

ADMINISTRATIVE PANEL DECISION

PlaneSense, Inc. v. morre david
Case No. D2026-0940

1. The Parties

Complainant is PlaneSense, Inc., United States of America (“U.S.” or “United States”), represented by Hayes Soloway, P.C., US.

Respondent is morre david, U.S.

2. The Domain Name and Registrar

The disputed domain name <planesence.com> (the “Domain Name”) is registered with Aceville Pte. Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on March 4, 2026. On March 5, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On March 9, 2026, 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 (John Doe/ Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to Complainant on March 11, 2026, 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 in English on March 12, 2026.

On March 11, 2026, the Center informed the parties in Chinese and English, that the language of the registration agreement for the Domain Name is Chinese. On March 12, 2026, Complainant requested English to be the language of the proceeding. Respondent did not submit any comment on Complainant’s submission.

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 in Chinese and English of the Complaint, and the proceedings commenced on March 24, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 13, 2026. Respondent did not submit any formal response. Respondent sent email communications to the Center on March 17, 2026. The Center has sent the Commencement of Panel Appointment Process email on April 16, 2026.

The Center appointed Kimberley Chen Nobles as the sole panelist in this matter on April 22, 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

Complainant operates a brokerage and management business for time sharing and fractional interests in aircraft. Complainant owns United States registered trademark number 2886480 for the PLANESENSE word mark, registered on September 21, 2004. Complainant advertises and markets on the Internet, and also utilizes online ads, in the United States and throughout North America, Central America, and Europe. Complainant also owns and operates its website at "www.planesense.com".

The Domain Name was registered on February 26, 2026 and resolves to an inactive site. Complainant alleges that on or around February 27, 2026, a client of Complainant received an email from

Respondent corresponding to the Domain Name. The email purports to originate from Complainant through one of its staff members, and purports to provide the client with new billing account information to

which future payments may be directed.

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.

Notably, Complainant contends that (i) the Domain Name is confusingly similar to Complainant's trademark; (ii) Respondent has no rights or legitimate interests in the Domain Name; and (iii) Respondent registered and is using the Domain Name in bad faith.

In particular, Complainant contends that it has trademark registrations and rights for PLANESENSE and that Respondent registered and is using the Domain Name, with the intention to confuse Internet users looking for Complainant's bona fide and well-known services.

Complainant notes that it has no affiliation with Respondent, nor authorized Respondent to register or use a domain name which includes Complainant's trademark, and that Respondent has no rights or legitimate interests in the registration and use of the Domain Name. Rather, Complainant contends that Respondent has acted in bad faith in acquiring and setting up the Domain Name, when Respondent clearly knew of Complainant's rights.

Specifically, Complainant argues that Respondent used the Domain Name to impersonate or pose as Complainant, so as to induce Complainant's client to direct future payments to a billing account under Respondent's control.

B. Respondent

Respondent did not formally reply to Complainant's contentions.

6. Discussion and Findings

6.1. Preliminary Issue: Language of the Proceedings

The Rules, in paragraph 11(a), provide that unless otherwise agreed by the parties or specified otherwise in the registration agreement between the respondent and the registrar in relation to the disputed domain name, the language of the proceedings shall be the language of the registration agreement, subject to the authority of the panel to determine otherwise, having regard to the circumstances of the administrative proceedings.

Complainant submitted its original Complaint and amended Complaint in English. According to the information received from the Registrar, the language of the Registration Agreement for the Domain Name is Chinese.

Complainant requested that the language of the proceeding be English for several reasons, including the fact that the phishing email sent by Respondent to Complainant's client is in English; that the email targets an English-speaking client and solicits a response in English and uses Complainant's English language trademark; Respondent's nationality or residence is in the United States; the registration information provided by Respondent was in English; and the contact information associated with Respondent directs to a residential home in the United States.

Respondent did not comment on Complainant's request for the language of the proceedings to be in English.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Select UDRP Questions (["WIPO Overview 3.1"](#)), section 4.5.1).

