

ADMINISTRATIVE PANEL DECISION

Quarterra Multifamily Communities, LLC v. Weak Kenneth, Kenneth LLC
Case No. D2025-0504

1. The Parties

Complainant is Quarterra Multifamily Communities, LLC, United States of America, represented by Slates Harwell LLP, United States of America ("United States" or "US").

Respondent is Weak Kenneth, Kenneth LLC, United States.

2. The Domain Name and Registrar

The disputed domain name <quarerras.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 February 7, 2025. On February 7, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 10, 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to Complainant on February 11, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on February 11, 2025, and the amended Complaint on February 19, 2025.

The Center verified that the Complaint together with the amendment to the Complaint and 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 20, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 12, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on March 13, 2025.

The Center appointed Timothy D. Casey as the sole panelist in this matter on March 21, 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 is a real estate development and construction company that builds various apartment communities throughout the United States. Complainant owns the quarterra.com domain name to which a website operated by Complainant resolves, and which is used for email correspondence on behalf of Complainant's business, including correspondence regarding hiring personnel and human resources.

Complainant has a registration for a trademark including "quarterra", as an element of the mark, in the United States and several other pending applications based on common law usages (the "Quarterra Marks") as follows:

Mark	Jurisdiction	Class(es)	Registration No.	Registration Date
QUARTERRA EMBLEM COMMUNITIES	United States	36, 37	7,524,198	October 1, 2024
QUARTERRA	United States	9, 35, 36, 37	Pending	Pending
Q QUARTERRA and design(s)	United States	9, 35, 36, 37	Pending	Pending

The disputed domain name was registered January 3, 2025. At the time of filing the Complaint, the disputed domain name resolved to an active parking page containing links associated with "front door replacement", "door replacement", and "jewelry collection". Currently, it resolves to an inactive website.

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 has rights in the Quarterra Marks, as evidenced herein and that the disputed domain name is confusingly similar to the Quarterra Marks because it incorporates the entirety of the Quarterra Marks, with only the addition of the letter "s" after "quarterra".

Complainant contends that Respondent is not using, or made demonstrable preparation to use, the disputed domain name in connection with a bona fide offering of goods or services and is not commonly known by the disputed domain name. Complainant contends Respondent is not making any legitimate noncommercial or fair use of the disputed domain name and did not respond to cease and desist correspondence sent to Respondent on January 15, 2025, regarding the disputed domain name. Complainant contends that Respondent is using the disputed domain name to impersonate Complainant, presumably for fraud and commercial gain and to tarnish the Quarterra Marks.

Complainant contends that Respondent's non-use of the disputed domain name combined with (1) the distinctiveness and reputation of the Quarterra Marks and (2) Respondent's failure to respond to Complainant's cease and desist correspondence or to provide any evidence of actual or contemplated good-faith use, supports a finding of bad faith use. Complainant further contends that Respondent's practice of typosquatting constitutes evidence of bad faith 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, including unregistered trademark rights regarding the term QUARTERRA, for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.2.1 and 1.3.

The entirety of the Quarterra Mark is reproduced 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, an "s", may bear on assessment of the second and third elements, the Panel finds the addition of such letter 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.

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.

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 was likely aware of the Quarterra Marks in advance of registration of the disputed domain name given the typosquatting nature of the disputed domain name.

The Panel further finds that Respondent's previous use of the disputed domain name to resolve to a parking page containing sponsored links constitutes bad faith as Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with Complainant's Mark as to the source, sponsorship, affiliation, or endorsement of Respondent's website, in accordance with paragraph 4(b)(iv) of the Policy.

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.

The Panel notes that currently the disputed domain name resolves to an inactive website. Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of Complainant's trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of 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 <quarterrass.com> be transferred to Complainant.

/Timothy D. Casey/
Timothy D. Casey
Sole Panelist
Date: April 8, 2025