

ADMINISTRATIVE PANEL DECISION

ecoATM, LLC v. Albert Smith
Case No. D2025-1501

1. The Parties

The Complainant is ecoATM, LLC, United States of America (“United States”), represented by Knobbe, Martens, Olson & Bear, LLP, United States.

The Respondent is Albert Smith, China.

2. The Domain Names and Registrar

The disputed domain names <ecoatmm.com>, <ecooatm.com>, <eecoatm.com>, and <wcoatm.com> are registered with Spaceship, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 11, 2025. On April 14, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On April 14, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Redacted for Privacy / Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 15, 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 18, 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 April 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 12, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 13, 2025.

The Center appointed Gonalo M. C. Da Cunha Ferreira as the sole panelist in this matter on May 21, 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 dedicated to reducing electronic waste through the recycling and repurposing of used electronics. Since its founding in 2008, it has operated over 6,000 kiosk locations across the United States and has continuously used its ECOATM trademark since at least October 2009. The Complainant has diverted over 45 million devices from landfills through its recycling services.

The Complainant owns the domain name <ecoatm.com>, which was registered on June 29, 2009.

The Complainant has maintained its website and domain continuously since then.

The Complainant partners with major retailers such as Kroger, Walmart, and Westfield, hosting kiosks in high-traffic areas. It has completed nine funding rounds, raising nearly USD 400 million, with the latest private equity round in March 2023.

The Complainant also has a significant online presence, including its ECOATM YouTube channel, which, as of April 2025, has nearly 12.8 million views and over 3,400 subscribers.

The Complainant owns numerous trademark registrations in several jurisdictions, including:

- International Trade Mark Registration No. 1041645, ECOATM, registered on May 7, 2010;
- International Trade Mark Registration No. 1231941, ECOATM, registered on June 6, 2014;
- United States Trademark Registration No. 85968515, ECOATM, registered on August 19, 2014;

The Complainant has continuously used the ECOATM trademark since at least October 2009.

All of the disputed domain names redirect to the Complainant's website at www.ecoatm.com without the Complainant's knowledge or consent.

The disputed domain names were registered on January 20, 2025.

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 names.

Notably, the Complainant contends that:

1. the disputed domain names are confusingly similar to the Complainant's ECOATM trademark.
2. each of the disputed domain names is an example of the domain name registration practice of typosquatting.
3. each of the disputed domain names contains either the Complainant's ECOATM mark in its entirety, with the addition of a single letter, or substitutes an adjacent keyboard letter from the proper spelling of the Complainant's ECOATM mark.
4. the Respondent has failed to make any use of the disputed domain names.

5. the Complainant has not authorized, licensed, or permitted the Respondent, nor any person or entity, to use its ECOATM mark in connection with any of the disputed domain names.
6. there is no evidence that the Respondent has been or was commonly known by the disputed domain names.
7. the Respondent has no rights or legitimate interests in any of the disputed domain names.
8. the Respondent's actions in registering the disputed domain names are examples of typosquatting which is evidence of the Respondent's bad faith.
9. the disputed domain names redirect to the Complainant's website at "www.ecoatm.com" and were created without the Complainant's knowledge or consent.
10. the Respondent could alter these redirects to resolve to any website the Respondent chose.
11. the Respondent registered the disputed domain names in bad faith.

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 Panel finds the mark is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. The addition of a single letter or the substitution of an adjacent keyboard letter from the proper spelling of the Complainant's ECOATM mark does not prevent the finding of confusing similarity. [WIPO Overview 3.0](#), section 1.9.

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 names. 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 names such as those enumerated in the Policy or otherwise.

The Panel notes that the Respondent has not provided evidence of any of the three illustrative examples of the Respondent rights enumerated in the Policy: (i) use of the domain names or demonstrable plans for such use with a bona fide offering; (ii) being commonly known by the domain names; or (iii) legitimate noncommercial or fair use.

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.

In the present case, the Panel notes that the Respondent registered the disputed domain names with the intention of creating confusion with the Complainant's ECOATM mark. The practice of typosquatting, as evidenced by the registration of the disputed domain names that are slight misspellings or variations of the Complainant's mark, illustrates a clear intention to attract Internet users for commercial gain by creating a likelihood of confusion.

Additionally, the Respondent's actions align with the circumstances listed in paragraph 4(b) of the Policy, particularly concerning the pattern of bad faith conduct. The registration of multiple similar domain names on the same day further indicates a deliberate strategy to exploit the Complainant's trademark.

Panels have held that redirecting the disputed domain names to the Complainant's website constitutes bad faith. [WIPO Overview 3.0](#), section 3.1.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain names constitutes 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 names <ecoatmm.com>, <ecooatm.com>, <eecoatm.com>, and <wcoatm.com> be transferred to the Complainant.

/Gonçalo M. C. Da Cunha Ferreira/

Gonçalo M. C. Da Cunha Ferreira

Sole Panelist

Date: June 4, 2025