The Panel accepts Complainant's submissions regarding the language of the proceeding. The Panel notes that the Domain Name does not have any specific meaning in the Chinese language, and that the Domain Name is formed using Latin characters. The Panel further notes that the Center notified the Parties in Chinese and English of the language of the proceeding as well as notified Respondent in Chinese and English of the Complaint. Respondent chose not to comment on the language of the proceeding, nor did Respondent choose to file a Response in Chinese or English.

Having considered all the circumstances of this case, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

6.2 Substantive Issues

Under paragraph 4(a) of the Policy, to succeed Complainant must satisfy the Panel that:

- (i) the Domain Name 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) the Domain Name was registered and is being used in bad faith.

Section 4.3 of the [WIPO Overview 3.1](#) states that failure to respond to complainant's contentions would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true.

Thus, although in this case Respondent has failed to respond to the Complaint, the burden remains with Complainant to establish the three elements of paragraph 4(a) of the Policy by a preponderance of the evidence.

A. Identical or Confusingly Similar

Complainant has provided evidence of its rights in the PLANESENSE trademark, as noted above. Complainant has therefore proven that it has the requisite rights in the PLANESENSE trademarks.

With Complainant's rights in the PLANESENSE trademark established, the remaining question under the first element of the Policy is whether the Domain Name, typically disregarding the Top-Level Domain in which it was registered (in this case, ".com"), is identical or confusingly similar to Complainant's trademark. See, e.g., *B & H Foto & Electronics Corp. v. Domains by Proxy, Inc. / Joseph Gross*, WIPO Case No. [D2010-0842](#).

Here, the Domain Name is confusingly similar to Complainant's PLANESENSE trademark. The PLANESENSE trademark is recognizable in the Domain Name. The substitution of the letter "s" with the letter "c" within Complainant's PLANESENSE trademark in the Domain Name does not prevent a finding of confusing similarity between the Domain Name and the PLANESENSE trademark. See section 1.9 of the [WIPO Overview 3.1](#).

Thus, the Panel finds that Complainant has satisfied the first element of the Policy.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, a complainant must make a prima facie showing that a respondent possesses no rights or legitimate interests in a disputed domain name. See, e.g., *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. [D2008-1393](#). Once a complainant makes such a prima facie showing, the burden of production shifts to the respondent, though the burden of proof always remains on the complainant. If the respondent fails to come forward with relevant evidence showing rights or legitimate interests, the complainant will have sustained its burden under the second element of the UDRP.

From the record in this case, it is evident that Respondent was, and is, aware of Complainant and its PLANESENSE trademark and does not have any rights or legitimate interests in the Domain Name. Complainant has confirmed that Respondent is not affiliated with Complainant, or otherwise authorized or licensed to use the PLANESENSE trademark or to seek registration of any domain name incorporating this trademark. Respondent is also not known to be associated with the PLANESENSE trademark and there is no evidence showing that Respondent has been commonly known by the Domain Name.

In addition, Respondent has not used the Domain Name in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use. Rather, the record shows that the Domain Name was configured to set up email communications capability, which enabled Respondent to send fraudulent emails to Complainant's client, purporting to provide the client with new billing account information to which future payments may be directed.

Complainant confirmed that this email was not sent or authorized by Complainant and submits it was sent to impersonate Complainant to fraudulently obtain payment, or obtain confidential financial information or trade secrets.

