

## **ADMINISTRATIVE PANEL DECISION**

### **Atlas Securitized Products Holdings, L.P. v. Major General / Assets Loadout Case No. D2024-5219**

#### **1. The Parties**

Complainant is Atlas Securitized Products Holdings, L.P., United States of America, represented by Soteria LLC, United States of America.

Respondent is Major General / Assets Loadout, United States of America.

#### **2. The Domain Name and Registrar**

The disputed domain name <atlasholdingsllc.com> (the “Disputed Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

#### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 18, 2024. On December 19, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On December 19, 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 named Respondent (Unknown) and contact information in the Complaint. The Center sent an email communication to Complainant on December 23, 2024, 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 on December 23, 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 Respondent of the Complaint, and the proceedings commenced on January 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 2, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on February 6, 2025.

The Center appointed Douglas M. Isenberg as the sole panelist in this matter on February 6, 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

Complainant states that it is “a global investment firm that seeks to provide stable funding and capital markets services to companies seeking innovative and bespoke structured credit and asset-backed finance solutions.” Complainant further states, and provides evidence to support, that it is the owner of the following trademark registrations (the “ATLAS Trademark”):

- U.K. Reg. No. UK00003864884 for ATLAS SP PARTNERS (registered May 19, 2023)
- U.K. Reg. No. UK00003940281 for ATLAS SP (registered July 31, 2023)

Neither the Complaint nor the annexes provided therewith identify the goods or services associated with either of these registrations, other than “Class 36.”

The Disputed Domain Name was created on December 4, 2024. An annex provided with the Complaint shows what appears to be a monetized parking page associated with the Disputed Domain Name (with links labeled “Attorney Law Lawyer,” “Investment Management Companies” and “Law Attorney Nearby”), although the Complaint itself does not specify how the Disputed Domain Name is being used and refers to “that form of its login page.” At present it resolves to an inactive page.

#### 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:

- The Disputed Domain Name is identical or confusingly similar to the ATLAS Trademark because the Disputed Domain Name “is identical to our client’s email address (ex: ‘[redacted]@atlasholdingsllc.com’) and confusingly similar to our client’s legal name, trademarks, and impersonates a keyword (‘holdings’) associated with the industry of business (‘financial services industry’)” and the Disputed Domain Name “is misleading and provides false impressions of the ‘Atlas Holdings, L.P.’ brand name.”
- Respondent has no rights or legitimate interests in the Disputed Domain Name because “the holder of the domain is neither affiliated nor authorized by the company to register or use the ‘ATLAS SP’ and ‘ATLAS SP PARTNERS’ trademarks”; “the holder has neither used the disputed domain names nor provided any proof of preparations for a bona fide offering of goods or services relating to the domain names [sic]”; “the WHOIS record shows that the holder is ‘Major General’, not ‘Atlas Securitized Products Holdings, L.P.’”; and “[t]here is no evidence indicating that the holder has been commonly known by the disputed domain names [sic], as the registrant does not own the trademark rights and has displayed no intent to use the domains [sic] for legitimate business”; the Disputed Domain Name “is harmful to the Atlas Holdings, L.P. brand, as it gives the false impression that the domains are Atlas Holdings, L.P. owned domain”; and “[t]he only arguable basis for a claim that the domain name reflect a legitimate interest would be if the domain owner, ‘Major General’ could garner records of any prior rights relating to the ‘ATLAS SP’ and ‘ATLAS SP PARTNERS’ trademarks, or an alternative Atlas trademark, which in this instance is held exclusively by Atlas Holdings, L.P.”
- The Disputed Domain Name was registered and is being used in bad faith because (as set forth in its entirety):

The trademarked keywords “ATLAS SP” and “ATLAS SP PARTNERS” is a common dictionary keyword that is related to Greek mythology, “Atlas”, is a Titan condemned to hold up the heavens or sky for eternity. However, when combined with the keyword “holdings”, infringes [sic] and introduces a significant security risk to our Client and others in the financial services industry. This strongly suggests that the registrant is aware of Atlas Holdings, L.P. and their brand elements, and is highly unlikely that the registration of the disputed domain name was coincidental and therefore, should be considered as evidence of bad faith registration according to the Policy. It is impossible to conceive the disputed domain name was randomly chosen with no knowledge of the Atlas Holdings, L.P...

Additionally, the offending domain name (“atlasholdingsllc[.]com”) is a clear typosquatting attempt, as the letter “i” has been replaced with the letter “l” in the keyword “holdings”. The offending domain has been registered and evidence supports bad faith under the circumstance set out in paragraph 4(b)(iv) of the Policy, that if a respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of its website. The use to which the Respondent has put the disputed domain name falls within this circumstance in that form of its login page will have misled Internet users into believing that it was operated, or authorized, by the Complainant.

## **B. Respondent**

Respondent did not reply to Complainant’s contentions.

## **6. Discussion and Findings**

### **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 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.

Based on the trademark registrations cited in the Complaint, Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy, that is, the ATLAS Trademark. [WIPO Overview 3.0](#), section 1.2.1.

As to whether the Disputed Domain Name is identical or confusingly similar to the ATLAS Trademark, the relevant comparison to be made is with the second-level portion of the Disputed Domain Name only (i.e., “atlasholdingsllc”), as it is well-established that the top-level domain name (i.e., “.com”) may be disregarded for this purpose. [WIPO Overview 3.0](#), section 1.11: “The applicable Top Level Domain (‘TLD’) in a domain name (e.g., ‘.com’, ‘.club’, ‘.nyc’) is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test.”

