

ADMINISTRATIVE PANEL DECISION

LA Computer Warehouse, Inc. v. Alex Bresht, Net Universe Corp
Case No. D2024-4998

1. The Parties

The Complainant is LA Computer Warehouse, Inc., United States of America (the “United States”), represented by Roger Doumanian, Attorney at Law, APC, United States.

The Respondent is Alex Bresht, Net Universe Corp, United States.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 3, 2024. On December 4, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 4, 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 (“TBD, pending Enom, LLC’s provision of Whois Information”) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 6, 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 December 10, 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 December 18, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 7, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 9, 2024.

The Center appointed Evan D. Brown as the sole panelist in this matter on January 15, 2025. 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 providing IT systems management services. It owns the trademark IT SUPPORT LA, for which it enjoys the benefits of registration in the United States (Reg. No. 7,103,384, registered on July 11, 2023, with a first use date of July 23, 2015). The Complainant owns the domain name <itsupportla.com>.

According to the Whois records, the disputed domain name was registered on September 13, 2019. The Complainant asserts that the Respondent has “replicated” the Complainant’s website using the disputed domain name and is imitating the Complainant to commit fraud. More specifically, the Complainant asserts that the Respondent is using the Complainant’s identity to place orders from various vendors and have such orders delivered to locations unknown to the Complainant, without the Complainant’s prior knowledge or approval. Those vendors, in turn, are billing and threatening legal action against the Complainant, not realizing that they have been victims of fraud committed by the Respondent.

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 respond 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 IT SUPPORT LA mark by providing evidence of its trademark registration. See [WIPO Overview 3.0](#), section 1.2.1.

The disputed domain name is confusingly similar to the IT SUPPORT LA mark because it replicates the mark almost entirely – the only difference is a missing letter “P”. Under well-established UDRP jurisprudence, the mere addition or omission of minor elements in a domain name does not prevent a finding of confusing similarity. See [WIPO Overview 3.0](#), section 1.8. The IT SUPPORT LA mark remains recognizable for a showing of confusing similarity under the Policy. See also *America Online, Inc. v. John Zuccarini*, WIPO Case No. [D2000-1495](#) (finding that “the mere addition of a minor misspelling...does not create a new or different mark in which the Respondent has rights. Instead, it results in a domain name that is confusingly similar to Complainant’s mark.”).

Accordingly, 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 shifts to the Respondent (with the burden of proof always remaining with the Complainant). See [WIPO Overview 3.0](#), section 2.1; *AXA SA v. Huade Wang*, WIPO Case No. [D2022-1289](#).

The Complainant asserts that the Respondent is neither affiliated with nor authorized by the Complainant to use the disputed domain name or to represent the Complainant. Instead, according to the Complainant, the Respondent is simply committing fraud by pretending to be the Complainant.

This establishes the prima facie case. The Respondent has not responded to provide any evidence to the contrary. Nothing in the record otherwise tilts the balance in the Respondent’s favor. The use of a domain name for illegal activity such as impersonation or passing off can never confer rights or legitimate interests on a respondent. See *Société des Produits Nestlé S.A. v. Great Homes, jobs-nestle.com*, WIPO Case No. [D2024-2911](#); [WIPO Overview 3.0](#), section 2.13.1.

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 Panel notes that the registration of the disputed domain name precedes the registration date of the Complainant’s trademark. Under [WIPO Overview 3.0](#), section 3.8.1, “where a respondent registers a domain name before the complainant’s trademark rights accrue, panels will not normally find bad faith on the part of the respondent.” The pertinent question in this situation becomes whether the Complainant has shown sufficient common law rights in its mark prior to the registration date of the disputed domain name.

[WIPO Overview 3.0](#), section 1.3 instructs that to establish unregistered or common law trademark rights for purposes of the UDRP, the complainant must show that its mark has become a distinctive identifier which consumers associate with the complainant’s goods and/or services. Relevant evidence demonstrating

acquired distinctiveness, also referred to as secondary meaning, includes factors such as the duration and nature of use of the mark, the amount of sales under the mark, the nature and extent of advertising using the mark, the degree of actual public recognition, and consumer surveys.

The Complainant asserts in a rather conclusory manner that its common law rights go back to when it launched its website in 2015. The registration certificate from the United States Patent and Trademark Office for the mark shows a date of first use of July 23, 2015.

Though these assertions of common law rights are sparse, the Panel finds in this situation that the Respondent directly targeted the Complainant by registering the disputed domain name and redirecting to the Complainant's website apparently to imitate the Complainant and commit financial fraud. In these circumstances, these facts are sufficient to establish that the IT SUPPORT LA mark had acquired distinctiveness by 2019, when the disputed domain name was registered.

The Respondent's alleged conduct – which the Respondent has not sought to refute – clearly establishes bad faith. Registering a disputed domain name and using it to imitate the Complainant and commit financial fraud is a clear case of bad faith registration and use under the Policy.

Accordingly, 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 <itsupportla.com> be transferred to the Complainant.

/Evan D. Brown/

Evan D. Brown

Sole Panelist

Date: January 29, 2025