

ADMINISTRATIVE PANEL DECISION

American Reading Company v. L. S., arc reading pictures
Case No. D2025-3356

1. The Parties

Complainant is American Reading Company, United States of America ("United States"), represented by Cozen O'Connor, United States ("U.S.").

Respondent is L. S., arc reading pictures, U.S.

2. The Domain Name and Registrar

The disputed domain name <arcreadingpictures.com> (the "Domain Name") is registered with Tucows Domains Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 20, 2025. On August 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On the same day, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the 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 August 22, 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 August 27, 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 August 28, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 17, 2025. Respondent sent an email communication to the Center on August 23, 2025, and submitted a response on September 15, 2025, to the Center by email.

The Center appointed Christopher S. Gibson as the sole panelist in this matter on September 29, 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

Founded over twenty-five years ago, Complainant is a literacy company that provides learning curriculum to students and educators. Available in English and Spanish, Complainant's materials and programs are designed to accelerate learning and improve outcomes for students and educators. Complainant offers instructional manuals, reading programs, and professional learning services. Complainant's reading programs are supported by research, independent state reviews, and implementation results across the United States.

In connection with this use, Complainant states that it has gained significant common law trademark rights. Specifically, Complainant claims it has gained common law trademark rights in its ARC family of trademarks through the use, advertisement, and promotion of the marks in connection with its goods and services. Complainant has protected many of its ARC-formative marks by filing for and obtaining numerous trademark registrations with the United States Patent and Trademark Office (the "USPTO"), comprised of the "ARC" acronym as the dominant portion of the marks:

Mark	Reg. Date	Goods and Services
ARC ACCELERATOR RN: 7422168 SN: 98237314	June 18, 2024	Int'l Class: 41
ARC ADVENTURES RN: 5988487 SN: 88476288	February 18, 2020	Int'l Classes: 9 and 41
ARC COACH CERTIFICATION RN: 6587488 SN: 90477281	December 14, 2021	Int'l Class: 41
ARC CORE RN: 5405546 SN: 87480656	February 20, 2018	Int'l Class: 16
ARC CORE and Design  RN: 5405547 SN: 87/480,683	February 20, 2018	Int'l Classes: 16 and 41
ARC CORE FUSION RN: 7736560 SN: 98585473	March 25, 2025	Int'l Class: 42
ARC LIT LABS RN: 5510773 SN: 87206689	July 10, 2018	Int'l Class: 41

ARC LITERACY LABS RN: 5122611 SN: 87039760	January 17, 2016	Int'l Classes 16 and 41
ARC PRESS RN: 3818283 SN: 77897079	July 13, 2010	Int'l Classes: 16 and 41
ARC PRESS BOOKS and Design  RN: 3818148 SN: 77886468	July 13, 2010	Int'l Classes: 16 and 41
ARC READS RN: 7090936 SN: 97398509	June 27, 2023	Int'l Classes: 9, 41 and 42
ARC UNIVERSITY RN: 6376889 SN: 90172083	June 8, 2021	Int'l Classes: 16, 41 and 42
ARC UNIVERSITY and Design  RN: 6489727 SN: 90172148	September 21, 2021	Int'l Class: 42
ARC UNIVERSITY and Design  RN: 6493468 SN: 90975273	September 21, 2021	Int'l Classes: 1 and 41
MYARC RN: 7736810 SN: 98599764	March 25, 2025	Int'l Classes: 41 and 42

Complainant uses the domain name <americanreading.com> for its business, which was registered in 2004.

The Domain Name was registered on May 20, 2025, and directs to a website that provides information that appears to be critical of certain materials and methods used in Complainant's 2017 ARC Core program for teaching students how to read.

