

ADMINISTRATIVE PANEL DECISION

Universal Services of America, LP d/b/a Allied Universal v. alpha Capital Investment
Case No. D2025-0010

1. The Parties

Complainant is Universal Services of America, LP d/b/a Allied Universal, United States of America ("United States" or "US"), represented by Cozen O'Connor, US.

Respondent is alpha Capital Investment, US.

2. The Domain Name and Registrar

The disputed domain name <allieduniversalsecurityservice.com> (the "Domain Name") is registered with Web Commerce Communications Limited dba WebNic.cc (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 2, 2025. On January 3, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On January 3, 2025, the Registrar transmitted by email to the Center its verification response confirming that Respondent is listed as the registrant and providing the contact details. The Center sent an email communication to Complainant on January 13, 2025, providing the registrant and contact information disclosed by the Registrar, and informing Complainant that the Center will proceed with the formal commencement of the administrative proceeding based on the disclosed information.

The Center verified that 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 January 15, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 4, 2025. Respondent did not submit any formal response. However, Respondent sent email communications to the Center on January 13 and 15, 2025. Accordingly, the Center notified the Commencement of Panel Appointment Process on February 7, 2025.

The Center appointed John C. McElwaine as the sole panelist in this matter on February 17, 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 is a provider of security services in the United States. Complainant owns the following relevant trademark registrations:

- ALLIED UNIVERSAL SECURITY SERVICES, U.S. Registration No. 5,136,112, registered February 7, 2017, for services in Classes 41, 42 and 45; and
- ALLIEDUNIVERSAL, U.S. Registration No. 5,136,006, registered February 7, 2017, for services in Classes 37, 41, 42 and 45.

These registered trademark rights are referred to collectively as the “ALLIED UNIVERSAL Marks.”

The Domain Name was registered on October 23, 2024. The Domain Name resolves to an active website that purports to offer security services as “Allied Universal Security Service”.

5. Parties’ Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

Concerning the first element of the Policy, Complainant asserts ownership of United States trademark registrations for ALLIED UNIVERSAL and ALLIED UNIVERSAL SECURITY SERVICES. Complainant alleges that the Domain Name is identical to its ALLIED UNIVERSAL SECURITY SERVICES Marks.

With respect to the second element of the Policy, Complainant alleges that Respondent has no rights or legitimate interests in the Domain Name. Complainant has not licensed or authorized Respondent to use its marks. Complainant points out that Respondent’s name is “alpha Capital Investment.” Moreover, Complainant contends that Respondent is using the Domain Name to impersonate Complainant and siphon off Internet traffic.

With respect to the third element of the Policy, Complainant asserts bad faith registration and use based on Respondent’s fraudulent impersonation scheme. The evidence shows Respondent registered the Domain Name in October 2024, long after Complainant’s trademark registrations and first use of its marks. Also, Respondent’s website makes prominent use of Complainant’s marks claiming to be “Allied Universal Security Service.”

B. Respondent

Respondent did not submit a formal response but sent brief email communications to the Center on January 13, 2025, stating, “what should I do” and on January 15, 2025, stating, “[p]oor boy this is old format. You can't make it with this format, go and learn skills I can teach you.”

6. Discussion and Findings

Even though Respondent has failed to submit a formal Response, paragraph 4(a) of the Policy requires that, in order to succeed in this UDRP proceeding, Complainant must still prove its assertions with evidence demonstrating:

- (i) the 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 Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

Because of Respondent's failure to submit a formal Response, the Panel may accept as true the reasonable factual allegations stated within the Complaint and may draw appropriate inferences therefrom. See *St. Tropez Acquisition Co. Limited v. AnonymousSpeech LLC and Global House Inc.*, WIPO Case No. [D2009-1779](#); *Bjorn Kassoe Andersen v. Direction International*, WIPO Case No. [D2007-0605](#); see also paragraph 5(f) of the Rules ("If a Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint"). Having considered the Complaint, the Policy, the Rules, the Supplemental Rules, and applicable principles of law, the Panel's findings on each of the above-cited elements are as follows.

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 names. [WIPO Overview 3.0](#), section 1.7. Ownership of a trademark registration is generally sufficient evidence that a complainant has the requisite rights in a mark for purposes of paragraph 4(a)(i) of the Policy. [WIPO Overview 3.0](#), section 1.2. Here, the Panel finds Complainant has established rights in the ALLIED UNIVERSAL Marks through its U.S. trademark registrations.

The Panel finds the ALLIED UNIVERSAL SECURITY SERVICES trademark is recognizable within the Domain Name. The Domain Name incorporates Complainant's ALLIED UNIVERSAL SECURITY SERVICES almost in its entirety with only the deletion of the "s" in "services." Accordingly, the Domain Name is confusingly similar to Complainant's mark for the purposes of the Policy.

