

ADMINISTRATIVE PANEL DECISION

Diamond Green Diesel LLC, Valero Energy Corporation, and Valero Marketing and Supply Company v. Troy Verse, Troy Verse LLC
Case No. D2025-0714

1. The Parties

The Complainants are Diamond Green Diesel LLC, United States of America (“United States”), Valero Energy Corporation, United States, and Valero Marketing and Supply Company, United States, represented by Fasthoff Law Firm PLLC, United States.

The Respondent is Troy Verse, Troy Verse LLC, Malta.

2. The Domain Name and Registrar

The disputed domain name <diamondgreendiesell.com> (the “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 February 20, 2025. On February 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On February 21, 2025, the Registrar transmitted by email to the Center its verification response, disclosing registrant and contact information for the Domain Name which differed from the named Respondent (John Doe / REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainants on February 24, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainants filed an amended Complaint on February 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 March 12, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 1, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 2, 2025.

The Center appointed Marina Perraki as the sole panelist in this matter on April 7, 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.

Procedural Issue: Consolidation of the Complainants

The Complaint and amended Complaint were filed by "DIAMON GREEN DIESEL LLC" as Complainant mentioned in the caption of the Complaint (and amended Complaint), which the Panel understands to be DIAMOND GREEN DIESEL LLC. DIAMOND GREEN DIESEL LLC is a joint venture between subsidiaries of Valero Energy Corporation and Darling Ingredients Inc. At the same time, in the Complainant's information section of both the Complaint and amended Complaint, Valero Energy Corporation and Valero Marketing and Supply Company details are mentioned. The Panel finds that all these three entities are the joint Complainants and that all the above entities may bring the present Complaint against the single Respondent, given that they have a specific common grievance against the Respondent, or the Respondent has engaged in common conduct that has affected the complainants in a similar fashion, and it would be equitable and procedurally efficient to permit the consolidation, given that they all belong to the same group of companies (Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, "[WIPO Overview 3.0](#)". section 4.11.1). The Complainants will be hereinafter collectively referred to as the "Complainant."

4. Factual Background

Per the Complaint, the first Complainant is the largest renewable producer in North America and the second-largest in the world.

The first Complainant, DIAMOND GREEN DIESEL LLC, owns, inter alia, the United States Trademark Registration No. 4463814, for DIAMOND GREEN DIESEL & Design, filed on October 4, 2012 and registered on January 7, 2014, for goods in international class 4.

The Complainant operates its main website at "www.diamondgreendiesel.com" for many years.

The Domain Name was registered on August 9, 2024 and leads to an inactive website.

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 Domain Name.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

Paragraph 4(a) of the Policy lists the three elements which the Complainant must satisfy with respect to the Domain Name:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the 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.

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 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 textual element of the mark is reproduced within the Domain Name. Accordingly, the Domain Name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7 and 1.10.

The Panel finds the addition of a second letter "l" in "diesel" does not prevent a finding of confusing similarity between the Domain Name and the mark for the purposes of the Policy.

The generic Top-Level Domain ("gTLD") ".com" is disregarded, as gTLDs typically do not form part of the comparison on the grounds that they are required for technical reasons (*Rexel Developpements SAS v. Zhan Yequn*, WIPO Case No. [D2017-0275](#)).

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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Domain Name. The 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 Policy or otherwise. More specifically, the Respondent has not shown that it registered the Domain Name in connection with any non-trademark related meaning of the terms it comprises rather than in reference to the Complainant's trademark. Noting that the Domain Name comprises a misspelling of the Complainant's mark, the Panel is of the view that it is more likely than not that the Respondent has registered the Domain Name to take advantage of its significance as a trademark owned by the Complainant.

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.

Panels have found that the non-use of a domain name 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 or reputation of the first Complainant's trademark, and the composition of the Domain Name, which incorporates the misspelled trademark of the first Complainant, and finds that in the circumstances of this case the passive holding of the Domain Name does not prevent a finding of bad faith under the Policy. The Panel also takes into account that the Respondent has provided false contact information to the Registrar, which prevented the courier from delivering the Center's written communication.

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 <diamondgreendiesell.com> be transferred to the Complainant.

/Marina Perraki/

Marina Perraki

Sole Panelist

Date: April 21, 2025