

ADMINISTRATIVE PANEL DECISION

Park 'N Fly Service LLC v. Jon Jones, Onex Protection
Case No. D2025-1729

1. The Parties

The Complainant is Park 'N Fly Service LLC, United States of America ("United States"), represented by Neal, Gerber & Eisenberg LLP, United States..

The Respondent is Jon Jones, Onex Protection, Canada.

2. The Domain Name and Registrar

The disputed domain name <parkngofly.com> is registered with Register.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 29, 2025. On April 30, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 30, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 May 5, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 25, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 26, 2025.

The Center appointed Kaya Köklü as the sole panelist in this matter on May 28, 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 and its group of affiliates operate airport parking and shuttle services in the United States since 1967.

The Complainant is the owner of some PARK 'N FLY trademark registrations, mainly in the United States, but also in the European Union and the United Kingdom. Among others, the Complainant is the registered owner of the United States Trademark Registrations No. 1,111,956, registered on January 23, 1979, for the PARK 'N FLY word mark, and No. 2,666,170, registered on December 24, 2002, for the figurative mark PARK 'N FLY, both covering protection for services in class 39.

The Complainant further owns the domain name <parknfly.com> since at least February 27, 2000, which nowadays redirects Internet users to another website with a different domain name <theparkingspot.com> of the Complainant's parent company.

The Respondent is reportedly located in Canada.

The disputed domain name was registered on May 4, 2024.

According to the case record, the disputed domain name resolves to a parked page displaying Pay-Per-Click ("PPC") links related to various parking services at airports worldwide. Various web browser indicate the parked page as "not secure".

On February 26, 2025, the Complainant's lawyers sent a request letter to the Respondent, but no response was received.

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.

B. Respondent

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

6. Discussion and Findings

According to paragraph 15(a) of the Rules, the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain name is identical or confusingly similar to a trademark 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.

Paragraph 4(a) of the Policy states that the Complainant bears the burden of proving that all these requirements are fulfilled, even if the Respondent has not replied to the Complainant's contentions. *Stanworth Development Limited v. E Net Marketing Ltd.*, WIPO Case No. [D2007-1228](#).

However, concerning the uncontested information provided by the Complainant, the Panel might, where relevant, accept the provided reasonable factual allegations in the Complaint as true. See section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)").

In this regard, it is noted that an independent Internet search for public information regarding the use of the Complainant's trademark as well as similar signs by third parties has been performed by the Panel. The competence of the Panel to perform such independent search is undisputed and in line with previous UDRP decisions, such as *Hesco Bastion Limited v. The Trading Force Limited*, WIPO Case No. [D2002-1038](#). [WIPO Overview 3.0](#), section 4.8.

It is further noted that the Panel has taken note of the [WIPO Overview 3.0](#) and, where appropriate, will decide consistently with the consensus views stated therein.

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 3.0](#), section 1.7.

The Complainant has shown rights in respect of the PARK 'N FLY trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds that the disputed domain name can be considered as confusingly similar to the PARK 'N FLY trademark of the Complainant, as it differs from the Complainant's trademark only by the insertion of the term "go".

Although the addition the term "go" may bear on assessment of the second and third elements, the Panel finds that such addition 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.

In light of the above, the Panel concludes that, despite the insertion of the term "go", the Complainant's trademark PARK 'N FLY remains still recognizable within the disputed domain name 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 Respondent has not rebutted the Complainant's assertion on the Respondent's lack of rights or legitimate interests and has not come forward with any relevant evidence demonstrating such rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

However, the Panel acknowledges that the disputed domain name consists of several dictionary words and that it is conceivable that such word combination might form a commonly used phrase. While the Complainant's PARK 'N FLY mark is widely known in the United States, it has also a descriptive nature. The terms "park", "n" (a common abbreviation of "and"), and "fly" may by their nature be related with airport parking services and could descriptively be used by third parties. The Panel notes that its Internet search in respect of "Park 'n fly" reveals that this combination of terms is also used in connection with airport parking services by other operators in other jurisdictions, such as in India, the Philippines, but also in Canada, where the Respondent is reportedly located.

Given these facts, it is at least conceivable that the Respondent's choice of the disputed domain name, which only partly matches with the Complainant's PARK 'N FLY trademark due to the inserted term "go", could be coincidental.

A definitive finding by the Panel on rights or legitimate interests of the Respondent can, however, be omitted in the present case, as the Complaint is in view of the Panel anyhow not to be successful for the following reasons in respect of the alleged bad faith registration and use by the Respondent.

C. Registered and Used in Bad Faith

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

The Complainant argues that because of the prior reputation of its PARK 'N FLY mark in the United States and the similarity of its trademark compared to the disputed domain name, the Respondent must have registered the disputed domain name with the Complainant and its PARK 'N FLY trademark in mind. The Complainant briefly supports its argumentation by further pointing out that the Respondent has not responded to the Complainant's prior request letter. Also, the Complainant puts forward that the disputed domain name is indicated by Internet browsers as "not secure" due to a missing Secure Sockets Layer ("SSL") certificate, which authenticates a website's identity and enables encrypted connection. Further, it is argued that the parking page linked to the disputed domain name is used for PPC links, which, among others, are related to airport parking services of other providers than the Complainant.

As already mentioned above and in light of its general powers, the Panel has conducted an own Internet search for the terms "PARK 'N FLY", which revealed that the combination of the terms "park", "n" or "and" and "fly" are commonly used in connection with airport parking services by various operators worldwide, including in Canada, where the Respondent is reportedly located. The Panel additionally notes that the disputed domain name reproduces the Complainant's PARK 'N FLY trademark only in amended form (comprising the additional term "go" in between). Hence, it is in view of the Panel at least conceivable that the Respondent has registered the disputed domain name for its descriptive nature related to airport parking services without intention to target the Complainant.

The Panel also notes that, even though the disputed domain name was registered almost a year ago, the Complainant has not been able to produce any evidence demonstrating the opposite. Despite the potentially descriptive use by the Respondent, the Complaint does not contain any direct evidence of bad faith targeting presented by the Complainant, like phishing or other uses for malicious purposes. In this regard, the Panel further finds that a missing SSL certificate, as in the present case, does not necessarily constitute any such evidence, since websites that are only parked or under construction often do not have such an SSL certificate yet. Hence, the Panel finds that in the present case a missing SSL certificate cannot be considered sufficient evidence of the Respondent's bad faith phishing attempt or similar.

Also, the fact that the Respondent preferred to keep silent to the request letter of the Complainant and to the Complaint is not sufficient evidence in the present case to accept bad faith registration and use.

In light of the above, the Panel cannot conclude that there is bad faith registration and use for the purposes of the Policy merely on the bases of the PPC links as used on the landing page associated to the disputed domain name, while the further case record lacks of sufficiently strong indications of malicious intent to trade off the Complainant's trademark rights. Particularly the Panel notes that the disputed domain name consists of a variation of the Complainant's mark including the term "go", and there are conceivable other uses of the disputed domain name which do not target and relate to the Complainant and its business. The Panel notes that the general business of monetizing domain names consisting of dictionary terms (including by way of PPC links) can be legitimate and is not per se a convincing indication of cybersquatting and bad faith.

All in all, as the general burden of proof is on the Complainant to demonstrate its case, the Panel finds that the current record does not contain sufficient evidence of bad faith targeting by the Respondent.

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

7. Decision

For the foregoing reasons, the Complaint is denied.

/Kaya Köklü /

Kaya Köklü

Sole Panelist

Date: June 10, 2025