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

B. Rights or Legitimate Interests

Complainant must make a prima facie case that Respondent lacks rights or legitimate interests in the Domain Name, after which the burden of production shifts to Respondent to come forward with relevant evidence demonstrating rights or legitimate interests. [WIPO Overview 3.0](#), section 2.1.

Here, Complainant has stated that it has not licensed or otherwise authorized Respondent to use its ALLIED SERVICES Marks or to register a domain name incorporating the mark. There is no evidence that Respondent has been commonly known by the Domain Name or that Respondent has acquired any trademark rights in the term "Allied Universal Security Service". In fact, Respondent's name is "Alpha Capital Investment."

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the 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 Domain Name such as those enumerated in the Policy¹ or otherwise.

Moreover, Respondent cannot claim that its operation of the website at the Domain Name provides rights or legitimate interests. Complainant provided evidence that Respondent was using the Domain Name for a website that offers competing security services. In this regard, the use of the inherently misleading Domain Name to divert Internet traffic to a webpage making use of the Complainant's trademarks to offer competing services is not a bona fide offering of goods or services.

Lastly, Respondent's use of the Domain Name is not noncommercial or fair use under paragraph 4(c)(iii) of the Policy, given that Respondent is allegedly rendering services. Such activity is not considered noncommercial or fair use.

Accordingly, the Panel finds that Complainant has made a prima facie case that Respondent lacks rights or legitimate interests in the Domain Name, which Respondent has not rebutted. The Panel concludes that Complainant has satisfied the second element of the Policy.

C. Registered and Used in Bad Faith

Under paragraph 4(a)(iii) of the Policy, Complainant must show that Respondent registered and is using the Domain Name in bad faith. A non-exhaustive list of factors constituting bad faith registration and use is set out in paragraph 4(b) of the Policy.

Bad faith registration can be found where a respondent "knew or should have known" of a complainant's trademark rights and nevertheless registered a domain name in which it had no right or legitimate interest. See *Accor S.A. v. Kristen Hoerl*, WIPO Case No. [D2007-1722](#). Based on Complainant's submissions, which were not rebutted by Respondent, Respondent knew or should have known of Complainant's ALLIED UNIVERSAL Marks when Respondent registered the Domain Name. [WIPO Overview 3.0](#), section 3.2.2. Furthermore, and as also detailed above, Respondent is not commonly known by the Domain Name and does not have any legitimate interest in the Domain Name. Accordingly, on the record, there is no explanation or legitimate interest to justify Respondent's choice to register the Domain Name. With no formal Response from Respondent, this claim is undisputed, and the Panel can infer bad faith, particularly in light of the other elements of bad faith discussed below.

With respect to use of the Domain Name, the website falsely presents itself as "Allied Universal Security Service" purporting to offering service competitive to those of Complainant. The website provides services specifically targeting military personnel, including "Combat Pay Management" and "Overseas Payment Solutions." The use of an apparently fictitious address further demonstrates Respondent's intent to deceive. The Panel is satisfied that the use of the Domain Name by Respondent amounts to bad faith use. See *Identigene, Inc. v. Genetec Labs*, WIPO Case No. [D2000-1100](#) (finding bad faith where the respondent's use of the domain name at issue to resolve to a website where similar services are offered to Internet users is likely to confuse the user into believing that the complainant is the source of or is sponsoring the services offered at the site); and *MathForum.com, LLC v. Weiguang Huang*, WIPO Case No. [D2000-0743](#) (finding bad faith under paragraph 4(b)(iv) of the Policy where the respondent registered a domain name confusingly similar to the complainant's mark and the domain name was used to host a commercial website that offered similar services offered by the complainant under its mark).

¹ The Policy, paragraph 4(c), provides a non-exhaustive list of circumstances in which a respondent could demonstrate rights or legitimate interests in a contested domain name: "(i) before any notice to you of the dispute, your 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) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or (iii) you are 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."

The Panel finds that Respondent registered the Domain Name with knowledge of Complainant's trademark rights and is using it in bad faith to intentionally attract, for commercial gain, Internet users by creating a likelihood of confusion with Complainant's marks as to source, sponsorship, affiliation or endorsement of Respondent's website, in violation of paragraph 4(b)(iv) of the Policy.

For the reasons set forth above, the Panel holds that Complainant has met its burden under paragraph 4(a)(iii) of the Policy and has established that Respondent registered and is using the Domain Name in bad faith.

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 Domain Name <allieduniversalsecurityservice.com> be transferred to Complainant.

/John C. McElwaine/

John C. McElwaine

Sole Panelist

Date: March 2, 2025