

ADMINISTRATIVE PANEL DECISION

Lima One Capital v. Chase Lima
Case No. D2024-2414

1. The Parties

The Complainant is Lima One Capital, United States of America ("United States"), represented by Soteria LLC, United States.

The Respondent is Chase Lima, United States.

2. The Domain Name and Registrar

The disputed domain name <limacapitalventures.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 June 12, 2024. On June 13, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 13, 2024, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 14, 2024, 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 amended Complaint on June 19, 2024.

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 the Respondent of the Complaint, and the proceedings commenced on June 20, 2024. In accordance with the Rules, paragraph 5, the due date for Response was July 10, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 11, 2024.

The Center appointed Evan D. Brown as the sole panelist in this matter on July 16, 2024. 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 private lending company. It owns the mark LIMA ONE and enjoys the benefits of registration of that mark in the United States (Reg. No. 4,978,940, registered on June 14, 2016). According to the Whois records, the disputed domain name was registered on February 1, 2024. The Complainant has submitted evidence showing that the Respondent has used the disputed domain name to set up a barebones single page website branded as “Lima Capital Ventures” which purports to market and promote financial services.

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 of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), 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. *Id.* 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.

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. See *Advance Magazine Publishers Inc., Les Publications Conde Nast S.A. v. Voguechen*, WIPO Case No. [D2014-0657](#). The Complainant has demonstrated its rights in the LIMA ONE mark by providing evidence of its trademark registration.

The test for confusing similarity under this element typically involves a side-by-side comparison of the disputed domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name. [WIPO Overview 3.0](#), section 1.7. In some cases, such assessment may also entail a more holistic aural or phonetic comparison of the complainant’s trademark and the disputed domain name to ascertain confusing similarity. *Id.*

Guided by these principles, the Panel finds that the disputed domain name is confusingly similar to the Complainant's LIMA ONE mark. The word "Lima" is the dominant portion of the Complainant's mark. The disputed domain name incorporates the dominant portion of the Complainant's mark. See *La Quinta Worldwide, L.L.C. v. PrivacyProtect.org / Pantages, Inc.*, WIPO Case No. [D2011-1530](#) (the disputed domain name <quintainns.com> was found to be confusingly similar to the Complainant's mark LA QUINTA because it incorporated the dominant portion of the Complainant's mark).

The Panel finds that the Complainant has established this first element under the Policy.

B. Rights or Legitimate Interests

The Panel evaluates this element of the Policy by first looking to see whether the Complainant has made a prima facie showing that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. If the Complainant makes that showing, the burden of production of demonstrating rights or legitimate interests shifts to the Respondent (with the burden of proof always remaining with the Complainant). See [WIPO Overview 3.0](#), section 2.1; and *AXA SA v. Huade Wang*, WIPO Case No. [D2022-1289](#).

On this point, the Complainant asserts, among other things, that: (1) the Respondent is not affiliated with the Complainant nor is it a licensee or authorized agent of the Complainant, (2) the Respondent has neither used the disputed domain name, nor demonstrated preparations to use the disputed domain name in connection with any proof of preparations for a bona fide offering of goods or services relating to the disputed domain name, (3) there is no evidence indicating that the Respondent has been commonly known by the disputed domain name, and (4) the Respondent has not shown any legitimate noncommercial or fair use of the disputed domain name, but instead, selected keywords to add to the relevant mark such as "capital ventures" that spoof the Complainant's services offered to its customers.

The Panel finds that the Complainant has made the required prima facie showing. The Respondent has not filed a Response in these proceedings to present evidence to overcome this prima facie showing. The Panel notes that the name of the listed registrant of the disputed domain name is an individual purportedly having the surname "Lima". While it is possible that the Respondent registered the disputed domain name to set up a website for a business named after himself, such a conclusion would be merely a conjecture of the Panel and in this situation – and noting the lack of any response or reaction from the Respondent, not to mention the choice of additional words which mirror the Complainant's services – does not tip the scales away from the Complainant's prima facie showing.

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

C. Registered and Used in Bad Faith

The Policy requires a complainant to establish that the disputed domain name was registered and is being used in bad faith. The Policy describes several non-exhaustive circumstances demonstrating a respondent's bad faith registration and use. Under paragraph 4(b)(iv) of the Policy, a panel may find bad faith when a respondent "[uses] the domain name to intentionally attempt to attract, for commercial gain, Internet users to [respondent's] website or other online location, by creating a likelihood of confusion with complainant's mark as to the source, sponsorship, affiliation, or endorsement of [respondent's] website or location or a product or service on [the respondent's] website or location".

Concerning bad faith registration, the Complainant asserts that the Respondent targeted the Complainant when it registered the disputed domain name - "this strongly suggests that the [Respondent] is aware of [the Complainant] and [its] brand elements, and is highly unlikely that the registration of the disputed domain name was coincidental."

As for bad faith registration, the Complainant argues that the similarity between the disputed domain name and the Complainant's marks suggests opportunistic bad faith. Moreover, the Complainant argues that operation of the website at the disputed domain name – which is merely a placeholder page and bears no

contact information or any hallmarks of an actual ongoing business operation – is malicious and harmful to the Complainant's brand, as it gives the false impression that the disputed domain name is owned by the Complainant.

The Respondent has not provided any evidence to explain potential good faith registration of the disputed domain name.

For these reasons, the Panel finds that the Complainant has established this third element under 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 <limacapitalventures.com> be transferred to the Complainant.

/Evan D. Brown/

Evan D. Brown

Sole Panelist

Date: July 30, 2024