

## **ADMINISTRATIVE PANEL DECISION**

ServPro Franchisor, LLC, and ServPro South Nashville v. mike schatzels  
Case No. D2025-0295

### **1. The Parties**

Complainants are ServPro Franchisor, LLC, and ServPro South Nashville, United States of America ("United States"), represented by Bass, Berry & Sims PLC, United States.

Respondent is Mike Schatzels, United States.

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

The disputed domain name <servpr010765.com> is registered with NameCheap, Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 24, 2025. On January 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 27, 2025, 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 (Unknown Registrant) and contact information in the Complaint. The Center sent an email communication to Complainant on January 28, 2025, 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 3, 2025.

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 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 27, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on March 3, 2025.

The Center appointed Timothy D. Casey as the sole panelist in this matter on April 3, 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

Complainant has provided cleaning and restoration services in the United States for over 50 years, including through franchises, for water damage, fire damage, mold damage, storm damage and major event restoration services and cleaning services for residential and commercial properties. Complainant has used the SERVPRO trademark for such services since 1967. Complainant has utilized the <servpro.com> domain name for a website associated with its business since 1997. Complainant has registrations for numerous trademarks for SERVPRO (the “SERVPRO Marks”), including the following:

| Mark               | Jurisdiction  | Class(es) | Registration No. | Registration Date |
|--------------------|---------------|-----------|------------------|-------------------|
| SERVPRO and Design | United States | 35        | 1726156          | October 20, 1992  |
| SERVPRO            | United States | 37        | 1845906          | July 19, 1994     |
| SERVPRO            | United States | 37, 40    | 5354786          | December 12, 2017 |
| SERVPRO and Design | United States | 37, 40    | 5354787          | December 12, 2017 |

The disputed domain name was registered on October 24, 2024. At the time of filing the Complaint, the disputed domain name resolved to a parking page that features pay-per-click (“PPC”) links. Complainant also provided evidence indicating that multiple email addresses associated with the disputed domain name were used by or on behalf of Respondent to contact customers of Complainant in an attempt to fraudulently obtain payments from such customers.

#### 5. Parties’ Contentions

##### A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, Complainant contends that the disputed domain name is confusingly similar to and nearly identical to the SERVPRO Marks. Complainant contends that the addition of numbers in the disputed domain name is inconsequential and Respondent’s use of the same is likely to increase the potential risk of confusion.

Complainant contends Respondent has no rights or legitimate interest in the disputed domain name. Respondent is not licensed or otherwise permitted to use the disputed domain name or the SERVPRO Marks. Complainant contends Respondent is not currently known or has ever been known as “servpro” or any variation thereof. Complainant contends that Respondent does not have a legitimate noncommercial fair use claim of the disputed domain name and is not using the disputed domain name in connection with a bona fide offering of goods or services.

Complainant contends that Respondent registered and has used the disputed domain name in bad faith. This is evidenced by Respondent’s past use of multiple email addresses associated with the disputed domain name to obtain payment from and to defraud customers of Complainant. Complainant contends Respondent used a privacy service and used false contact details when registering the disputed domain name as evidenced by the mailing address corresponding to an unrelated entity, both of which evidence bad faith. Complainant further contends that Respondent’s activities evidence Respondent’s actual knowledge of Complainant’s business and the SERVPRO Marks at the time of registration of the disputed domain name.

## **B. Respondent**

Respondent did not reply to 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 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.

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 SERVPRO mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is 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, a series of numbers "010765", may bear on assessment of the second and third elements, the Panel finds the addition of such numbers does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Moreover, a domain name which consists of an intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. In this case, the substitution of the letter "o" in the SERVPRO mark for the similar-appearing number "0" in the disputed domain name does not prevent a finding of confusing similarity between the disputed domain name and the mark but instead signals an intention on the part of the Respondent to confuse users seeking or expecting the Complainant. [WIPO Overview 3.0](#), section 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 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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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.

Panels have held that the use of a domain name for illegal activity here, claimed impersonation/passing off, phishing 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.

In the present case, the Panel notes that Respondent used false information when registering the disputed domain name, hid some semblance of its true identity behind a privacy service, and proceeded to use the disputed domain name in an attempt to lure customers of Complainant's into fraudulently paying money intended for Complainant to Respondent, all of which intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with Complainant's mark.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Panels have held that the use of a domain name for illegal activity here, claimed impersonation/passing off, phishing or other types of fraud constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Respondent's utilization of false information when registering the disputed domain name and utilization of a privacy service is further evidence of bad faith registration. Having reviewed the record, the Panel finds Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds that 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 <servpr010765.com> be transferred to Complainant.

*/Timothy D. Casey/*

**Timothy D. Casey**

Sole Panelist

Date: April 27, 2025