

ADMINISTRATIVE PANEL DECISION

API Consolidated LLC dba Speedy Appliance Parts LLC v. Name Redacted
Case No. D2024-0669

1. The Parties

Complainant is API Consolidated LLC dba Speedy Appliance Parts LLC, United States of America (“United States”), represented by Vice Cox & Townsend PLLC, United States.

Respondent is Name Redacted.¹

2. The Domain Name and Registrar

The disputed domain name <speedyappliancepartsus.com> is registered with Gname.com Pte. Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 13, 2024. On February 13, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 15, 2024, 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 Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to Complainant on the same day, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on February 19, 2024.

¹The Respondent appears to have used the name and/or contact details of a third party when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted the Respondent’s name from this decision. However, the Panel has attached as Annex 1 to this Decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this Decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST 12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

The Center verified that the Complaint together with the 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”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified Respondent of the Complaint, and the proceedings commenced on February 26, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 17, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on March 20, 2024.

The Center appointed Lorelei Ritchie as the sole panelist in this matter on March 25, 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.

4. Factual Background

Complainant is a company based in the United States. Since at least 2014, Complainant has offered online retail of household appliance parts and accessories under the mark SPEEDY APPLIANCE PARTS. Complainant has several registered trademarks for its SPEEDY APPLIANCE PARTS mark. These include United States Registration No. 4600639 (registered September 9, 2014) for the word mark SPEEDY APPLIANCE PARTS, and United States Registration No. 4588635 (registered August 19, 2014) for Complainant’s SPEEDY APPLIANCE PARTS composite word and design mark.

Complainant is also the owner of the domain name registration for <speedyapplianceparts.com> (created September 22, 2013) which Complainant uses to connect with potential consumers online.

The disputed domain name was registered on October 18, 2023. Respondent has used the URL associated with the disputed domain name to resolve to a webpage that appears to mimic an official website of Complainant, and which displays Complainant’s word design and composite mark. Complainant has not authorized any activities by Respondent, nor any use of its trademarks thereby.

5. Parties’ Contentions

A. Complainant

Complainant contends that the (i) disputed domain name is identical or confusingly similar to Complainant’s trademarks; (ii) Respondent has no rights or legitimate interests in the disputed domain name; and (iii) Respondent registered and is using the disputed domain name in bad faith.

In particular, Complainant contends that it has established rights in its SPEEDY APPLIANCE PARTS mark. Complainant contends that Respondent has merely added the term “US” which consumers will likely understand as referring to Complainant’s retail sales in or originating from the United States. Complainant asserts that Respondent has no rights or legitimate interests in the registration or use of the disputed domain name. Rather, Complainant contends that Respondent has acted in bad faith in setting up a website meant to impersonate Complainant and to confuse Internet users for Respondent’s own commercial gain.

B. Respondent

Respondent did not reply to Complainant’s contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

This Panel must first determine whether the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights in accordance with paragraph 4(a)(i) of the Policy. The Panel finds that it is. The disputed domain name directly incorporates Complainant's registered SPEEDY APPLIANCE PARTS mark, with the addition of the letters "us."

Numerous UDRP panels have agreed that the addition of terms or letters to a trademark does not prevent a finding of confusing similarity for purposes of 4(a)(i) of the Policy. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.8. The Panel therefore finds that the disputed domain name is identical or confusingly similar to a trademark in which Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Policy provides some guidance to respondents on how to demonstrate rights or legitimate interests in the domain name at issue in a UDRP dispute. For example, paragraph 4(c) of the Policy gives examples that might show rights or legitimate interests in a domain name. These examples include: (i) use of the domain name "in connection with a bona fide offering of goods or services;" (ii) demonstration that Respondent has been "commonly known by the domain name;" or (iii) "legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue."

Respondent did not submit a reply to Complainant's contentions, and Respondent did not allege or otherwise provide any information that would support a finding that Respondent has rights or legitimate interests in the disputed domain name. Given the composition and use of the disputed domain name, both of which impersonate the Complainant, the Respondent cannot be said to have rights or legitimate interests in the disputed domain name. [WIPO Overview 3.0](#), sections 2.5.1 and 2.13. Accordingly, the Panel finds that Complainant has made a prima facie showing of Respondent's lack of rights or legitimate interest in the disputed domain name, which Respondent has not rebutted.

C. Registered and Used in Bad Faith

There are several ways that a complainant can demonstrate that a domain name was registered and used in bad faith. For example, paragraph 4(b)(iv) of the Policy states that bad faith can be shown where "by using the domain name [respondent has] intentionally attempted to attract, for commercial gain, Internet users to [respondent's] 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 [respondent's] website or location or of a product or service on [the] web site or location". As noted in Section 4 of this Panel's decision, Respondent has used the URL associated with the disputed domain name to resolve to a webpage that appears to mimic an official website of Complainant, and which displays Complainant's word design and composite mark.

Respondent is thus trading on the goodwill of Complainant's trademarks to attract Internet users, presumably for Respondent's own commercial gain, and with prior knowledge of Complainant's rights in the SPEEDY APPLIANCE PARTS mark.

Lastly, the Respondent has also engaged in the fraudulent registration of the disputed domain name, reinforcing the Panel's finding of bad faith registration and use of the disputed domain name.

The Panel finds that Respondent registered and used the disputed domain name in bad faith for purposes of paragraph 4(a)(iii) of the Policy.

7. Decision

For all 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 <speedyappliancepartsus.com> be transferred to Complainant.

/Lorelei Ritchie/

Lorelei Ritchie

Sole Panelist

Dated: April 8, 2024