

ADMINISTRATIVE PANEL DECISION

Rock Hill Buick GMC, Inc. v. Host Master, Pro IT
Case No. D2025-1613

1. The Parties

Complainant is Rock Hill Buick GMC, Inc., United States of America ("United States"), represented by Mark W. Ishman, United States.

Respondent is Host Master, Pro IT, United States, represented by Haynsworth Sinkler Boyd, P.A., United States.

2. The Domain Name and Registrar

The disputed domain name <rockhillgmc.com> (the "Domain Name") is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 18, 2025. On April 22, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On April 22, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email to Complainant on April 28, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on May 6, 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 Respondent of the Complaint, and the proceedings commenced on May 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 2, 2025. The Response was filed with the Center on June 3, 2025.

The Center appointed Robert A. Badgley, Scott R. Austin, and Diane Cabell as the Administrative Panel in this matter on June 20, 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

This is a case where both Parties offered plenty of allegations but did not always back them up with evidence. At bottom, this is a dispute between two automobile dealerships operating in Rock Hill, South Carolina, and having a relationship with the same major automobile manufacturer, General Motors, LLC ("GM"), which is known for famous makes including Chevrolet, Buick, Cadillac, and GMC. GM itself is not a Party to these proceedings.

Complainant describes itself as "an authorized Buick and GMC licensee for the Rock Hill, South Carolina and its metropolitan area..."

According to Complainant, it applied to GM in September 2016 to be an authorized licensee/dealership. This application was ultimately approved, though the record is unclear as to precisely when. There are references to a preliminary approval in November 2016, and to official approvals in November 2018 and November 2019. Annexed to the record is an unsigned copy of a "Dealer Sales and Service Agreement 2020" ("Dealer Agreement"), upon which Complainant apparently relies as evidence of its status as an authorized licensee/dealer for GM.

Complainant states that it is "the registrant of a portfolio of domain names that includes approximately nine (9) domains incorporating the Rock Hill® Buick and Rock Hill® GMC names, brands and trademarks, including myrockhillbuickgmc.com; myrockhillbuickgmc.info; myrockhillbuickgmc.net; myrockhillbuickgmc.org; [and] rockhillbuick-gmc.com."

Complainant holds a trademark registration with the United States Patent and Trademark Office ("USPTO") No. 6,202,528 for the mark ROCK HILL, registered on November 17, 2020 in connection with "automobile dealership, automobile service station services," with a "2018" date of first use in commerce. Complainant annexes this registration certificate to Complainant, and the exhibit clearly shows that the mark is registered on the USPTO's Supplemental Register, not the USPTO Principal Register. Complainant does not mention or discuss this distinction in its pleading. Complainant does assert that it has spent more than USD 100,000 per year advertising its ROCK HILL dealership services and, as such, has acquired common law trademark rights.

Complainant alleges further:

"Complainant's RockHillGMC Mark are so well-known in relation to Complainant's automobile dealership's goods and services in the relevant marketplace that Respondent should have reasonably known of the Complainant's prior rights before registering the Disputed Domain Name in his/her/its name via GoDaddy.com's private registration service."

In aid of its argument that the purported mark ROCK HILL is merely a geographic descriptor, Respondent annexes to the Response several screenshots of websites where automobile dealerships or related enterprises operating in Rock Hill have used the town's name in their respective domain names, such as <rockhillautomotive.com>, <jtskiarockhill.com>, <rockhillnissan.com>, <toyotarockhill.com>, and <hondacarsrockhill.com>.

The Domain Name was registered on March 27, 2009. There is no allegation or evidence of record that the Domain Name's ownership ever changed hands. Indeed, as asserted by Complainant: "On or about March 27, 2009, Respondent registered RockHillGMC.com."

According to the Response:

"Respondent, since long before 2018 (Complainant's alleged first date of use of the Rock Hill mark) has owned and operated, and still owns and operates, under franchise and license from General Motors, a Chevrolet and Cadillac automotive dealership in Rock Hill. Both Chevrolet and Cadillac are General Motors brands. Pursuant to its agreement with General Motors, Respondent is authorized to and does (in substantial quantity) provide warranty service to other General Motors automotive brands, including GMC. In connection with those services, Respondent is authorized to and does order GMC parts for GMC vehicles directly from the GMC factory and sells those parts in its Rock Hill location. In fact, from approximately 2009 through approximately 2018, Respondent's business was the only location in Rock Hill to which GMC vehicle owners could come for warranty service on their vehicles and original manufacturer parts. [...] As such, Respondent indeed owns and has used of the domain name in connection with a bona fide offering of services."

Respondent annexes a "copy of the relevant pages of the General Motors Policies and Procedures Manual that authorizes Respondent's servicing of GMC vehicles," but the document as provided is unsigned by GM or Respondent.

