepts that it is more likely than not that they are indeed part of the same scheme.

Considering the above, the Panel is satisfied that the Complainant has shown that the disputed domain names are subject to common control. As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as “the Respondent”) in a single proceeding.

6.2. Procedural Issue – Supplemental Filings

The Complainant submitted unsolicited supplemental filings on April 16, 2024 and April 17, 2024 and requested the Panel to accept them.

The Panel reviewed these supplemental filings and decided to accept them for the below reasons.

Paragraphs 10 and 12 of the Rules grant the Panel sole discretion to determine the admissibility of supplemental filings (including further statements or documents) received from either Party.

The Complainant’s submissions include several email communications sent to third parties from email accounts associated with some of the disputed domain names that were forwarded to the Complainant after the filing of the amended Complaint. This shows that the Complainant did not have at its disposal and could not have submitted this evidence at the time of the filing of the amended Complaint. The evidence is relevant to the dispute because it shows how some of the disputed domain names have been used for email communications. The Respondents did not submit any comments to the Complainant’s supplemental filings and did not object to their admission in the proceeding within the time limit fixed in Procedural Order No. 1.

In view of the above, the Panel decided to accept the Complainant’s supplemental submissions of April 16, 2024 and April 17, 2024.

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 3.0](#), section 1.7.

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

The Panel finds that the WIKIPEDIA trademark is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the WIKIPEDIA trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, “admin”, “editor”, “editors”, “moderator”, and “moderators”) may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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.

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 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 names. The Respondent has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain names such as those enumerated in the Policy or otherwise. The Respondent’s sole argument is based on the principle of “first come, first served”, which does not entitle anyone to infringe or otherwise violate the rights of third parties or to register a domain name for an unlawful purpose. Policy, paragraph 2.

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

Evidence in the case shows that email accounts were set up on three of the disputed domain names, and that these accounts were used to send offers for paid editing services and other assistance in publishing articles on Wikipedia. The individuals offering these services falsely claimed to be senior editors, moderators or administrators at Wikipedia. In the absence of evidence to the contrary, this supports the conclusion that the Respondent has attempted to impersonate the Complainant in order to confuse and attract Internet users for commercial gain. Such conduct cannot establish rights or legitimate interests in the disputed names. There is no evidence that the disputed domain names <wikipediaeditors.org> and <wikipediamoderators.org> have been used in the same fashion. However, as discussed in section 6.1 above, it appears that they are under common control with the other disputed domain names and are part of the same scheme for impersonation of the Complainant, which cannot support a finding of rights or legitimate interests in these disputed names.

Therefore, the Panel finds that 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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Panels have held that the use of a domain name for illegal activity (here, claimed impersonation/passing off), constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain names constitutes bad faith under the Policy.

As discussed in section 6.3.B above, there is evidence in this case that three of the disputed domain names have been used for the distribution of fraudulent email offers of paid services by persons falsely claiming to hold senior positions with the Complainant. This shows that the Respondent is well aware of the Complainant's trademark and is targeting it with the registration and use of these disputed domain names in an attempt to gain commercial advantage by misleading and attracting Internet users. This supports the conclusion that these disputed domain names have been registered and are being used in bad faith.

The disputed domain names <wikipediaeditors.org> and <wikipediamoderators.org> are inactive. However, they appear to be under common control with the other disputed domain names and are likely intended to be used in the same scheme to mislead Internet users. In view of the distinctiveness and reputation of the WIKIPEDIA trademark, the Respondent's failure to submit a Response or any evidence of actual or contemplated good faith use of these disputed domain names, and the implausibility of any good faith use of them without the Complainant's consent, the fact that they are inactive does not preclude a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), Section 3.3.

The Panel therefore 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 names <wikipediaadmin.org>, <wikipediaeditor.org>, <wikipediaeditors.org>, <wikipediamoderator.org>, and <wikipediamoderators.org> be transferred to the Complainant.

/Assen Alexiev/

Assen Alexiev

Sole Panelist

Date: April 26, 2024