



CANADIAN INTERNATIONAL INTERNET DISPUTE RESOLUTION CENTRE
DOMAIN NAME DISPUTE
ADMINISTRATIVE PANEL
DECISION

CIIDRC case number:	25378-UDRP	Decision date: September 2, 2025
Domain Name:	opentext.fit	
Registrar:	GoDaddy.com, LLC	
Panel:	Brian W. Gray, FCI Arb.	
Complainant:	Open Text SA ULC and Open Text Corporation	
Respondent:	Nova New Age	

1. PROCEDURAL HISTORY

The procedural history of this case was set out in a letter dated August 22, 2025 from the Canadian International Internet Dispute Resolution Centre to the Panel:

1. On July 11, 2025, the Complainant filed a Complaint pursuant to the UDRP and the UDRP Rules via online platform.
2. On July 11, 2025, CIIDRC transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name, and on July 14, 2025, the Registrar responded advising of the identity of the Respondent and providing the above contact details. In addition, the Registrar confirmed that the disputed domain name was placed in a Registrar LOCK.
3. On July 21, 2025, CIIDRC confirmed compliance of the Complaint and commencement of the dispute resolution process.

4. On July 21, 2025, pursuant to UDRP Rule 4 and Supplemental Rule 5, CIIDRC notified the Respondent of this administrative proceeding and forwarded a Notice of Complaint to the Respondent.
5. The deadline for submitting a Response was set for August 11, 2025.
6. The Respondent has failed to file its response.
7. The Complainant in this administrative proceeding has elected for a Panel consisting of a single member. The required Panel fee deposit was received on August 21, 2025.
8. On August 22, 2025, in accordance with Rule 5 (d), CIIDRC hereby appointed me, as a single-member Panel in the above-referenced matter. I confirmed in writing my acceptance of the appointment and submitted a declaration of impartiality and independence.

This matter is conducted pursuant to the Uniform Domain Name Dispute Resolution Policy (the Policy) and the Rules for Uniform Domain Name Dispute Resolution Policy (the Rules) of the Internet Corporation for Assigned Names and Numbers (ICANN).

The domain name **opentext.fit** (the **Disputed Domain Name**) was registered on March 31, 2025.

The registration agreement, pursuant to which the Disputed Domain Name **opentext.fit** is registered, incorporates the Policy at section 6. This dispute is properly within the scope of the Policy and the Administrative Panel has jurisdiction to decide the dispute.

2. FACTS ALLEGED BY THE PARTIES

According to the information provided to CIIDRC by the Registrar, GoDaddy.com LLC, the Domain Name was originally registered on March 31, 2025. The registrant is identified in the WHOIS record as **nova new age** address: JOSE LIS DO REGO Pelotas, Acre, Brazil Postal Code 96045000, email *agenovanew@gmail.com*.

The Complainant, Open Text Corporation ("OpenText"), incorporated in 1991, is a leading Cloud and AI company and provides organizations around the world with, among other services, a comprehensive suite of Business AI, Business Clouds, and Business Technology.

OpenText is regularly recognized as a leader in the Information and Communication Technology (ICT) industry including as the global leader in Enterprise Information Management (EIM). Gartner, which is the largest technology research analyst worldwide, has named OpenText as a market leader in the EIM space. Gartner has also named OpenText as a leader in the Content Services Platform space for seventeen consecutive years. Among several other recognitions in the ICT industry, OpenText has been recognized as a leader in four 2024 International Data Corporation (IDC) MarketScape Reports. IDC MarketScape is the ICT industry's premier vendor assessment tool, providing in-depth quantitative and qualitative technology market assessments of ICT vendors for a wide range of technology markets.

OpenText is a publicly traded company, listed on the NASDAQ and the Toronto Stock Exchange (TSE) and for the twelve months ending June 30, 2024, its total revenue was about \$5.77 billion, according to Stock Analysis and The Futurum Group. OpenText employs over 23,000 people worldwide and has offices worldwide with its headquarters in Waterloo, Ontario, Canada.

The Complainant, Open Text SA ULC, is the owner of "OPENTEXT"/"OPEN TEXT" trademarks worldwide ("**Complainant's Trademark**") and the Complainant, Open Text Corporation, is the registrant of the domain name <opentext.com>, other "opentext" domain names and operates the website for the <opentext.com> domain name, and other of the Complainant's "opentext" domains.

The Complainant, Open Text Corporation, is the parent company of the Complainant, Open Text SA ULC. The Complainant, Open Text SA ULC, is an indirect subsidiary of Open Text Corporation.

