

## **ADMINISTRATIVE PANEL DECISION**

Wikimedia Foundation, Inc v. jiang li, Domain Administrator,  
Sugarcane Internet Nigeria Limited, Macedo Gomes, kevin parker,  
ram chand meena, GS Technologies, Evelyn Sharon Davisson,  
Professionals, Nasir Ali, Home, Huzaifa Asif, Nasir Shabbir  
Case No. D2024-2732

### **1. The Parties**

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

The First Respondent is jiang li, China.

The Second Respondent is Domain Administrator, Sugarcane Internet Nigeria Limited, Nigeria.

The Third Respondent is Macedo Gomes, United Kingdom.

The Fourth Respondent is kevin parker, United States.

The Fifth Respondent is ram chand meena, GS Technologies, India.

The Sixth Respondent is Evelyn Sharon Davisson, Professionals, United States.

The Seventh Respondent is Nasir Ali, Home, Pakistan.

The Eighth Respondent is Huzaifa Asif, Pakistan.

The Ninth Respondent is Nasir Shabbir, United Kingdom.

### **2. The Domain Names and Registrars**

The disputed domain names <donatewikipedia.org> and <wikipediacommons.com> are registered with Sav.com, LLC (the “First Registrar”).

The disputed domain names <notifywikimedia.org>, <wikipediaadmin.com>, <wikipediaexpress.org>, and <wikipedian.world> are registered with GoDaddy.com, LLC (the “Second Registrar”).

The disputed domain name <premiumwikiconsultants.com> is registered with Name.com, Inc. (the “Third Registrar”).

The disputed domain name <seanwarnerwikipedia.com> is registered with Hosting Concepts B.V. d/b/a Registrar.eu (the “Fourth Registrar”).

The disputed domain name <wikipediasolution.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “Fifth Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 4, 2024. On July 4, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. Between July 4, 2024 and July 8, 2024, the Registrars transmitted by email to the Center their verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (REDACTED FOR PRIVACY/PRIVACY SERVICE PROVIDERS) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 15, 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 and an amended Complaint on July 20, 2024 and September 12, 2024 respectively.

The Center verified that the Complaint together with the amendment to the Complaint and 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”).

On July 20, 2024, the Complainant requested the suspension of the proceedings to explore settlement options. On July 29, 2024, the Center sent the Parties the Notification of Suspension granting a suspension until August 29, 2024. On August 12 and 27, 2024, the Center notified the settlement for four domain names that were initially included on the proceedings. On August 27, 2024, the Complainant requested an extension of the suspension. On August 27, 2024, the Center confirmed the extension of the suspension until September 5, 2024. On September 5, 2024, the Complainant requested another extension of the suspension. On September 6, 2024, the Center confirmed the extension of the suspension until September 10, 2024. On September 11, 2024, the Center confirmed the reinstatement of the proceedings and notified the partial dismissal of four disputed domain names.

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on September 13, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 3, 2024. The Respondent(s) sent multiple informal email communications to the Center on July 15, 2024, July 16, 2024, July 29, 2024, September 20, 2024, October 8, 2024, October 14, 2024, and October 19, 2024.

On September 18, 2024, the Complainant submitted a supplemental filing. On October 15, 2024, the Complainant requested another suspension of the proceedings for seven days. On October 17, 2024, the Center confirmed the suspension until October 22, 2024. On October 18, 2024, the Center notified the settlement for one domain name that was initially included on the proceedings. On October 22, 2024, the Complainant requested a ten-day extension of the suspension. On October 22, 2024, the Center confirmed the extension of the suspension until November 1, 2024. On October 29, 2024, the Complainant requested the reinstatement of the proceedings. On October 30, 2024, the Center confirmed the reinstatement of the proceedings and notified the partial dismissal of one disputed domain name.

The Center appointed John Swinson as the sole panelist in this matter on November 4, 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.

The Panel notes that the Complaint was initially filed regarding 14 disputed domain names. After discussions between the parties involved, the Complaint now involves 9 disputed domain names.

#### 4. Factual Background

The Complainant was founded in 2003 and is a United States nonprofit charitable organization dedicated to encouraging the growth, development and distribution of free, multilingual, educational content.

The Complainant owns an international portfolio of trademark registrations for WIKIPEDIA in over 100 countries, among which include:

- United States Registration No. 3040722 for WIKIPEDIA, registered on January 10, 2006;
- International Trademark Registration No. 839132 for WIKIPEDIA, registered on December 16, 2004; and
- European Union Trade Mark No. 012847836 for WIKIPEDIA, registered on December 4, 2014.

The Complainant's main website is located at <wikipedia.org>. This domain name was registered in 2001. The Complainant also owns several domain name registrations that include the term "wiki".

The Complainant states that the origin of this term refers to a Hawaiian word meaning "quick". According to the Complainant's entry for "wiki" in its online publication: "A wiki is a form of hypertext publication on the internet which is collaboratively edited and managed by its audience directly through a web browser."

The Respondent(s) did not file a formal Response, so little information is known about the Respondent(s).

