

## **ADMINISTRATIVE PANEL DECISION**

Valley Equipment and Truck Inc v. Axel Deenberg  
Case No. D2026-0067

### **1. The Parties**

The Complainant is Valley Equipment and Truck Inc, United States of America (“United States”), represented by John Welch, United States.

The Respondent is Axel Deenberg, United States.

### **2. The Domain Name and Registrar**

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

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 8, 2026. On January 9, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 9, 2026, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on January 9, 2026, 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 amendment to the Complaint on January 12, 2026.

The Center verified that the Complaint together with the amendment to 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 January 16, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 5, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 9, 2026.

The Center appointed Evan D. Brown as the sole panelist in this matter on February 11, 2026. 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 in the business of selling used construction equipment, used trucks and trailers. It asserts that it has used the domain name <valleyequipmentandtruck.com> since 2008.

The Complainant has not asserted ownership of any trademark registrations. However, based on the Panel's independent review of publicly available records, including the Internet Archive at "www.archive.org", it is apparent that the Complainant has been conducting business continually for many years, since at least as early as 2012, under the mark VALLEY EQUIPMENT AND TRUCK.<sup>1</sup>

The disputed domain name was registered on December 6, 2025.

The Respondent has used the disputed domain name to set up a website which the Complainant asserts is bogus, as shown by the use of fake serial numbers and the unauthorized use of the Complainant's physical address and government-issued documents.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant contends that the disputed domain name is identical or confusingly similar to the Complainant's trademark; that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and that the disputed domain name was registered and is being used in bad faith.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (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 Panel finds that all three of these elements have been met in this case.

##### **A. Identical or Confusingly Similar**

This first element functions primarily as a standing requirement. [WIPO Overview 3.1](#), section 1.7. 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. This element requires the Panel to consider two issues: first, whether the Complainant has rights in a relevant mark; and second, whether the disputed domain name is identical or confusingly similar to that mark.

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<sup>1</sup>The Panel is entitled to authorized to undertake limited factual research into matters of public record. See WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.8.

Although the Complainant has not relied on any trademark registration, the Policy recognizes that unregistered or common law rights may suffice, provided the complainant demonstrates that the mark has become a distinctive identifier associated with its goods or services. [WIPO Overview 3.1](#), section 1.3 and 1.15.

Here, the Panel's independent review of "www.archive.org" shows longstanding and continuous use of the name VALLEY EQUIPMENT AND TRUCK in connection with the Complainant's business for many years. In the circumstances of this case, the Panel is satisfied that the Complainant has common law rights in the mark VALLEY EQUIPMENT AND TRUCK.

The disputed domain name incorporates the VALLEY EQUIPMENT AND TRUCK mark in its entirety, with the only difference being the addition of the letter "s" at the end. This minor variation does not prevent a finding of confusing similarity. The mark remains clearly recognizable within the disputed domain name.

It is standard practice when comparing a disputed domain name to a complainant's trademark to disregard the generic Top-Level Domain ("gTLD") such as ".com." [WIPO Overview 3.1](#), section 1.11.1.

Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Complainant's VALLEY EQUIPMENT AND TRUCK mark. The Complainant has established the first element under the Policy.

## **B. Rights or Legitimate Interests**

The Panel evaluates this element by first determining whether the Complainant has made a prima facie showing that the Respondent lacks rights or legitimate interests in the disputed domain name. Where such a prima facie case is made, the burden of production shifts to the Respondent. [WIPO Overview 3.1](#), section 2.1.

The Complainant has asserted that: (1) it has not authorized the Respondent's use of the disputed domain name; (2) the Respondent is not affiliated with the Complainant; and (3) the Respondent is using the disputed domain name for a bogus website featuring fake serial numbers and unauthorized use of the Complainant's address and government-issued documents.

While the Complainant's assertions are succinct, the Panel finds that, when viewed in light of the overall circumstances, in particular the impersonation-like conduct evidenced by the use of the Complainant's physical address on the Facebook page containing the disputed domain name, they suffice to establish a prima facie case.

The Respondent has failed to file any Response and has therefore not rebutted the Complainant's prima facie showing. Nothing in the record otherwise tilts the balance in the Respondent's favor.

Accordingly, the Panel finds that the Complainant has established the second element under the Policy.

## **C. Registered and Used in Bad Faith**

The Policy requires the Complainant to establish that the disputed domain name was registered and is being used in bad faith.

The record supports a finding that the Respondent targeted the Complainant. The disputed domain name is almost identical to the Complainant's longstanding domain name and business name, differing only by the addition of the letter "s" to the word "truck". Given the nature of the Complainant's business and the content of the Respondent's Facebook page containing the disputed domain name, including the alleged use of fake serial numbers and unauthorized use of the Complainant's physical address and government-issued documents, the Panel finds it implausible that the Respondent was unaware of the Complainant.

By using the disputed domain name in this manner, the Panel finds Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's VALLEY EQUIPMENT AND TRUCK mark as to the source, sponsorship, affiliation, or endorsement of the website or of the products offered on it. This constitutes evidence of bad faith under paragraph 4(b)(iv) of the Policy. See [WIPO Overview 3.0](#), section 3.1.4.

Moreover, the apparent impersonation of the Complainant and use of false or misleading information reinforce the conclusion that the Respondent's conduct is abusive and undertaken in bad faith. The Panel notes that the Complainant has raised serious allegations against the Respondent, including the alleged use of fake serial numbers and government-issued documents, having even filed an Internet Crime Complaint ("IC3 Complaint") against the disputed domain name. The Respondent's failure to rebut the serious allegations in these proceedings support a finding of bad faith.

In the absence of any Response or plausible good faith explanation, and on the balance of probabilities, the Panel concludes that the disputed domain name was registered and is being used in bad faith.

The Complainant has therefore 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 <valleyequipmentandtrucks.com> be transferred to the Complainant.

*/Evan D. Brown/*

**Evan D. Brown**

Sole Panelist

Date: February 25, 2026