Importantly, in making its findings in this case, the Panel expresses no view on Complainant's educational materials or instructional practices, or Respondent's criticisms of them.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

(i) Identical or confusingly similar

Complainant contends that in an apparent attempt to trade off of Complainant's goodwill in its ARC trademarks and in disregard to Complainant's rights, Respondent registered the Domain Name in 2025, long after Complainant first used and registered its ARC marks. Complainant states that the Domain Name is highly similar to Complainant's ARC marks and Complainant's domain name apart from the descriptive phrase "reading pictures", which does nothing to distinguish the Domain Name from Complainant's ARC marks, and in fact increases the likelihood of confusion, as it indicates it is a place to shop for or view Complainant's reading materials.

Complainant claims such a descriptive phrase in the Domain Name does not eliminate the confusing similarity with Complainant's ARC marks. Instead, the addition of the phrase in the Domain Name has the potential to increase consumer confusion, as the term "reading pictures" can be viewed as directly related to Complainant's business and sale of Complainant's reading materials and other educational curriculum, and will trick unsuspecting consumers into believing they can buy Complainant's genuine products from the Domain Name. Moreover, Complainant owns a U.S. federal trademark registration for the mark ARC READS (Reg. No. 7090936). The incorporation of the term "ARC reading" in the Domain Name is nearly identical to this trademark of Complainant and, therefore, the risk of confusion is further heightened.

Complainant states the fact that the Domain Name uses the generic top-level domain ("gTLD") ".com" does not create a meaningful distinction from Complainant's ARC marks, as it is well established under the Policy that the specific top level of a domain name does not affect the determination of the identity or similarity between a domain name and a trademark.

Given the prominent use of ARC in the Domain Name with the additional non- distinctive, descriptive phrase "reading pictures", Complainant submits consumers are likely to believe that the Domain Name is related to, affiliated with, or otherwise sponsored by Complainant, although this is not the case. Therefore, the Domain Name is confusingly similar to the ARC marks in which Complainant has long-standing established rights. Because the Domain Name incorporates Complainant's registered ARC marks, individuals could easily be led to believe the Domain Name is intended to be used in connection with identical goods and services covered by Complainant's marks.

Accordingly, Complainant concludes the Domain Name is confusingly similar to trademarks and services in which Complainant has prior rights.

(ii) Rights or legitimate interests

Complainant contends Respondent has no rights or legitimate interests in respect of the Domain Name. Respondent is not affiliated with Complainant, and there is no evidence to suggest that Respondent has registered the Domain Name to advance legitimate interests for the bona fide offering of goods or services.

Complainant maintains Respondent has anonymously registered the Domain Name in an effort to evade the consequences of registering the Domain Name for which she has no rights or legitimate interests, and that the use of a privacy or proxy registration service to register a domain name has led numerous UDRP panels to take the registrant's anonymity into account and draw adverse inferences.

According to the Registrar-provided information, Respondent's name is [L.S.] Respondent's identified organization of "arc reading pictures" is yet another example of Respondent's trademark infringement. Respondent is not commonly known as ARC, or any of the terms in the Domain Name. Moreover, there presently is no evidence of any connection between Respondent and the Domain Name. Complainant has not authorized, licensed, or endorsed Respondent's use of its ARC marks in the Domain Name. Thus, there is no basis to find that Respondent is commonly known by the Domain Name under the Policy.

Overall, Complainant claims there is no evidence that Respondent is: (i) using the Domain Name for a bona fide offering of goods or services; (ii) known by the ARC designation or anything similar; or (iii) making any legitimate noncommercial or fair use. Rather, Respondent uses the Domain Name to discredit Complainant, including inaccurate and misleading claims concerning Complainant and prominently displaying Complainant's trademarks and copyrighted materials, in direct contravention of Complainant's intellectual property rights. Accordingly, Complainant concludes Respondent cannot establish any rights or legitimate interests in the Domain Name that incorporates Complainant's ARC marks and cannot prevail under the Policy.

(iii) Registered and used in bad faith

Complainant claims Respondent's adoption and use of the Domain Name is in bad faith and in willful infringement of Complainant's prior rights. Respondent has attempted to take commercial advantage of Complainant's trademarks and commercial reputation.

