Decision for dispute CAC-UDRP-108571

Case number	CAC-UDRP-108571
Time of filing	2026-04-14 04:33:20
Domain names	dialwaves.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Dialwave, Inc.

Respondent

Organization	innovateinfinite

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant has demonstrated ownership of rights in the trademark DIALWAVE for the purposes of standing to file a UDRP complaint.

The Complainant is the owner of the following trademark registrations:

- European Union trademark registration No. 019104450 for DIALWAVE (word mark), filed on November 12, 2024, and registered on February 28, 2025, in class 38;

- United Kingdom trademark registration No. UK00004024949 for DIALWAVE (word mark), filed on March 12, 2024, and registered on May 31, 2024, in class 38;

- United States trademark registration No. 7693441 for DIALWAVE (word mark), filed on March 08, 2024, and registered on February 18, 2025, in international class 38.

FACTUAL BACKGROUND

The Complainant is a United States corporation engaged since 2021 in the provision of communications services such as voiceover Internet Protocol (VoIP) services, wireless and broadband communications, transmission of data and sound, video, and information, provision of access to communications infrastructure, and audio, video, and multimedia broadcasting via the Internet and other communications networks.

The Complainant is the owner of the domain name <dialwave.com>, which was registered on January 18, 2021, and is used by the Complainant to promote its services across a wide range of territories around the world.

The disputed domain name <dialwaves.com> was registered on March 11, 2026, and resolves to a website displaying a logo "DialWaves" and advertising outbound calling and related communications services.

PARTIES CONTENTIONS

COMPLAINANT

The Complainant contends that the disputed domain name is confusingly similar to the Complainant's trademark DIALWAVE, as it reproduces the trademark in its entirety with the mere addition of a letter "s", followed by the generic Top Level Domain ("gTLD") ".com".

The Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name since the Respondent is not affiliated with the Complainant, has not been authorized to use the DIALWAVE mark and is not commonly known by the disputed domain name. The Complainant also states that the Respondent has used the disputed domain name to advertise outbound calling and related communications services that directly overlap with the Complainant's communications services and submits that such use creates a likelihood that Internet users will mistakenly believe that the disputed domain name is associated with, endorsed by, or affiliated with the Complainant, and is intended to divert consumers seeking the Complainant's services and to capitalize on the goodwill associated with the DIALWAVE mark.

The Complainant submits that the Respondent registered and used the disputed domain name in bad faith since, by using a confusingly similar domain name in connection with services in the same commercial field, the Respondent demonstrates knowledge of the Complainant's rights and an intent to attract internet users for commercial gain, by creating a likelihood of confusion with the Complainant's mark.

RESPONDENT

No administratively compliant Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

1. The Complainant has provided evidence of ownership of valid trademark registrations for DIALWAVE.

The Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark as it reproduces the Complainant's trademark in its entirety with the mere addition of a single letter "s" followed by the gTLD ".com", As stated in prior decisions rendered under the UDRP, the addition of a single letter and of the gTLD ".com" is not sufficient to prevent a finding of confusing similarity under paragraph 4(a)(i) of the Policy.

2. With reference to the Respondent's rights or legitimate interests in the disputed domain name, the Panel finds that the Complainant has made a prima facie case and that the Respondent, by not submitting a Response, has failed to provide any element from which a Respondent's right or legitimate interest in the disputed domain name could be inferred.

The Panel notes that, based on the records, the Respondent has not been authorized or licensed by the Complainant to use its trademark DIALWAVE.

According to the Whois information of the disputed domain name, the Panel notes that the registrant´s name and organization do not correspond to the term “dialwaves” encompassed in the disputed domain name. The Panel further notes that the disputed domain name resolves to a website where the operator is identified as “DialWaves”, but no additional information or contact details of the website operator are provided, except for the country, India. Moreover, the Respondent, who has not filed a Response, has failed to provide any evidence showing that it might be commonly known by the name “DialWaves” apart from the disputed domain name.

As highlighted above, the disputed domain name resolves to a website through which the Respondent advertises, using a “DialWaves” logo similar to the DIALWAVE mark of the Complainant, outbound calling and related communications services that directly overlap with the Complainant's communications services. Considering the confusing similarity of the disputed domain name with the Complainant’s prior trademark DIALWAVE, from which it differs only by one letter, the Panel finds that the Respondent’s use of the disputed domain name does not amount to a bona fide offering of goods or services or a legitimate non-commercial or fair use without intent for commercial gain to misleadingly divert consumers or to tarnish the Complainant’s trademark.

Therefore, the Panel finds that the Complainant has demonstrated that the Respondent has no rights or legitimate interests in respect of the disputed domain name according to paragraph 4(a)(ii) of the Policy.

3. As to bad faith at the time of the registration, the Panel finds that, in light of the Complainant’s prior registration and use of the trademark DIALWAVE in connection with the Complainant’s services, promoted online through the website “www.dialwave.com”, the Respondent was or should have been aware of the Complainant when it registered the disputed domain name in March 2026.

In view of the confusing similarity of the disputed domain name with the Complainant’s trademark DIALWAVE and considering the use of the disputed domain name in connection with a website promoting outbound calling and related communications services in direct competition with the Complainant, the Panel finds that the Respondent was indeed aware of the Complainant’s trademark and intentionally attempted to attract Internet users to its website by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation or endorsement of its website and the services promoted therein, according to paragraph 4(b)(iv) of the Policy.

Therefore, the Panel finds that the Complainant has also demonstrated that the Respondent registered and is using the disputed domain name in bad faith according to paragraph 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **dialwaves.com**: Transferred

PANELLISTS

Name	**Luca Barbero**

DATE OF PANEL DECISION 2026-05-25

Publish the Decision