From the record in this case, it is evident that Respondent was, and is, aware of Complainant and its PLANESENSE trademarks and does not have any rights or legitimate interests in the Domain Name. Complainant has confirmed that Respondent is not affiliated with Complainant, or otherwise authorized or licensed to use the PLANESENSE trademarks or to seek registration of any domain name incorporating these trademarks. Respondent is also not known to be associated with PLANESENSE trademarks and there is no evidence showing that Respondent has been commonly known by the Domain Name. The Domain Name resolves to an inactive website, however there is evidence showing that it has been used to send fraudulent emails. UDRP panels have consistently held that use of a domain name for illegal activity — such as impersonation or passing off — can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

Accordingly, Complainant has provided evidence supporting its prima facie showing that Respondent lacks any rights or legitimate interests in the Domain Name. Respondent has failed to produce countervailing evidence of any rights or legitimate interests in the Domain Name. Thus, the Panel concludes that Respondent does not have any rights or legitimate interests in the Domain Name and Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds that Respondent's actions indicate that Respondent registered and is using the Domain Name in bad faith.

Paragraph 4(b) of the Policy provides a non-exhaustive list of circumstances indicating bad faith registration and use on the part of a respondent, namely:

“(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your website or location.”

The Panel finds that Complainant has provided ample evidence to show that registration and use of the PLANESENSE trademark predate the registration of the Domain Name. Complainant is also well established and known; indeed, the record shows that Complainant's PLANESENSE trademark and related products and services are known and recognized for purposes of the Policy. Therefore, and also noting the use analysis below, Respondent was clearly aware of the PLANESENSE trademark when it registered the Domain Name.

Moreover, the Domain Name's inclusion of Complainant's trademark PLANESENSE in its entirety with the substitution of the letter "s" with the letter "c" in the Domain Name, further reflects the awareness that Respondent had of Complainant and its trademark at the time of registration. Complainant also owns and operates its website at the domain name <planesense.com>. Such adoption of Complainant's trademarks at the time of registration of the Domain Name illustrates Respondent's effort to mislead Internet users looking for the Complainant. In addition, there is no indication or evidence that Respondent is preparing to use the Domain Name for any other alternate purpose.

The Panel therefore finds that Respondent's awareness of Complainant's trademark rights at the time of registration suggests bad faith. See *Red Bull GmbH v. Credit du Léman SA, Jean-Denis Deletraz*, WIPO Case No. [D2011-2209](#); *Nintendo of America Inc v. Marco Beijen, Beijen Consulting, Pokemon Fan Clubs Org., and Pokemon Fans Unite*, WIPO Case No. [D2001-1070](#); and *BellSouth Intellectual Property Corporation v. Serena, Axel*, WIPO Case No. [D2006-0007](#).

Moreover, Respondent registered and is using the Domain Name to confuse and mislead consumers looking for bona fide and well-known PLANESENSE products and services of Complainant. In particular, at the time of filing of the Complaint, the record shows that the Domain Name was configured to set up email communications capability, which enabled Respondent to send fraudulent emails to Complainant's client, purporting to provide the client with new billing account information to which future payments may be directed. Complainant confirmed that this email was not sent or authorized by Complainant and submits it was sent to impersonate Complainant to fraudulently obtain payment, or obtain confidential financial information or trade secrets. Complainant notes that it has no affiliation with Respondent.

UDRP panels have consistently held that a respondent's use of a domain name to trade off goodwill in a complainant's well-known trademark and impersonate complainant, as here, constitutes bad faith. See *Philip Morris Products S.A. v. homn mohmoodi*, WIPO Case No. [D2022-4158](#). Moreover, such use of the Domain Name may potentially result in tarnishing Complainant's reputation and goodwill.

Finally, the Panel also notes the failure of Respondent to submit a response, and Respondent's use of what appears to be false underlying contact information to register the Domain Name. The Panel thus considers such factors as strong further evidence of Respondent's registration and use of the Domain Name constitutes bad faith. In the present circumstances, considering the reputation of the PLANESENSE trademark, the Panel finds that Respondent registered and is using the Domain Name in bad faith.

Therefore, the Panel finds that Complainant succeeds under the third element of paragraph 4(a) 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 Domain Name <planesence.com> be transferred to Complainant.

/Kimberley Chen Nobles/

Kimberley Chen Nobles

Sole Panelist

Date: April 29, 2026