Respondent registered the Domain Name long after Complainant first began advertising and using its ARC marks in connection with its goods and services, and after Complainant obtained U.S. trademark registrations for its ARC marks. The Domain Name was registered in 2025, which post-dates Complainant's registration and use of the ARC marks by many years. Complainant maintains Respondent had Complainant in mind when registering the Domain Name, because Respondent had constructive notice of the ARC marks as Complainant owns trademark registrations that are on the USPTO principal register, and the Domain Name contains the identical ARC marks. Moreover, Respondent's knowledge of Complainant's trademark rights is evident, as the Domain Name incorporates a phrase that is nearly identical to a trademark Complainant has registered. Specifically, as noted above, Complainant owns the mark ARC READS. The Domain Name incorporates the nearly identical phrase of "ARC reading". As such, Complainant argues that Respondent registered the Domain Name with full knowledge of Complainant's rights in its ARC marks.

Complainant contends bad faith is further evidenced by Respondent concealing its identity by registering the Domain Name through a privacy service. Considered in light of the illegitimate selection and limited use of the Domain Name, this supports the inference that Respondent has knowingly engaged in the registration and use of the Domain Name in bad faith.

Complainant states that upon viewing the website located at the Domain Name, it becomes even more apparent that Respondent had full knowledge of Complainant's rights in the ARC marks. The website prominently features the ARC marks, as well as Complainant's copyright-protected images and materials. As such, a panel can reasonably find that Respondent registered and uses the Domain Name in bad faith.

Furthermore, the website at the Domain Name significantly copied Complainant's images, text, and materials from Complainant's copyright-protected websites without Complainant's consent or authorization. Such blatant, unauthorized copying of Complainant's copyrighted text, images, and materials constitutes willful copyright infringement. Moreover, such copying was performed in order to make the website at the Domain Name appear authentic when it was not, again supporting that the Domain Name was registered and used in bad faith.

Respondent registered the Domain Name for what appears to be an attempt to discredit Complainant, including inaccurate and misleading claims concerning Complainant and prominently displaying Complainant's trademarks and copyrighted materials, in direct contravention of Complainant's intellectual property rights. Such registration and use of the Domain Name is in and of itself a form of opportunistic bad faith.

In this case, a consideration of the totality of factors – compared to factors that UDRP panels have consistently held to be relevant in finding bad faith – leads to a bad faith finding, including the degree of distinctiveness and reputation of Complainant's ARC marks; Respondent's concealing its identity; the current bad faith use; and the implausibility of any good faith to which Respondent registered or would use the Domain Name. For all the foregoing reasons, Complainant concludes Respondent has engaged in bad faith use and registration of the Domain Name.

B. Respondent

Respondent contends that Complainant has not satisfied all three of the elements required under the Policy for a transfer of the Domain Name.

(i) Identical or confusingly similar

Respondent states the Domain Name is not identical or confusingly similar to the trademarks held by Complainant. Respondent contends the term "ARC reading pictures" is an explicit criticism of the materials and methods used in Complainant's 2017 ARC Core program. In particular, it is a reference to the "three-cueing" method which encourages "reading pictures" instead of decoding words.

(ii) Rights or legitimate interests

Respondent states the content on the website linked to the Domain Name consists of factual information and fair criticism of Complainant's ARC Core 2017 materials and instructional practices. As a platform for public commentary and review, the site is not a commercial enterprise, does not make any claims to be a commercial enterprise, and does not aim to create consumer confusion. Furthermore, the site's purpose serves a public interest by providing information to parents and educators regarding instructional materials used in public schools, including the public school district where Respondent resides. Respondent provides a copy of a complaint filed on September 3, 2025, to the district, which refers to the same program and instructional materials featured on the website linked to the Domain Name. Respondent states the content on the Domain Name's website is corroborated by independent reviews from state departments of education in both Minnesota and Colorado, which have allegedly concluded certain materials of Complainant are "not recommended". Respondent provided a link to a Google document that contains her complaint and purports to reference these state reviews.

