

ADMINISTRATIVE PANEL DECISION

Connector Experts, LLC v. Eric Palazzolo, Theft Replacement Specialist Case No. D2022-4873

1. The Parties

The Complainant is Connector Experts, LLC, United States of America (“United States”), represented by Culhane Meadows PLLC, United States.

The Respondent is Eric Palazzolo, Theft Replacement Specialist, United States / FindPigtails.com, LLC, United States.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 20, 2022. On December 21, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 22, 2022, 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 (Domains By Proxy, LLC), and contact information in the Complaint. The Center sent an email communication to the Complainant on December 23, 2022 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 December 27, 2022.

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 6, 2023. In accordance with the Rules, paragraph 5, the due date for Response was January 26, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 31, 2023.

The Center appointed W. Scott Blackmer as the sole panelist in this matter on February 3, 2023. 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 a limited liability company established under the law of the State of Illinois in 2011 (according to the online database of the Illinois Secretary of State) and headquartered in Chicago, Illinois, United States. The Complaint reports that the Complainant has sold “millions of dollars’ worth of automotive parts, including but not limited to clips, seals, terminals, and tools” under the CONNECTOR EXPERTS trademark since 2011”. The Complainant’s online sales have been made from the outset via its website at “www.connectorexper.com”. The Complainant’s website allows users to shop for connectors for vehicle electric systems and components according to the vehicle’s make, model, and year. In the years 2015 through 2017 (when the disputed domain name was registered), the Complainant incurred approximately USD 113,000 in marketing expenses and earned nearly USD 2.5 million in sales associated with the unregistered CONNECTOR EXPERTS mark. The record includes evidence of the Complainant’s advertising of the mark with direct marketing as well as digital advertising through Google, search engine optimization (SEO), and Facebook social media.

The Complainant applied for United States trademark registration of CONNECTOR EXPERTS as a standard character mark on September 9, 2020, declaring first use in commerce on August 1, 2012. The Complainant obtained trademark registration (number 6431974) on July 27, 2021, for online sales of automotive products.

The Registrar reports that the Disputed Domain Name was registered on May 20, 2017, in the name of a privacy service, Domains By Proxy, LLC. After receiving notice of the Complaint in this proceeding, the Registrar identified the underlying registrant as the Respondent Eric Palazzolo of the organization “Theft Replacement Specialist”, with a postal address in Houston, Texas, United States and a contact email address in the domain name <findpigtails.com>. The website at “www.findpigtails.com” allows users to search for automotive plugs and connectors from a variety of suppliers, similar to the functionality offered on the Complainant’s website. The “About” page of the website describes it as “a site built to help you to find the right connector, for the right vehicle, at the right price”. The disputed domain name redirects to that website at “www.findpigtails.com” (the “Respondent’s website”). The Complaint attaches screenshots from the Internet Archive’s Wayback Machine showing that these redirects to the Respondent’s website began at least as early as August 2018.

The Complainant names as the Respondent FindPigtails.com LLC, the operator of the Respondent’s website. This entity appears to be a Texas limited liability company with the same postal address in Houston, Texas, United States that is shown as the postal address for the registrant of the disputed domain name, Eric Palazzolo. As they evidently share control of, or an interest in, the disputed domain name, the Panel refers to Eric Palazzolo, Theft Replacement Specialist, and FindPigtails.com LLC collectively as the “Respondent”.

5. Parties’ Contentions

A. Complainant

The Complainant asserts that the disputed domain name is identical or confusingly similar to its common law and registered mark CONNECTOR EXPERTS. The Complainant denies any association with the Respondent and observes that the Respondent is not known by a corresponding name but uses the disputed domain name to redirect Internet users to its competing website, “www.findpigtails.com”, with similar functionality, selling the same products to customers in the same national marketplace. The Complainant argues that this cannot be a *bona fide* commercial use.