The Complainant, Open Text SA ULC is the owner of, the Trademarks OPEN TEXT and OPENTEXT, in connection with goods and services and solutions including software and cloud goods and services. The Complainant has registrations worldwide for the Trademark OPEN TEXT and OPENTEXT including, Canada trademark registration no. TMA646346 for the mark OPEN TEXT (registered August 23, 2005), United States trademark registration no. 2685043 for the mark OPEN TEXT (registered February 11, 2003), Australia trademark registration no. 772206 for OPEN TEXT (registered April 23, 1999), European Union trademark registration no. 011690245 for the mark OPENTEXT (registered April 01, 2015), European Union trademark registration no. 012976569 for the mark OPENTEXT (registered November 05, 2014), European Union trademark registration no. 013237631 for the mark OPENTEXT (registered January 27, 2015), UK trademark registration no. UK00003228978 for the mark OPENTEXT (registered September 29, 2017). For the avoidance of doubt, all common law trademark rights and all registrations and pending applications of the Complainant's Trademark OPENTEXT/OPEN TEXT worldwide are collectively referred to herein as the "**Complainant's Trademark.**"

The Complainant, Open Text Corporation, is the registered owner of the domain name <opentext.com>, which was created on October 26, 1994. The website for the Complainant's domain name <opentext.com> is the Complainant's global website. The Complainant, Open Text Corporation, is also the registered owner of an extensive number of "opentext" ccTLDs.

3. CONTENTIONS OF THE PARTIES

Complainant

- A. The Complainant submits that the Disputed Domain Name is identical to, or confusingly similar to, the Complainant's Trademark. The Disputed Domain Name incorporates the Complainant's Trademark in its entirety. The Complainant submits that the generic Top-Level Domain (gTLD) ".fit" should be disregarded, as gTLDs typically do not form part of the comparison on the grounds that they are required for technical

reasons. Accordingly, the mere addition of the “.fit” gTLD is inconsequential and insufficient to avoid a finding of identity or confusing similarity. The Complainant’s Trademark is clearly recognizable in the Disputed Domain Name and it is a well-known mark within the Complainant’s field of business.

- B. The Complainant submits that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.

The Disputed Domain Name was created on March 31, 2025. The rights in the Complainant’s Trademark and domain names are registered at least twenty years before.

The Complainant submits that there is no evidence of the Respondent’s use of, or demonstrable preparations to use, the Disputed Domain Name, nor a name corresponding to the Disputed Domain Name, in connection with a *bona fide* offering of goods or services.

The Complainant submits that the Respondent is not making a legitimate non-commercial or fair use of the Disputed Domain Name, without intent for commercial gain misleadingly to divert consumers, or to tarnish the Complainant’s Trademark.

- C. The Complainant submits that the Respondent registered and is using the Disputed Domain Name in bad faith.

The Respondent registered the Disputed Domain Name on March 31, 2025, several years after the Complainant registered the Complainant’s Trademark.

The Complainant submits that the Respondent registered the Disputed Domain Name primarily for disrupting the business of the Complainant; and/or by using the Disputed Domain Name, the Respondent, among other things, intentionally attempted to attract for commercial gain, and/or for phishing the Complainant’s customers, and/or for other illegitimate purpose(s), and to attract Internet users to its website or other on-line location, by creating a likelihood of confusion with the Complainant’s Trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent’s website or location and/or of a product or service on the Respondent’s website or location.

Respondent

The Respondent did not submit any response to the Complaint although given a notice and opportunity to do so.

Remedy Sought

The Complainant requests the Disputed Domain Name be transferred to it.

DISCUSSION AND FINDINGS

3.1 Requirements

In accordance with Paragraph 4 (a) of the Policy, the onus is on the Complainant to prove that:

1. the Domain Name is Identical or Confusingly Similar to a trademark or service mark in which the Complainant has rights;
2. the Respondent has no rights or legitimate interests in respect of the Domain Name; and
3. the Domain Name has been registered and is being used in bad faith.

The Panel will consider each of these requirements in turn.

3.2 Analysis

4.2.1 The Disputed Domain Name is Identical or Confusingly Similar to a Mark in which the Complainant has Rights

The Respondent registered the Disputed Domain Name on March 31, 2025, more than 20 years after the Complainant registered the Complainant's Trademark. The Complainant has consistently and continuously used the Complainant's Trademark since at least as early as 1991 in connection with an extensive list of goods and services and solutions including software and cloud goods and services and continues to use the Complainant's Trademark worldwide. The Complainant is recognized worldwide and has an established reputation and significant goodwill under the Complainant's Trademark.

The Complainant submits that it has rights in the trademarks OPEN TEXT and OPENTEXT, arising from its use and registration of the mark in many countries around the world. In addition, the Complainant's evidence is that it created the domain name **opentext.com**, in 1994.

It submitted evidence of its trademark registrations in *inter alia* Canada United States of America, Australia and Europe as proof of its trademark rights.

There can be no question that the Complainant has prior rights in the domain name and trademark OPEN TEXT.

