

ADMINISTRATIVE PANEL DECISION

Dakota Financial, LLC v. Pavlo Karpin, Automotive Associates, LLC
Case No. D2025-0448

1. The Parties

Complainant is Dakota Financial, LLC, United States of America, represented by Stradling Yocca Carlson & Rauth, United States of America (“United States”).

The Respondent is Pavlo Karpin, Automotive Associates, LLC, United States of America, represented by Lewis & Lin, LLC, United States.

2. The Domain Name and Registrar

The disputed domain name <haulpay.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 4, 2025. On February 5, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 5, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to Complainant on February 6, 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 14, 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 18, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 10, 2025. The Response was filed with the Center on March 10, 2025.

The Center appointed Frederick M. Abbott as the sole panelist in this matter on March 20, 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.

Complainant transmitted a Supplemental Submission to the Center dated March 25, 2025. The Panel has reviewed Complainant's Supplemental Submission and determined that it merely restates legal arguments made in the Complaint. The Panel rejects the Complainant's Supplemental Submission. By email dated March 31, 2025, Respondent submitted to the Center a Supplemental Response to Complainant's Supplemental Submission requesting the Panel to reject Complainant's Supplemental Submission. The Panel having previously determined to reject Complainant's Supplemental Submission did not find it necessary to consider the legal arguments presented in Respondent's Supplemental Response.

4. Factual Background

Complainant asserts that it is a provider of software generally directed to electronic financial platforms that accommodate multiple types of payment and debt transactions. Complainant indicates that it is a limited liability company. Complainant did not identify its state of organization in the United States, but Respondent has provided evidence in the form of a trademark registration application by Complainant that it is organized in the State of Delaware, United States. Complainant has not provided any evidence of its business activities, online or otherwise, beyond its assertion of trademark registrations at the United States Patent and Trademark Office ("USPTO"), listed in the following paragraph.¹ Respondent has provided evidence that Complainant operates a commercial website at domain name <haulpay.co>, referencing "Risk Free. Automated Freight Pay".

According to Complainant it is the owner of registration for the word trademark HAUL PAY on the Principal Register of the USPTO, registration number 5,528,312, date of registration not provided by Complainant, in international class ("IC") 37, including "Software as a service (SAAS) services featuring software for electronic financial platforms that accommodates multiple types of payment and debt transactions in an integrated mobile phone, PDA, and web-based environment." According to Complainant, it is also the owner of registration at the USPTO for the word trademark HAULPAY, in IC 37, date of registration not provided.² Respondent has provided evidence of a USPTO trademark application of Complainant filed on November 1, 2023, serial number 98250867 for the word mark HAULPAY.

According to the Registrar's verification, Respondent is registrant of the disputed domain name. According to that verification, the disputed domain name was registered on September 18, 2012. There is no indication on the record of this proceeding that any party other than Respondent has owned or controlled the disputed domain name since its initial creation date.

Respondent has not used the disputed domain name in connection with an active website. The disputed domain name currently resolves to a GoDaddy standard form parking page indicating that the disputed domain name is already registered but may still be available. Beginning in September 2009, Respondent registered a number of domain names combining the terms "haul" and "pay", including the disputed domain name (registered in 2012), as well as additional domain names associated with transportation services, including, e.g., "truckerpay.com" and "haulmatch.net". Respondent asserts that he was the founder and Chief Operating Officer of a company that used the name "HaulMatch.com" starting in 2005, and working to connect vehicle shippers to vehicle carrier. Respondent states that the various domain names registered beginning in 2009 were intended to be used for a platform allowing a comprehensive means to complete documentation and payments in connection with the transport business. Respondent has submitted

¹Although UDRP panels may undertake limited research to confirm or supplement information provided by the parties to a dispute, the Panel has declined to undertake its own research using the USPTO database or other information sources in order to identify relevant additional information concerning Complainant because of the limited amount of relevant information furnished by Complainant.

²Complainant has not provided its certificates of registration for the reference trademarks, or similar confirming evidence.

evidence of correspondence with the Chief Executive Officer (“CEO”) of Complainant in 2019, in which Complainant’s CEO referenced a prior offer through GoDaddy.com to purchase the disputed domain name for USD 5,000, and indicating he remained interested in such a purchase “for a reasonable amount”. Respondent indicated that it was unlikely he would sell the disputed domain name because he planned to use it in connection with a portal for his own customers. The CEO of Complainant replied that he would reach out if he thought it was necessary.

There is no indication on the record of this proceeding of any affiliation or association between Complainant and Respondent, commercial or otherwise.

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 it owns rights in the trademarks HAUL PAY and HAULPAY and that the disputed domain name is identical to Complainant’s trademarks.

Complainant contends that Respondent lacks rights or legitimate interests in the disputed domain name because: (1) Respondent did not demonstrate any preparations to use or use of the disputed domain name or a trademark corresponding to the disputed domain name in connection with a bona fide offering of goods or services; (2) Respondent is holding the disputed domain name solely for the purpose of selling it at an exorbitant amount of \$500,000, as listed on GoDaddy.com.

Complainant argues that Respondent registered and is using the disputed domain name in bad faith because: (1) Respondent is holding the disputed domain name hostage in an attempt to extract an exorbitant sales price from the legitimate trademark owner; (2) Respondent is seeking to sell the disputed domain name for a price substantially in excess of its out of pocket costs directly related to the disputed domain name; (3) Respondent has used a privacy service in connection with the disputed domain name; (4) Complainant has engaged in good faith efforts to acquire the disputed domain name from Respondent beginning as early as 2017, and; (5) Respondent has found no evidence that Complainant has done business under the disputed domain name.

