

## ADMINISTRATIVE PANEL DECISION

Ford Motor Company v. Name Redacted  
Case No. D2025-1162

### 1. The Parties

The Complainant is Ford Motor Company, United States of America (“United States” or “U.S.”), represented by Kucala Burgett Law LLC, United States.

The Respondent is Name Redacted.<sup>1</sup>

### 2. The Domain Name and Registrar

The disputed domain name <lcunninghamford.com> is registered with Spaceship, Inc. (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 20, 2025. On March 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 24, 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 (Registration Private, Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 27, 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 April 2, 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

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<sup>1</sup>The Respondent appears to have used the name of a third party when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted the Respondent’s name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

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 April 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 23, 2025. The Respondent did not submit any formal Response. A third party sent email communications to the Center respectively on April 4 and April 8, 2025, regarding the claimed unauthorized use of its identity and contact details in relation to the disputed domain name in the present proceedings.

The Center appointed Rodrigo Azevedo as the sole panelist in this matter on May 8, 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 Ford Motor Company, a publicly traded corporation organized under the laws of Delaware, United States.

Founded in 1903, the Complainant is a global leader in the automotive industry.

The Complainant owns numerous trademark registrations for the mark FORD, including U.S. Registration No. 74,530, registered on July 20, 1909. The Complainant has used the FORD mark continuously since at least 1895 and the mark is recognized as one of the world’s most valuable brands.

The Complainant also owns and operates the domain name <ford.com>, registered on September 1, 1988, and numerous other domain names incorporating the FORD mark.

The disputed domain name <lcunninghamford.com> was registered on January 22, 2025.

The Panel tried to access the disputed domain name on May 15, 2025, when it was not connected to any active website. The disputed domain name was previously registered and used by an authorized Ford dealership, Lance Cunningham Ford, in Knoxville, Tennessee, from approximately 1999 until its lapse in or around November 2024. The Complainant brought evidence that after its lapse and subsequent registration by the Respondent, the disputed domain name has been used to display pornographic content and redirect users to known malware and phishing websites.

#### **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:

(i) The disputed domain name is identical or confusingly similar to the Complainant’s trademark. The disputed domain name incorporates the FORD mark in its entirety, preceded by “lcunningham”, which refers to Lance Cunningham, the founder of an authorized Ford dealership previously associated with the disputed domain name. The Complainant argues that this structure mirrors the naming convention of other dealership-related domain names it uses or has authorized, and consumers are likely to associate the disputed domain name with the Complainant.

(ii) The Respondent has no rights or legitimate interests in the disputed domain name. The Complainant states that the Respondent is not affiliated with the Complainant and has not been authorized to use the FORD mark. The Respondent is not commonly known by the disputed domain name and has not used it in connection with a bona fide offering of goods or services. Instead, the disputed domain name has been used to display pornographic content and to redirect users to malware and phishing sites, which cannot constitute legitimate or fair use.

(iii) The disputed domain name was registered and is being used in bad faith. The Complainant alleges that the Respondent registered the disputed domain name with full knowledge of the Complainant's rights in the famous FORD mark. The Complainant asserts that the disputed domain name previously belonged to and was used by an authorized Ford dealership and was registered by the Respondent shortly after it lapsed. The Respondent's use of the disputed domain name to display explicit content and distribute malware demonstrates an intention to tarnish the FORD mark and exploit the goodwill associated with it. The use of privacy services and redirection to malicious sites further supports a finding of bad faith.

## **B. Respondent**

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

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy provides that in order to be entitled to a transfer of the disputed domain name, a complainant shall prove the following three elements:

- (i) the disputed 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 disputed domain name; and
- (iii) the disputed 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 of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

Exhibit D to the amended Complaint shows numerous trademark registrations for FORD. Based on the available record, the Panel finds 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 disputed domain name incorporates the Complainant's trademark FORD, with the addition of the term "lcunningham" as a prefix. The disputed domain name also presents the generic Top-Level Domain ("gTLD") extension ".com".

Although the addition of other terms (here, "lcunningham", which, according to the Complainant, refers to Lance Cunningham, the founder of an authorized Ford dealership previously associated with the disputed domain name) 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.

It is also well established that the addition of a gTLD (such as ".com") is typically disregarded when determining whether a domain name is confusingly similar to a complainant's trademark as such is viewed as a standard registration requirement. [WIPO Overview 3.0](#), section 1.11.1.

Therefore, the Panel finds the disputed domain name is confusingly similar to the Complainant's trademark and that 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 have 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.

The Panel finds no indication that the Respondent is commonly known by the disputed domain name.

The Complainant has asserted that the Respondent is not its authorized representative, nor has obtained any permission for registering the disputed domain name. The Panel finds that the nature of the disputed domain name, comprising the Complainant's famous trademark and the abbreviated form of the name of a former Complainant's dealer, indicate an intent to take unfair advantage of such composition, creating a risk of implied affiliation with the Complainant, which does not support a finding of any rights or legitimate interests, and is aggravated by the facts that pornographic contents were recently displayed on the website at the disputed domain name, whose users have been redirected to known malware and phishing websites.

Based on the available record, 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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

The disputed domain name includes the distinctive trademark FORD in its entirety. According to the [WIPO Overview 3.0](#), section 3.1.4, UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith.

Actually, when the disputed domain name was registered in 2025, the FORD trademark was already famous for more than a hundred years and directly connected with the Complainant's vehicles worldwide.

The Panel concludes that it is unlikely that the Respondent was not aware of the Complainant's trademark.

While the Respondent seemed to have acquired the disputed domain name after it lapsed, the Panel notes that it includes the abbreviated form of the name of a Complainant's former dealer together with the Complainant's trademark, making clear that the intent of the Respondent with the disputed domain name was to specifically target the Complainant's trademark.

From the Panel's search, the disputed domain name does not currently resolve to any active website.

However, UDRP panels have frequently found that the apparent lack of so-called active use of the disputed domain name (passive holding) does not prevent a finding of bad faith. See [WIPO Overview 3.0](#), section 3.3; *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#); and *Polaroid Corporation v. Jay Strommen*, WIPO Case No. [D2005-1005](#).

The non-collaborative posture of the Respondent, i.e., (a) not presently using the disputed domain name, (b) not indicating any intention to use it, and (c) not at least providing justifications for the use of a famous trademark, certainly cannot be used in benefit of the Respondent in this Panel's opinion, which circumstances, together with (d) the lack of any plausible justification for the adoption of the term "lcunninghamford" by the Respondent and with (e) the use of the disputed domain name to display pornographic contents and to redirect Internet users to known malware and phishing websites, are enough in this Panel's view to characterize bad faith registration and use in the present case.

Therefore, having reviewed the record, the Panel finds the registration and use of the disputed domain name constitutes bad faith 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 <lcunninghamford.com> be transferred to the Complainant.

/Rodrigo Azevedo/

**Rodrigo Azevedo**

Sole Panelist

Date: May 26, 2025