Respondent further states that American Public Media (APM) Reports has done reporting on the topic of early reading instruction, finding certain types of instructional methods harmful. APM Reports is the investigative and documentary unit of APM, established in November 2015 and based in St. Paul, Minnesota, and dedicated to producing high-quality, non-partisan, independent investigative journalism and documentaries on issues often hidden from public view.

(iii) Registered and used in bad faith

Respondent contends the content on the Domain Name's website consists of factual information and fair criticism of Complainant's ARC Core 2017 materials and instructional practices. As a platform for public commentary and review, the site is not a commercial enterprise and does not aim to create consumer confusion.

Respondent states she is willing to review any specific statements on the Domain Name's site that Complainant might indicate are inaccurate or misleading. To facilitate this review, Respondent requests a detailed list of the contested items and evidence demonstrating the alleged inaccuracies. Upon receipt of this information, Respondent will assess the materials and take appropriate action. Per previous correspondence to Complainant on September 5, 2025, Respondent requested that this list be provided no later than September 18, 2025.

Respondent states the use of a privacy service to register the Domain Name is not evidence of bad faith. Many domain name registrants, particularly individuals and small organizations, have legitimate reasons for wanting to keep their personal information private.

Respondent contends that any further action, including the continuation of this case, should be considered a form of Reverse Domain Name Hijacking ("RDNH"). This case would appear to be an attempt to improperly use the UDRP to silence legitimate criticism and public discourse. Respondent contends Complainant has a history of attempting to silence and harass individuals who criticize Complainant's materials and methods.

6. Discussion and Findings

In order to succeed on its Complaint, Complainant must demonstrate that the three elements set forth in paragraph 4(a) of the Policy have been satisfied. Those elements are as follows:

- (i) the Domain Name registered by Respondent is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) Respondent has registered and is using the Domain Name in bad faith.

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 Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 1.7.

Here, Complainant has shown rights in respect of its ARC family of trademarks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. The Panel further finds that the Domain Name is confusingly similar to Complainant's ARC trademarks. The characteristic element of Complainant's marks, the ARC acronym, appears in the dominant position at the beginning of the Domain Name, followed by the words "reading" and "pictures". The Panel finds the addition of these descriptive words does not prevent a finding of confusing similarity in this case. Respondent has contended that the phrase "ARC reading pictures" in the Domain Name is not confusingly similar to Complainant's marks because it refers to criticism of the materials and methods used in Complainant's 2017 ARC Core program, as it refers to the "three-cueing" method which encourages "reading pictures" instead of decoding words. However, numerous UDRP decisions make clear that the addition of descriptive terms does not prevent a finding of confusing similarity.

See [WIPO Overview 3.0](#), section 1.7 ("where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for

purposes of UDRP standing”). However, “[t]he nature of such additional term(s) may...bear on assessment of the second and third elements” of the Policy. [WIPO Overview 3.0](#), section 1.8.

Accordingly, the Domain Name is confusingly similar to Complainant’s trademarks for purposes of the Policy, and the Panel finds that the first element of the Policy has been established.

B. Rights or Legitimate Interests

Regarding the second element of the Policy, section 2.1 of the [WIPO Overview 3.0](#), states, “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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element”.

Here, the Panel determines that Complainant has initially made out a prima facie case. Respondent registered the Domain Name years after Complainant had established rights in its ARC family of trademarks; there is no relationship between Complainant and Respondent; Complainant has not authorized or licensed Respondent’s use of Complainant’s ARC marks in the Domain Name; Respondent is not commonly known by the Domain Name; Respondent anonymously registered the Domain Name using a privacy service, allegedly in an effort to evade the consequences of registering the Domain Name for which she has no right or legitimate interests; and Complainant alleges Respondent has used the Domain Name to take commercial advantage of Complainant’s trademarks and to discredit Complainant, including inaccurate and misleading claims and displaying Complainant’s copyrighted materials.

