

ADMINISTRATIVE PANEL DECISION

Pye-Barker Fire & Safety, LLC v. Bianca Scruggs, pyebarkerllc
Case No. D2025-0161

1. The Parties

The Complainant is Pye-Barker Fire & Safety, LLC, United States of America (“United States”), represented by Nelson Mullins Riley & Scarborough, L.L.P., United States.

The Respondent is Bianca Scruggs, pyebarkerllc, United States.

2. The Domain Name and Registrar

The disputed domain name <pyebarkerllc.com> is registered with Tucows Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 15, 2025. On January 16, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 16, 2025, 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 (Contact Privacy Inc. Customer 0173124863) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 17, 2025, 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 January 24, 2025.

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 January 24, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 13, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 14, 2025.

The Center appointed Kathryn Lee as the sole panelist in this matter on February 19, 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 a company headquartered in Alpharetta, Georgia, United States. The Complainant provides fire protection, life safety, and security services, including installation and servicing of extinguishers, restaurant fire suppression systems, special hazard systems, fire sprinklers, fire alarms, physical security, access control, CCTV, and intrusion detection. The Complainant began as Pye-Barker Supply Company in Atlanta, Georgia in 1946, and now has over 250 locations and nearly 8,000 employees across 45 states of the United States. The Complainant was included in Inc. 5000's list of fastest-growing private companies in the United States, ranking 849th in 2024. The Complainant owns the following trademark registrations incorporating PYE-BARKER in the United States:

- PYE-BARKER, Trademark Registration Number 7436794, registered on July 9, 2024;
- PYE BARKER FIRE & SAFETY SINCE 1946, Trademark Registration Number 7396241, registered on May 28, 2024; and
- PB PYE-BARKER FIRE & SAFETY EST. 1946, Trademark Registration Number 7634964, registered on December 31, 2024.

The Respondent appears to be an individual with an address in the United States.

The disputed domain name was registered on November 7, 2024 and resolves to a landing page for newly registered domain names with Zoho displaying the following: "Welcome www.pyebarkerlc.com Do more with your domain! Grow your business online with your website. Building a website is easiest with Zoho Sites. Get Started."

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name is confusingly similar to the PYE-BARKER marks to which the Complainant has both common law rights and trademark registrations that precede the registration of the disputed domain name.

The Complainant also contends that the Respondent has no rights or legitimate interests in the disputed domain name and confirms that it has not authorized or licensed rights to the Respondent in any respect. The Complainant also contends that the disputed domain name has never been used in connection with a bona fide offering of goods or services. The Complainant further contends that based on the fact that the disputed domain name contains the Complainant's name with the company identifier "LLC", the most likely purpose for registering the disputed domain name was to engage in phishing or other fraudulent activity.

Finally, the Complainant contends that the disputed domain name was registered and used in bad faith. The Complainant first contends that bad faith registration of the disputed domain name is clear, given that "PYE BARKER" is highly distinctive and well-known, and the disputed domain name is confusingly similar, if not identical, to the Complainant's PYE-BARKER marks. The Complainant contends that the Respondent knew or should have known of the Complainant's trademark rights, and yet still registered the disputed domain name in which the Respondent did not have any rights or legitimate interests. As for use of the disputed domain name in bad faith, the Complainant contends that the Respondent's passive holding of the disputed

domain name does not obviate a finding of bad faith, given the distinctiveness of the Complainant's PYE-BARKER marks, the fact that the Respondent should have known of the Complainant's rights in the marks, the fact that the Respondent provided false contact details in the Whois records, and the Respondent's lack of response to a contact from the Complainant before the subject Complaint was filed.

B. Respondent

The Respondent did not reply to the 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.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the Complainant's mark PYE-BARKER, except for the hyphen, is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms – here, "llc" – may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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 the 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 the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the 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.

Furthermore, the disputed domain is essentially identical to the Complainant's trademark, and therefore, carries a risk of implied affiliation. Therefore, the Respondent's use of the disputed domain name is not considered to be "fair." [WIPO Overview 3.0](#), section 2.5.

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

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

First of all, the registration of the disputed domain name which is confusingly similar to the Complainant's trademark PYE-BARKER, by an individual who is not affiliated with the Complainant, creates a presumption of bad faith (see [WIPO Overview 3.0](#), section 3.1.4).

Further, based on the distinctiveness and reputation of the Complainant's trademark, it should be highly unlikely for the Respondent to have registered the disputed domain name which is essentially identical to it without any knowledge of the Complainant. The Respondent has not provided any explanation for having registered the disputed domain name, and with no response to claim otherwise, the Panel finds that the Respondent more likely selected the disputed domain name in order to benefit from the fame and good will associated with the Complainant's trademark.

The disputed domain name resolves to a landing page, and there is no evidence that it was ever used. However, Panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant's trademark, the failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, the Respondent's concealment of its identity, the composition of the disputed domain name, and the implausibility of any good faith use to which the inherently misleading disputed domain name may be put, and finds that in the circumstances of this case, the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

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 <pyebarkerllc.com> be transferred to the Complainant.

/Kathryn Lee/

Kathryn Lee

Sole Panelist

Date: February 28, 2025