The disputed domain names were registered on the following dates:

- <donatewikipedia.org> - January 3, 2024
- <wikipediacommons.com> - January 26, 2024
- <notifywikimedia.org> - May 29, 2023
- <wikipediaadmin.com> - January 24, 2024
- <wikipediaexpress.org> - January 17, 2024
- <wikipedian.world> - June 3, 2023
- <premiumwikiconsultants.com> - March 7, 2022
- <seanwarnerwikipedia.com> - March 21, 2024
- <wikipediasolution.com> - September 29, 2023

Currently, the disputed domain names resolve as follows:

- <donatewikipedia.org> - does not resolve
- <wikipediacommons.com> - resolves to <promo.worldofwarships.asia>
- <notifywikimedia.org> - resolves to a registrar generated pay-per-click (PPC) parking page
- <wikipediaadmin.com> - resolves to a registrar generated PPC parking page
- <wikipediaexpress.org> - resolves to a news website that uses the Complainant's globe logo
- <wikipedian.world> - resolves to a registrar generated PPC parking page
- <premiumwikiconsultants.com> - does not resolve
- <seanwarnerwikipedia.com> - resolves to a registrar generated page
- <wikipediasolution.com> - resolves to a website advertising a service to assist in the creation of a page on the Complainant's website.

## **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 names.

Notably, the Complainant contends that the disputed domain names are being used for a fraudulent scheme, and that several private individuals have reports some of the disputed domain names to the Complainant for potentially fraudulent activities. Email correspondence provided by the Complainant demonstrate that the sender of the emails, who is associated with the disputed domain names, is claiming a false association with the Complainant. At least two of the disputed domain names resolve to websites using the Complainant's trademark or logo to create an implied (and false) association with the Complainant.

### **B. Respondent(s)**

The Respondent(s) did not file a formal reply to the Complainant's contentions.

The Eighth Respondent sent an informal email to the Center regarding <wikipediaadmin.com> stating: "... I was unaware of any sort of copyright infringement as I have just purchased this domain ... Therefore I'm still requesting that this domain is my ownership and I am not creating any sort of public website on it nor I am infringing any copyright. Please let me know if you need any additional information about my ownership of this domain as it's in my account. You can still see that the domain Wikipediaadmin.com isn't working and is parked on Godaddy which means I'm not infringing any copyright."

## **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 names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondents have no rights or legitimate interests in respect of the disputed domain names; and
- (iii) the disputed domain names have been registered and are 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.

Each disputed domain name must be considered separately.

### **Consolidation: Multiple Respondents**

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

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

As regards common control, the Complainant submits that all the disputed domain names are under the common control of the same person or group of people posing under the name "Sean Warner". In emails provided by the Complainant, there is evidence that "Sean Warner" has a bank account in the name "Khizer Dawood" who (according to LinkedIn) was a Wikipedia editor based in Pakistan. Several of the disputed domain names are connected to addresses in Pakistan.

The Complainant contacted the named Third Respondent, who is identified in the Fourth Registrar's records as the owner of the disputed domain name <seanwarnerwikipedia.com>. This person stated that they were not connected with "Sean Warner" or the website at this disputed domain name.

Although the evidence of common control is in parts weak and in parts circumstantial, none of the named Respondents opposed consolidation. Moreover, as set out below in respect of bad faith, and in other decisions under the Policy involving "Sean Warner" or domain names used for emails by "Sean Warner", there appears to be a common fraudulent scheme involving the use of the disputed domain names and similar.

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.

#### **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.

The Complainant has 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 names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, for example, "donate", "notify", "express", and others) 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.

In respect of the disputed domain name <premiumwikiconsultants.com>, the term "wiki" is a distinctive element and the common abbreviation of the Complainant's trademark WIKIPEDIA. See *Wikimedia Foundation, Inc. v. Joseph Lewis, Ecommerce Company; Kevin Lesnar, Infinity Project Manager; Soft Fellow*, WIPO Case No. [D2024-2343](#).

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.

Panels have held that the use of a domain name for illegitimate activity (here, claimed impersonation/passing off, or other types of fraud) 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 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.

The Respondent provides no reason for its own choice of the disputed domain names.

The Panel finds that the Respondent was aware of the Complainant when the Respondent registered the disputed domain names. The Complainant and its WIKIPEDIA trademark are extremely well-known worldwide. The alleged Respondent claims, via emails, to be an expert in respect of the publication of Wikipedia entries, and uses the Complainant’s globe logo on emails and on some of the websites at the disputed domain names. The website at <wikipediasolution.com> has a heading that states “How Can Wikipedia Solution Help You in Creating a Wikipedia Page?” referring to the Complainant’s online publication.

The disputed domain names comprise an appropriation of the Complainant’s trademark. In the view of the Panel, the disputed domain names are likely, in these circumstances, to imply to Internet users that they are owned, operated, endorsed or otherwise legitimately commercially affiliated with the Complainant. The disputed domain names are in fact unconnected with the Complainant. The Panel finds, therefore, that (in respect of the disputed domain names in use) by using the disputed domain names, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant’s trademarks as to the source, sponsorship, affiliation, or endorsement of its website or of a product or service on its website (paragraph 4(b)(iv) of the Policy).

As regards the disputed domain names which do not resolve to a website, panels have found that the non-use of a domain name (including a blank or “coming soon” page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the record, the

Panel notes the distinctiveness and reputation of the Complainant's trademark, the composition of the disputed domain names, and the failure of the Respondent to submit a response, and finds that, in the circumstances of this case, the passive holding of the disputed domain names does not prevent a finding of bad faith under the Policy.

The email evidence provided by the Complainant demonstrates or suggests that the disputed domain names which do not resolve to a website may be being used to send fraudulent emails. Panels have held that the use of a domain name for illegitimate activity (here, claimed impersonation/passing off, or other types of fraud) 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.

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 names <donatewikipedia.org>, <notifywikimedia.org>, <premiumwikiconsultants.com>, <seanwarnerwikipedia.com>, <wikipediaadmin.com>, <wikipediacommons.com>, <wikipediaexpress.org>, <wikipedian.world> and <wikipediasolution.com> be transferred to the Complainant.

*/John Swinson/*

**John Swinson**

Sole Panelist

Date: November 18, 2024