

## **ADMINISTRATIVE PANEL DECISION**

Traffix Group Inc. v. Daniel War, Traffix  
Case No. D2024-4970

### **1. The Parties**

The Complainant is Traffix Group Inc., Canada, represented by ZeroFox, United States of America (“United States”).

The Respondent is Daniel War, Traffix, United States.

### **2. The Domain Name and Registrar**

The disputed domain name <traffix.com> is registered with Squarespace Domains II LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 2, 2024. On December 3, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 3, 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 the Complainant on December 5, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint on December 12, 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 Respondent of the Complaint, and the proceedings commenced on December 17, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 6, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 7, 2025.

The Center appointed Taras Kyslyy as the sole panelist in this matter on January 10, 2025. 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**

The Complainant is a logistics company which operates throughout North America, offering networking, shipping and hauling services. With 750 employees, over 45 years of experience and a network spanning multiple countries, the Complainant has put extensive time and resources into cultivating a reputation as a leading company in their industry.

The Complainant has multiple registered trademarks for its TRAFFIX mark including for instance Canadian trademark registration No. TMA1099487, registered on May 4, 2021.

The Complainant has online presence through its official website “www.traffix.com”, which was registered in 1996.

The disputed domain name was registered on August 24, 2024 and does not resolve to any active website. According to the Complainant, the disputed domain name has been used to send fraudulent emails.

#### **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 name.

Notably, the Complainant contends that the disputed domain name is confusingly similar to the Complainant’s trademark in its whole incorporation of the “traffix” name with the “i” being replaced by an “l”. The change made does not create a new or unique phrase that can be reasonably distinguished from the Complainant, and this character swap is commonly seen in typosquatting.

The Complainant also contends that the Respondent has no rights or legitimate interests in the disputed domain name. The disputed domain name has not been used nor prepared for use for a bona fide offering of goods or services. The disputed domain name does not resolve, nor is there any record of hosted content on the page. While the Respondent has the right to register a domain name for a fair use or noncommercial purpose, there is no presence of content that would qualify as fair use. The Complainant is also not aware of nor can it find any other businesses that commonly go by this name or operate a brand or trade name related to it. There is no evidence to suggest that the Respondent has any rights or legitimate interests in this domain name. The Complainant has not authorized, licensed or otherwise permitted the Respondent to use its trademark or to imply any connection between the two parties. The disputed domain name had an active MX record associated with it, and it was used to send impersonating emails.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. The whole incorporation of the Complainant’s mark is enough to establish bad faith at the time of registration. Under “passive holding” this would also be the case in its active use if the domain still does not resolve or is parked. The full use of the Complainant’s company name with only a slight alteration to distinguish it from them indicates that the Respondent is aware of the Complainant and is attempting to leverage its trademark. The Respondent’s name associated with the disputed domain name is “Traffix” (spelled exactly like the Complainant’s name), likely to further impersonate the Complainant. The disputed domain name hosts no content referencing “Traffix” to justify its legitimate use. The disputed domain was used in a scheme to impersonate the Complainant. In the emails sent by the Respondent, there is a phone number sent from an email address “[...]@traffix.com”. The Respondent is illegally and maliciously using the

Complainant's mark in order to disrupt the Complainant's business for its own gain. Finally, the Respondent has done all of this while obfuscating its contact and registration information using a privacy service. The only detail that it has left is "Traffix" as the organization. Not only does this indicate that it is not likely to be working in a public or official capacity, but the lack of attribution could be an intended shield in the course of any subversive actions.

## **B. Respondent**

The Respondent did not reply to the Complainant's contentions.

## **6. Discussion and Findings**

### **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 disputed domain name consists of an obvious and intentional misspelling of the Complainant's trademark, which is recognizable within the disputed domain name, and this is considered to be confusingly similar to the Complainant's mark for purposes of the first element. [WIPO Overview 3.0](#), sections 1.7 and 1.9.

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 name. 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 name such as those enumerated in the Policy or otherwise.

The available evidence does not confirm that the Respondent is commonly known by the disputed domain name, which could demonstrate its rights or legitimate interests (see, e.g., *World Natural Bodybuilding Federation, Inc. v. Daniel Jones, TheDotCafe*, WIPO Case No. [D2008-0642](#)). The Panel notes that the Respondent has used "Traffix" as the organization name when registering the disputed domain name. The

Panel finds that using such name cannot confer any rights or legitimate interests on the Respondent under the circumstances of the case. On the contrary, this demonstrates the Respondent's intention to deceive Internet users into believing that the disputed domain name is owned and used by the Complainant.

The Complainant did not license or otherwise agree for use of its prior registered trademarks by the Respondent, thus no actual or contemplated bona fide or legitimate use of the disputed domain name could be reasonably claimed (see, e.g., *Sportswear Company S.P.A. v. Tang Hong*, WIPO Case No. [D2014-1875](#)).

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.

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.

In the present case, the Panel notes that the Respondent shortly after registration of the disputed domain name, consisting of intentional and obvious misspelling of the Complainant's known trademark, used the disputed domain name in associated email addresses to distribute impersonating messages pretending to be sent by the Complainant. The Panel find these confirm the Respondent knew and targeted the Complainant and its known trademark when registering the disputed domain name, which is bad faith. [WIPO Overview 3.0](#), section 3.2.2.

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 name 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 name <trafflx.com> be transferred to the Complainant.

*/Taras Kyslyy/*

**Taras Kyslyy**

Sole Panelist

Date: January 14, 2025