The Disputed Domain Name contains the dominant portion of the ATLAS Trademark in its entirety, adding the words “holdings” (a typo of “holdings”) and “llc” (an abbreviation for “limited liability company”). As set forth in section 1.7 of [WIPO Overview 3.0](#), “in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing.” Further, as set forth in section 1.8 of [WIPO Overview 3.0](#), “Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element.”

Therefore, the Disputed Domain Name is confusingly similar to the ATLAS Trademark, and the Panel finds the first element of the Policy has been established.

## **B. Rights or Legitimate Interests**

Paragraph 4(c) of the Policy provides a list of circumstances in which Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a 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 a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Disputed Domain Name. Respondent has not rebutted 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.

Therefore, the Panel finds the second element of the Policy has been established.

## **C. Registered and Used in Bad Faith**

Whether a domain name is registered and used in bad faith for purposes of the Policy may be determined by evaluating four (non-exhaustive) factors set forth in the Policy: (i) circumstances indicating that the registrant has registered or 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 the registrant’s documented out-of-pocket costs directly related to the domain name; or (ii) the registrant has 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 the registrant has engaged in a pattern of such conduct; or (iii) the registrant has registered the domain name primarily for the purpose of disrupting the business of a competitor; or (iv) by using the domain name, the registrant has intentionally attempted to attract, for commercial gain, Internet users to the registrant’s 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 the registrant’s website or location or of a product or service on the registrant’s website or location. Policy, paragraph 4(b).

Complainant’s arguments with respect to bad faith are minimal and lacking in citation to sufficient authority that this Panel expects in a complaint, especially where the complainant is represented by a third party.

For example, Complainant has argued that bad faith exists pursuant to paragraph 4(b)(iv) of the Policy, but this argument is supported only by a statement that the Disputed Domain Name “is identical to our client’s email address” and “that form of its login page will have misled Internet users into believing that it was operated, or authorized, by the Complainant” – although it is unclear what Complainant means by “that form of its login page.”

Further, Complainant cites only a single decision under the Policy in support of its arguments for a finding of bad faith, *Barney’s Inc. v. BNY Bulletin Board*, WIPO Case No. [D2000-0059](#). However, the facts of that case are remarkably different than anything set forth in the Complaint here: The trademark at issue in the

*Barney's* case was used for at least 27 years prior to the date on which the complaint was filed. The trademark at issue in the *Barney's* case was used in the United States, Japan and Singapore, and registered in the United States, Hong Kong and Japan. The trademark at issue in the *Barney's* case was used in connection with clothing stores in Manhattan; Beverly Hills, California; Chestnut Hill, Massachusetts; Chicago; Tokyo; Yokohama, Japan; and in Singapore. The trademark at issue in the *Barney's* case was alleged to be "famous as an indicator of the source of Complainant's Goods and Services." On the other hand, Complainant does not specify when the ATLAS Trademark was first used; the two registrations provided by Complainant were registered less than two years ago; Complainant provides no details about where it provides services (other than an unsupported statement that it is "a global investment firm"); and Complainant even describes the ATLAS Trademark as including "a common dictionary keyword." While it is entirely possible that the ATLAS Trademark is strong, the Panel is unable to reach that conclusion based upon anything included in the Complaint. See, e.g., *Landmark Lofts Limited v. Anonymousspeech Anonymousspeech*, WIPO Case No. [D2014-1748](#) ("[t]he Panel is under no obligation to conduct independent investigations into a complainant's use of a trade mark").

However, despite these significant shortcomings in the complaint, it is apparent to the Panel that Respondent has created and used a domain name that is intended to cause confusion with the ATLAS Trademark as well as Complainant's own domain name, <atlasholdingsllc.com>, as is often done to engage in phishing activities. Clearly, the Disputed Domain Name is a typographical version of Complainant's domain name, merely changing the letter "i" to the letter "l", which is visually similar. As previous panels have found, this is evidence of bad faith. See, e.g., *Travis Perkins PLC v. Davis/alan Davis*, WIPO Case No. [D2015-1797](#) (finding bad faith with respect to disputed domain names <travisperkinlpc.com> and <travisperkinplc.com> where complainant used domain name <travisperkinsplc.co.uk>); *TEVA Pharmaceutical Industries Limited v. Sandra Porfirio, Teva Pharmaceutical*, WIPO Case No. [D2023-4189](#) (finding bad faith with respect to disputed domain name <tevapharmaceuticall.com> where complainant used domain names <tevapharmaceutical.info>, <teva-pharmaceutical.com> and <tevapharmaceuticals.org>); and *Discover Financial Services v. Registration Private, Domains By Proxy, LLC / Carolina Rodrigues, Fundacion Comercio Electronico*, WIPO Case No. [D2020-3107](#) (finding bad faith with respect to disputed domain name <discoverbankk.com> where complainant used domain name <discoverbank.com>). Although Complainant has not presented any evidence of phishing here, the Disputed Domain Name "create[es] a real or implied ongoing threat to the complainant" ([WIPO Overview 3.0](#), section 3.1.4), and under the facts present here, Complainant "need not wait for some future use of the disputed domain name[] to occur in order to demonstrate Respondent's bad faith use." *CareerBuilder, LLC v. Finity Development Group*, WIPO Case No. [D2006-0615](#) (internal punctuation omitted).

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 <atlasholdingsllc.com> be transferred to Complainant.

/Douglas M. Isenberg/

**Douglas M. Isenberg**

Sole Panelist

Date: February 20, 2025