Complainant requests the Panel to direct the Registrar to transfer the disputed domain name to Complainant.

B. Respondent

Respondent contends that Complainant has not satisfied two of the elements required under the Policy for a transfer of the disputed domain name.

Respondent does not dispute that Complainant is the owner of registration for the trademark HAULPAY but takes no position on the strength of the purported mark or on its validity or enforceability. Respondent notes that it registered the disputed domain name on September 18, 2012, and that according to Complainant’s filings with the USPTO its first use of the phrase “haulpay” occurred on August 1, 2017. Respondent further contends that the disputed domain name is composed of two ordinary dictionary words used by many people and businesses all over the world.

Respondent contends that it has rights or legitimate interests in the disputed domain name because: (1) it made demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services as early as 2005; (2) the disputed domain name was registered in the course of setting up Respondent’s business and among a number of domain names associated with transportation brokerage; (3) the disputed domain name remains part of Respondent’s plans for its business; (4) the Policy does not

require that a domain name resolve to an active website, and; (5) offering the disputed domain name for sale does not preclude the establishment of rights or legitimate interests.

Respondent asserts that it did not register or use the disputed domain name in bad faith because: (1) the essence of Complainant's argument is that it has failed to negotiate a sales price that it finds acceptable; (2) use of a privacy service does not support a finding of bad faith, particularly noting that Complainant did not find it difficult to locate Respondent when attempting to purchase the disputed domain name; (3) Respondent has been and remains active in the transport sector; (4) Respondent registered the disputed domain name approximately five years before Complainant ever used the term "haulpay"; (5) the disputed domain name is composed of two terms commonly used in the transport sector, and; (6) Respondent has not used the disputed domain name in any effort to divert business from Complainant, and Complainant has operated its business under a different domain name without apparent confusion.

Respondent requests a finding of reverse domain name hijacking (RDNH) because Complainant unsuccessfully attempted to purchase the disputed domain name from Respondent and, rather than resume negotiations, elected to initiate this proceeding. Respondent also argues that Complainant knew or clearly should have known that it could not prove one of the essential elements required by the Policy, and that Respondent's use of the disputed domain name could not under any fair interpretation of the reasonably available facts have constituted bad faith. Complainant should have known that its filing was fatally weak and wholly disingenuous.

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 entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Because Complainant has manifestly failed to establish that Respondent registered and used the disputed domain name in bad faith, the Panel need not make a finding regarding whether Complainant has established that Respondent lacks rights or legitimate interests in the disputed domain name.

C. Registered and Used in Bad Faith

Complainant recognized that the disputed domain name was initially registered in 2012, long before its asserted first use of its trademark (per its application for registration at the USPTO in 2017). Nowhere has Complainant suggested that Respondent acquired the disputed domain name after its initial registration.

Respondent could not have identified Complainant's trademark as a target for abuse when it registered the disputed domain name.

The terms constituting the disputed domain name, “haul” and “pay”, are common terms. “Haul” refers to causing something to move by pulling or drawing.³ “Pay” refers to giving money for services rendered or for goods.⁴ Trademark rights can be established in a combination of commonly used terms. Ordinarily this requires the demonstration of acquired secondary meaning through use in commerce. Respondent could not have been required to foresee that at some point substantially following its registration of the disputed domain name a third party would seek to assert rights in the combination of common terms in the disputed domain name so as to preclude Respondent from undertaking its initial registration.

The evidence in the case file as presented does not indicate that Respondent’s aim in registering the disputed domain name was to profit from or exploit the Complainant’s trademark.

The Panel finds that the Respondent did not register the disputed domain name in bad faith targeting of Complainant or its trademark rights because Complainant had no trademark rights at the time that Respondent registered the disputed domain name. [WIPO Overview 3.0](#), section 3.8.1.

The Panel finds the third element of the Policy has not been established.

D. Reverse Domain Name Hijacking

Paragraph 15(e) of the Rules provides that, if after considering the submissions, the Panel finds that the Complaint was brought in bad faith, for example in an attempt at Reverse Domain Name Hijacking or to harass the domain-name holder, the Panel shall declare in its decision that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding. The mere lack of success of the complaint is not, on its own, sufficient to constitute reverse domain name hijacking. [WIPO Overview 3.0](#), section 4.16.

This case involves blatant misuse of the UDRP on the part of Complainant. Complainant was aware that the disputed domain name was registered in 2012, and that Complainant did not in any case establish trademark rights before 2017, if that early (bearing in mind that a claim of first use does not constitute evidence of first use). Complainant was aware that Respondent was the owner of the disputed domain name before it filed its Complaint. It had negotiated with Respondent prior to filing its Complaint. Complainant did not suggest that Respondent acquired the disputed domain name more recently than its initial registration. Complainant’s legal theory in its Complaint is that Respondent should have been more accommodating in price negotiations, seeming to have concluded Respondent’s refusal to accommodate its purchase price offer is evidence of bad faith. It is not apparent how Complainant developed this theory.

The Panel notes that Complainant provided almost no evidentiary support for the assertions in its Complaint. Respondent’s Response provided more evidence regarding Complainant and its business. It appears that Complainant sought to acquire the disputed domain name with the bare minimum of attention to developing a factual or legal record.

The Panel determines that Complainant has engaged in Reverse Domain Name Hijacking.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Frederick M. Abbott/
Frederick M. Abbott
Sole Panelist
Date: April 3, 2025

³<https://www.merriam-webster.com/dictionary/haul>.

⁴<https://www.merriam-webster.com/dictionary/pay>.