The Complainant also contends that this conduct reflects bad faith in the registration and use of the disputed domain name. The Complainant's mark was established for some six years when the Respondent, a direct competitor, engaged in typosquatting by registering a close approximation of the Complainant's mark as the disputed domain name. The Complainant argues that this was likely an effort to "disrupt the business of a competitor" as well as to mislead Internet users for commercial gain, citing the Policy, paragraphs 4(b)(iii) and (iv).

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy provides that in order to divest a respondent of a domain name, a complainant must demonstrate each of the following: (i) the domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and (ii) the respondent has no rights or legitimate interests in respect of the domain name; and (iii) the domain name has been registered and is being used in bad faith. Under paragraph 15(a) of the Rules, "[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable".

A. Identical or Confusingly Similar

The first element of a UDRP complaint "functions primarily as a standing requirement" and entails "a reasoned but relatively straightforward comparison between the complainant's trademark and the disputed domain name". WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 1.7.

The Complainant holds a trademark registration for CONNECTOR EXPERTS as a word mark. The disputed domain name is very similar, changing the position of the plural "s" and omitting the space between the words that cannot be included in domain name system (DNS) addresses for technical reasons. The overall impression is nearly identical to the Complainant's mark. As usual, the addition of the Top-Level Domain ".com" may be disregarded as a standard registration requirement (see *id.* section 1.11.1).

The Panel finds that the disputed domain name is confusingly similar to the Complainant's mark and concludes that the Complainant has established the first element of the Complaint.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy gives non-exclusive examples of instances in which a respondent may establish rights or legitimate interests in a domain name, by demonstrating any of the following:

- (i) before any notice to it of the dispute, the respondent's use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a *bona fide* offering of goods or services; or
- (ii) the respondent has been commonly known by the domain name, even if it has acquired no trademark or service mark rights; or
- (iii) the respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

Because a respondent in a UDRP proceeding is in the best position to assert rights or legitimate interests in a domain name, it is well established that after a complainant makes a *prima facie* case, the burden of production on this element shifts to the respondent to come forward with relevant evidence of its rights or legitimate interests in the domain name. See [WIPO Overview 3.0](#), section 2.1.

The Complainant has demonstrated trademark rights and denies any association with the Respondent. The Complainant has shown that the Respondent is not known by a corresponding name, and the disputed domain name is used to redirect Internet users to the Respondent's directly competing website. Thus, the Complainant has made a *prima facie* case, and the burden of production shifts to the Respondent. The Respondent did not respond to the Complaint, and no rights or legitimate interests are evident from a perusal of the website associated with the disputed domain name.

The Panel finds that the Respondent has failed to meet its burden of production and concludes that the Complainant prevails on the second element of the Complaint.

C. Registered and Used in Bad Faith

The Policy, paragraph 4(b), furnishes a non-exhaustive list of circumstances that "shall be evidence of the registration and use of a domain name in bad faith", including the following cited by the Complainant (in which "you" refers to the registrant of the domain name):

"(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 web site 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 record supports the Complainant's inference that both of these examples of bad faith apply in this case. The Complainant and the Respondent are direct competitors. The Respondent registered the disputed domain name in 2017, and the Wayback Machine shows that it was using the disputed domain name by at least 2018 to redirect visitors to its own competing website. The Complaint documents that by this time it had established its common law CONNECTOR EXPERTS mark in online sales. (See [WIPO Overview 3.0](#), section 1.3 on the kinds of proof required to establish rights in an unregistered mark.) The mark is distinctive, and by 2017 it had been advertised and used online for several years in the same specialist market in which the Respondent traded online. It is simply improbable that the Respondent was unaware of the mark when it registered the disputed domain name. The likelihood is that the disputed domain name is an instance of typosquatting, a slightly misspelled version of a mark intended to mislead Internet users regarding source or affiliation, directed in this case at customers seeking the Complainant.

The Panel finds bad faith on this record and concludes that the Complainant has established the third element of the Complaint.

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, <connectorsexpert.com>, be transferred to the Complainant.

/W. Scott Blackmer/

W. Scott Blackmer

Sole Panelist

Date: February 28, 2023