The panel agrees with the Complainant's submission that the Disputed Domain Name is identical to, or confusingly similar to, the Complainant's Trademark. The Disputed Domain Name incorporates the Complainant's Trademark in its entirety. The generic Top-Level Domain (gTLD) ".fit" should be disregarded, as gTLDs do not generally form part of the comparison on the grounds that they are required for technical reasons and are not source identifying. Accordingly, the mere addition of the ".fit" gTLD is inconsequential and insufficient to avoid a finding of identity or confusing similarity. The Complainant's Trademark is clearly recognizable in the Disputed Domain Name and there is a potential for confusion since the Complainant is a provider of ecommerce services, allowing merchants to create and run online stores.

Based on the evidence submitted by the Complainant, the Panel finds that the Disputed Domain Name is confusingly similar to the trademark OPEN TEXT, and that the Complainant has rights in the mark.

4.2.2 Rights or Legitimate Interests in respect of the Domain Name

Paragraph 4(c) of the Policy provides that the presence of any of the following circumstances, if proven, demonstrate that the Respondent has rights or legitimate interest in the Disputed Domain Name:

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

Under paragraph 4(c), "rights or legitimate interests" are not limited to these circumstances.

The Complainant submits that none of the circumstances described in paragraph 4(c) apply to the Respondent.

With respect to 4(c)(i), there is no evidence of the Respondent's use of, or demonstrable preparations to use, the Disputed Domain Name, nor a name corresponding to the Disputed Domain Name, in connection with a *bona fide* offering of goods or services. Rather, the evidence supports a contrary conclusion.

With respect to 4(c)(ii), there is no evidence to suggest that the Respondent is known as or uses the domain name, trade name or trademark OPEN TEXT. The actual name of the Respondent (as an individual, business, or other organization) is unknown. The panel agrees with the Complainant that one would expect a legitimate business to provide information on its business website (<https://opentext.fit>) that at least allows it to be contacted by users. Here, however, the Respondent has attempted to hide its identity by subscribing to a privacy protection service. The privacy protection service thus formally appears as the registrant of the Disputed Domain Name.

With respect to 4(c)(iii), the evidence is that the Respondent is not making a legitimate non-commercial or fair use of the Disputed Domain Name, without intent for commercial gain. It appears that the domain name is registered to divert consumers misleadingly to its website.

The Respondent did not submit a response to the Complaint and there is no evidence from the Respondent that it has any rights or legitimate interests in the Domain Name.

Based on the evidence submitted by the Complainant and in the absence of any evidence of rights or legitimate evidence from the Respondent, the Panel finds that the Respondent has no rights or legitimate interests in the Domain Name.

4.2.3 Registration and Use of the Domain Name in Bad Faith

Paragraph 4(b) of the Policy provides that the presence of any of the enumerated non-exhaustive circumstances would constitute evidence that the Domain Name has been registered and is being used in bad faith.

The Complainant relies on paragraphs 4(b)(iii) and 4(b)(iv) of the Policy which read:

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your 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 your web site or location or of a product or service on your web site or location.

The evidence shows that the Respondent has registered the Disputed Domain Name which is identical to the Complainant's Trademark. Furthermore, the login page of the Respondent's website (www.opentext.fit) not only displays the Complainant's Trademark but also displays the Complainant's OT Logo.

The Complainant, Open Text SA ULC, also has provided evidence that it also has worldwide rights in, and is the owner of, the OT Logo trademark worldwide (the "Complainant's OT Logo"), in connection with goods and services and solutions including software and cloud goods and services. For the avoidance of doubt, all common law trademark rights and all registrations and pending applications of the Complainant's OT Logo worldwide are collectively referred to herein as the "Complainant's OT Logo." A list of the Complainant's OT Logo registrations and applications worldwide with registration certificates and pending applications has been provided by the Complainant.

The Complainant asserts and I so find that the Respondent has copied and is using the Complainant's Trademark OPEN TEXT and the Complainant's OT Logo on its website (www.opentext.fit). Furthermore, the Respondent has copied the look and feel of the Complainant's website (www.opentext.com) by using the colour blue as the dominant colour on the Respondent website (www.opentext.fit) which is also the dominant colour on the Complainant's website (www.opentext.com). A screenshot of the login page of the Respondent's website has been provided as well as a screenshot of a sample page of the Complainant's website.

The fact that the Respondent's website clearly displays the Complainant's Trademark and/or the Complainant's OT Logo and/or uses the dominant colour of the Complainant's website, demonstrates that the Respondent was aware of the Complainant, the Complainant's Trademark, the Complainant's OT Logo and the Complainant's goods and services when registering the Disputed Domain Name and setting up its website under the Disputed Domain Name. Furthermore, this creates the impression that the Respondent's website is owned and/or operated by the Complainant and/or the Respondent is affiliated with and/or related to the Complainant. Thus, Internet users will be under the false impression that the Respondent's website is a website created and/or operated by and/or endorsed by and/or related to the Complainant.