Respondent, conversely, has responded that the Domain Name (and linked website) have been used for the purpose of criticizing certain of Complainant’s educational materials and instructional practices. As noted above, Respondent contends the term “ARC reading pictures” is an explicit criticism of the materials and methods used in Complainant’s 2017 ARC Core program, as it refers to the “three-cueing” method which encourages “reading pictures” instead of decoding words. Respondent has emphasized that the Domain Name’s website is not a commercial enterprise, does not make any claims to be commercial, does not aim to create consumer confusion, and instead, serves a public interest by providing information to parents and educators regarding instructional materials used in public schools. Moreover, Respondent has offered to review any specific statements on the site that Complainant might indicate are inaccurate or misleading.

Section 2.6 of [WIPO Overview 3.0](#) provides relevant guidance for this case, indicating that “UDRP jurisprudence recognizes that the use of a domain name for fair use such as noncommercial free speech, would in principle support a respondent’s claim to a legitimate interest under the Policy”. To support fair use under UDRP paragraph 4(c)(iii), the respondent’s criticism must be genuine and noncommercial. See section 2.6.1. Panels find that even a general right to legitimate criticism does not necessarily extend to registering or using a domain name identical to a trademark; instead, panels tend to find that this creates an impermissible risk of user confusion through impersonation. See section 2.6.2. However, “[w]here the domain name is not identical to the complainant’s trademark, but it comprises the mark plus a derogatory term (e.g., <trademarksucks.tld>), panels tend to find that the respondent has a legitimate interest in using the trademark as part of the domain name of a criticism site if such use is prima facie noncommercial, genuinely fair, and not misleading or false”. See section 2.6.3.

Here, the evidence reflects that the Domain Name is not identical to any of Complainant’s ARC trademarks. Instead, the Panel considers whether the phrase “reading pictures” added to the ARC acronym, fairly implies criticism of certain of Complainant’s teaching methods and materials. On balance, the Panel determines that the overall picture portrayed by the Domain Name and associated website does not seek to impersonate Complainant or its ARC trademarks; rather, the evidence viewed as a whole reflects noncommercial free speech purposes, despite Complainant’s claims to the contrary.

Accordingly, the Panel finds the second element of the Policy has not been established.

C. Registered and Used in Bad Faith

The third element of paragraph 4(a) of the Policy requires that Complainant demonstrate that Respondent registered and is using the Domain Names in bad faith. [WIPO Overview 3.0](#), section 3.1, states, “bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant’s mark”.

Here, there is no doubt that Respondent, when registering the Domain Name, was aware of Complainant and its ARC trademarks, as asserted by Complainant. Respondent does not try to contest this point. The question is whether, despite that awareness, Respondent’s registration and use of the Domain Name amounts to bad faith. The Panel determines, in view of the entire record in this case, and including a review of Complainant’s website and the website linked to the Domain Name, that the evidence in this case supports Respondent’s assertion concerning noncommercial fair use of the Domain Name for the purpose of criticizing certain of Complainant’s educational materials and instructional practices. The evidence does not support a finding that Respondent’s aim in registering the Domain Name was to profit from or exploit Complainant’s trademark or to provide any commercial goods or services.

Complainant alleged that the website at the Domain Name significantly copied Complainant’s images, text, and materials from Complainant’s copyright-protected websites without Complainant’s consent. However, Complainant did not provide specific examples of which images, text or materials were copied, and this issue raises alleged copyright infringement and potential fair use defenses, which are beyond the scope of this UDRP case. To be clear, the Panel finds that Respondent’s website does not try to impersonate or mimic Complainant and its website.

Finally, as to Respondent’s use of a privacy service for registering the Domain Name, the Panel determines that in the circumstances of this case, it is not evidence of bad faith.

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

D. Reverse Domain Name Hijacking (RDNH)

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 RDNH 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. However, 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. Here, the Panel finds that the Complaint was not brought in bad faith and there is no basis for a finding of RDNH.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Christopher S. Gibson/

Christopher S. Gibson

Sole Panelist

Date: October 14, 2025