

ADMINISTRATIVE PANEL DECISION

PlaneSense, Inc. v. Willyc Tyson
Case No. DCO2026-0020

1. The Parties

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

Respondent is Willyc Tyson, United States.

2. The Domain Name and Registrar

The disputed domain name <planesense.com.co> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 19, 2026. On February 20, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 20, 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 (John Doe) and contact information in the Complaint. The Center sent an email communication to Complainant on February 23, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on February 23, 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 Respondent of the Complaint, and the proceedings commenced on February 25, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 17, 2026. Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 18, 2026.

The Center appointed Frederick M. Abbott as the sole panelist in this matter on March 26, 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 is a corporation organized in the State of New Hampshire, United States and is headquartered in Portsmouth, New Hampshire.¹ Complainant operates as a brokerage, and as management for time sharing interests and fractional interests in aircraft. Complainant's commercial website is located at "**www.planesense.com**". It appears that Complainant has been operating its brokerage and management businesses since 1995.

Complainant is the owner of registration for the word service mark PLANESENSE on the Principal Register of the United States Patent and Trademark Office (USPTO), registration number 8018865, registration dated November 11, 2025. It appears that Complainant's predecessor entity, Alpha Flying, Inc., owned the PLANESENSE service mark until its cancellation on July 12, 2003. There is no evidence of a corresponding registration covering the period between the cancellation and re-registration by Planesense, Inc.

According to the Registrar's verification, Respondent is registrant of the disputed domain name. According to a Whois Lookup furnished by Complainant, the disputed domain name was registered on February 4, 2026.

Complainant has provided some evidence that Respondent has used the disputed domain name in connection with an attempt to defraud a client of Complainant through transmission of invoices and other documents appearing to originate from Complainant and requesting payment. According to Complainant the fraudulent email originated from Respondent's disputed domain name address. The Panel notes that the documentary evidence of the alleged fraudulent email provided by Complainant does not identify the sender domain name, and in its signature address information it lists Complainant's domain name.

There is no evidence on the record of this proceeding of any affiliation or association, commercial or otherwise, between Complainant and Respondent.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, Complainant contends that it owns rights in the PLANESENSE service mark and that the disputed domain name is identical and confusingly similar to that service mark.

Complainant alleges that Respondent lacks rights or legitimate interests in the disputed domain name because: (1) Respondent does not use the disputed domain name for any legitimate purpose; (2) Respondent has never been commonly known by the disputed domain name; (3) Respondent's use of the

¹ The USPTO trademark registration document provided by Complainant lists the owner of the PLANESENSE service mark as Alpha Flying, Inc., a Massachusetts corporation. The transition of trademark ownership to the named Complainant appears to have resulted from allowing the initial registration dated October 8, 1996, to lapse in 2003, with a new registration applied for on January 22, 2025, in the ownership name of Planesense, Inc. This transition was identified by the Panel's search of the USPTO TESS and TSDR databases. The transition should have been identified and discussed by Complainant, demonstrating a lack of candor. Because Respondent has not filed a Response, the Panel does not further assess this gap in Complainant's pleading, except where relevant.

disputed domain name has been in connection with email scams or phishing attacks that cannot establish rights or legitimate interests.

Complainant argues that Respondent registered and is using the disputed domain name in bad faith because: (1) Respondent registered the disputed domain name for the bad faith purpose of impersonating Complainant to Complainant's clients; (2) Respondent is currently using the disputed domain name to conduct email scams and/or phishing attacks on clients of Complainant.

Complainant requests the Panel to direct the Registrar to transfer the disputed domain name to Complainant.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Paragraph 4(a) of the Policy sets forth three elements that must be established by a complainant to merit a finding that a respondent has engaged in abusive domain name registration and use and to obtain relief.

These elements are that:

(i) the disputed 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 disputed domain name; and

(iii) the disputed domain name has been registered and is being used 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 disputed domain name. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

The Complainant has shown rights in respect of the PLANESENSE service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7

Although the addition of other terms, here the second level designator of ".com" (under the country code Top Level Domain ".co"), may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name (here, at the third level) and the mark for the purposes of the Policy. ² [WIPO Overview 3.1](#), section 1.8 and 1.11.

The Panel finds the first element of the Policy has been established.

²Respondent distinguished the disputed domain name from Complainant's domain name (using only the ".com" Top Level Domain) solely by addition of the country code ".co" (thus moving the mark to the third level, and the ".com" designator to the second level). This difference is not material from the standpoint of confusing similarity analysis under the Policy. The Panel has identified the disputed domain name (here, at the third level) as "identical" to Complainant's service mark, recognizing that it is also "confusingly similar".

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 Complainant, panels have recognized that proving that 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 Complainant, as here, makes out a prima facie case that Respondent lacks rights or legitimate interests, the burden of production on this element shifts Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on Complainant). If Respondent fails to come forward with such relevant evidence, Complainant is deemed to have satisfied the second element. [WIPO Overview 3.1](#), section 2.1.

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. 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.

Panels have held that the use of a domain name for illegitimate or illegal activity, here claimed as phishing/identity theft attempting to defraud a client or clients of Complainant, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

The Panel recognizes that Complainant’s evidence to establish Respondent’s attempt to defraud is incomplete as it fails to include the originating sender domain name, which presumably would be the disputed domain name. However, Respondent has not challenged Complainant’s assertion regarding origination. The Panel considers Complainant’s pleading, in addition to the provided evidence, as adequate to establish on balance of probabilities that Respondent used the disputed domain name to originate fraudulent email.³

There is no evidence on the record of this proceeding which the Panel might consider to establish rights or legitimate interests in the disputed domain name on the part of 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.

In the present case, the Panel notes that Respondent registered the disputed domain name following Complainant’s re-registration of the PLANESENSE service mark in 2025, but long after Complainant began using the service mark and registered that service mark through its predecessor entity. There is no evidence that Complainant ceased using the PLANESENSE service mark notwithstanding allowing the initial registration to lapse, leaving a gap in registration.

³The Panel considers it important that parties attempting to establish abusive domain name registration and use adequately support their pleadings with evidence. In this proceeding, although the evidence is incomplete, the serious allegations plus the absence of any apparent legitimate reason for Respondent to have registered the disputed domain name supports the Panel’s finding based on balance of probabilities.

Assuming on balance of probabilities that the Respondent used the disputed domain name to direct at least one email to a client of Complainant with accompanying invoice and other documents, and that this email was requesting transfer of funds to accounts not owned or controlled by Complainant, Respondent targeted Complainant in bad faith in its registration of the disputed domain name.

Panels have held that the use of a domain name for illegitimate or illegal activity, here claimed phishing/identity theft attempting to defraud a client or clients of Complainant constitutes bad faith. [WIPO Overview 3.1](#), section 3.4. Having reviewed the record, the Panel finds Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <planesense.com.co> be transferred to Complainant.

/Frederick M. Abbott/

Frederick M. Abbott

Sole Panelist

Date: April 9, 2026