

ADMINISTRATIVE PANEL DECISION

TPS Parking Management, LLC v. Learn Skill, corns techno
Case No. D2025-1601

1. The Parties

The Complainant is TPS Parking Management, LLC, United States of America (“United States”), represented by Neal, Gerber & Eisenberg LLP, United States.

The Respondent is Learn Skill, corns techno, India.

2. The Domain Name and Registrar

The disputed domain name <parkingspot.live> 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 April 21, 2025. On April 22, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 22, 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 (Domains by Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 25, 2025, 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 amended Complaint on April 30, 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 the Respondent of the Complaint, and the proceedings commenced on May 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 3, 2025. The Respondent sent two informal email communications to the Center on May 21, 2025.

The Center appointed John Swinson as the sole panelist in this matter on June 24, 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 United States company founded in the 1990s and engages in the provision of vehicle parking lot and shuttle services across the United States under the name "The Parking Spot".

The Complainant is the owner of registered trademarks for THEPARKINGSPOT, which are registered in the United States (e.g., Registration No. 2,351,007, registered on May 16, 2000; and Registration No. 2,963,762, registered on June 28, 2005) and in various jurisdictions including Canada, Australia, and the European Union. The Complainant also owns the domain name <theparkingspot.com> which is used to promote its services.

The disputed domain name was registered on November 24, 2024.

The Respondent did not file a formal Response, so little information is known about the Respondent. According to the Registrar's records, the Respondent has an address in India.

At the time of filing the Complaint and at the time of drafting this Decision, the disputed domain name resolved to a registrar-generated parking page featuring pay-per-click (PPC) links offering services identical to, if not closely related to, the services of the Complainant.

On February 26, 2025, the Complainant sent a demand letter to the named Respondent (Domains by Proxy, LLC) regarding the disputed domain name. Domains by Proxy, LLC responded that it was unable to name the true owner of the disputed domain name.

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 Respondent "undoubtedly registered the disputed domain name to trade upon the significant goodwill and extensive promotional efforts associated with THEPARKINGSPOT mark."

The disputed domain name is virtually identical and confusingly similar to the Complainant's THEPARKINGSPOT mark because the disputed domain name is primarily comprised of THEPARKINGSPOT mark, minus the term "THE" and followed by the generic Top-Level Domain "live" which refers to the Complainant's in-person services.

Particularly given the renown of THEPARKINGSPOT mark, it is clear that the Respondent would not have chosen the disputed domain name unless the Respondent was seeking to intentionally trade on THEPARKINGSPOT mark. Accordingly, the Respondent cannot establish a bona fide interest in the disputed domain name.

The Respondent has registered and is using the disputed domain name in bad faith and undoubtedly with full knowledge of the Complainant's rights in THEPARKINGSPOT mark. Given the renown of the Complainant's THEPARKINGSPOT mark and the similarity of the disputed domain name to THEPARKINGSPOT mark, it is

not plausible that the Respondent innocently registered the disputed domain name without a design to exploit its similarity to THEPARKINGSPOT mark.

B. Respondent

The Respondent did not file a formal Response.

A person, apparently on behalf of the Respondent, sent two emails to the Center. One of the emails stated: "I dont know what you guys are talking. If you want domain just buy it from me or just find some other domain. It is that simple."

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The onus of proving these elements is on the Complainant.

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 disputed domain name does not include the word "the" which is part of the Complainant's trademark THEPARKINGSPOT. It may be that "the" is a distinguishing feature of the Complainant's trademark (or rather, that the mark must be viewed as a whole), particularly because "parking spot" is a common term in some parts of the world referring to a place to park a car. However, because the first element of the Policy functions primarily as a standing requirement, the Panel concludes for the purposes of the present case that the non-inclusion of "the" in the disputed domain name does not assist the Respondent in relation to the first element of the Policy.

The Panel finds the 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.

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.

There is no evidence that the Respondent is commonly known by the disputed domain name.

Use of a domain name to resolve to a PPC advertising page, where the advertising is relevant to the trademark value of the domain name, does not establish rights or legitimate interests in respect of the disputed domain name. *UnitedHealth Group Incorporated v. Privacy Protection / Domain Administrator*, WIPO Case No. [D2021-4334](#).

None of the circumstances listed in paragraph 4(c) of the Policy apply in the present circumstances.

Having regard to all these matters, the Panel finds that the prima facie case established by the Complainant has not been rebutted by the Respondent

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.

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the respondent in question has registered and is using the disputed domain name to take advantage of its significance as a trademark owned by (usually) the complainant.

The disputed domain name was registered after the Complainant registered its trademark for THEPARKINGSPOT referred to above.

The disputed domain name is used for PPC links that relate to the Complainant’s business.

In the present case, based on the record before it, the Panel finds on the balance of probabilities that the Respondent registered the disputed domain name with knowledge of the Complainant’s THEPARKINGSPOT trademark and with intent to target it.

The Respondent has not filed a formal Response and hence has not availed itself of the opportunity to present any case of good faith that it might have; it did not even, for example, attempt to argue that it acquired the disputed domain name for any descriptive or non-trademark purpose. The Panel therefore infers that none exists.

The Panel finds that the Respondent has intentionally attempted to attract for commercial gain Internet users to its website by creating likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the website under paragraph 4(b)(iv) of the Policy. This also could disrupt the business of the Complainant.

The Panel finds that the Respondent has both registered and used the disputed domain name in bad faith.

The Respondent, in email correspondence to the Center, suggested that the Complainant could purchase the disputed domain name from the Respondent. This reply does not match any inference that would potentially benefit the Respondent so as to suggest it had an intention not to capitalize on the Complainant's mark; rather, it suggests a knowledge of the same and an intent to unfairly capitalize thereon.

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 <parkingspot.live> be transferred to the Complainant.

/John Swinson/

John Swinson

Sole Panelist

Date: July 8, 2025