Respondent alleges further:

"Respondent registered the domain name in 2009. At that time, Respondent entered a buy-sell (acquisition) agreement with the owner of the GMC dealership in Rock Hill to acquire that dealership. A copy of that buy-sell agreement is attached to this Response as Annex 3. That acquisition was subject to approval by General Motors, which is the owner of the GMC Mark. Once the acquisition was approved, Respondent would become the licensed GMC dealer for the Rock Hill, South Carolina, area, in which capacity it would engage in the bona fide offering of goods and services that would bear the GMC Mark in the ROCK HILL area. However, while the buy-sell (acquisition) agreement was pending review by General Motors, General Motors went through a bankruptcy reorganization, and Respondent's opportunity to acquire the Rock Hill GMC dealership was lost. That dealership then closed business. Respondent's acquisition and registration of the domain name, however, was made in good faith and in the substantial expectation that it would shortly operate a GMC business in that location. Moreover, as noted above, from the time of Respondent's registration in 2009 and the closing of the prior GMC business in Rock Hill, until approximately 2018 when Complainant first came into the market, Respondent was the exclusive authorized provider of GMC warranty servicing and still continues that line of business on a non-exclusive basis today. After the failure of the acquisition deal to materialize, the Respondent began using, and did for a number of years use, the Domain Name, which it had lawfully acquired, to redirect internet traffic to its other dealership website."

A copy of the May 2009 signed asset purchase agreement between Burns Chevrolet-Cadillac, Inc. and the prior dealership is annexed to the Response.

For a period of time (including December 2021, according to a Wayback Machine screenshot annexed to the Response), the Domain Name redirected to one of Respondent's commercial websites at <burnschevrolet.com> or <burnschevyac Cadillac.com>.

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.

Complainant alleges:

"Through its dealership and licensing arrangements with General Motors, LLC, including its rights to use the 'GMC' trademark, and related enforcement rights to prevent others from infringing the 'GMC' brand in the

Rock Hill, South Carolina community, and the related Internet, social media and digital communities, Complainant demands that Respondent transfer the Disputed Domain Name to it as Respondent's registration and use of the Disputed Domain Name has adversely affected the goodwill associated with the 'GMC' trademark and Respondent has failed to seek permission from General Motors, LLC prior to registering the Disputed Domain Name, as provided in Section 17.5 of General Motors, LLC Sales and Service Agreement."

Complainant also alleges:

"Upon information and belief, Respondent also registered RockHillGMC.com in its bad faith attempt to have the dealership that General Motors, Inc's awarded the Rock Hill Buick and GMC dealership to, i.e., Complainant, to purchase it from Respondent because Respondent knew that such dealership, i.e., Complainant was, or was about to become, the authorized Buick and GMC dealership in Rock Hill, South Carolina and would want the www.RockHillGMC.com domain name (Disputed Domain Name)."

In addition, Complainant alleges: "During all material times, Respondent agreed that Complainant is the owner of the Disputed Domain Name." This statement is neither elaborated upon nor supported with evidence.

Complainant also alleges: "Upon information and belief, Respondent is currently seeking to sale [sic] the Disputed Domain Name." No proof is offered to support this statement.

B. Respondent

Respondent raises several arguments, including challenges to Complainant's claim that it has relevant trademark rights for purposes of having standing to bring this UDRP proceeding. Respondent asserts that, because the ROCK HILL mark is registered on the USPTO's Supplemental Register, Complainant must prove that the mark has acquired secondary meaning as a source identifier of Complainant's goods or services. Respondent argues that Complainant has failed to make an adequate showing that the geographically descriptive and widely-used term "Rock Hill" has acquired distinctiveness as a trademark for Complainant's services.

Further, Respondent asserts that GM, and not Complainant, would be the proper party to pursue legal action to protect any trademark rights in the mark GMC, which is part of the Domain Name. As Respondent argues:

"The Complainant relies on language in the Reseller Agreement that neither grants nor suggests a desire to grant the Complainant the type of license required for the Complainant to have standing in the present case. Its non-exclusive license is solely for the purpose of establishing dealerships and for no other purpose."

"Thus, the Complainant has no standing to bring this action against respondent in connection with the GMC Mark, as the Complainant is not the registrant nor does it have exclusive license to enforce the manufacturers' trademarks."

With respect to the other elements of the Policy, Respondent argues that its initial registration of the Domain Name back in 2009 – nine years before Complainant had any arguable rights in the trademark ROCK HILL – was a good faith registration in aid of a legitimate business pursuit that ultimately did not work out as planned. Respondent also asserts, albeit without much evidence, that it is still using the Domain Name in good faith, given its current business of servicing GMC warranties in the Rock Hill area.

6. Discussion and Findings

Paragraph 4(a) of the Policy lists the three elements which 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 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.

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 Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 1.7.

The Panel finds, solely for purposes of this proceeding, that Complainant has rights in the mark ROCK HILL, through use demonstrated in the record. The Panel also finds that the Domain Name is confusingly similar to that mark. The mark is recognizable within the Domain Name.

Complainant has established Policy paragraph 4(a)(i).

B. Rights or Legitimate Interests

Pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

- (i) before any notice to you [Respondent] 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 [Respondent] (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 [Respondent] 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 need not address this element, given its decision below on the "bad faith" element.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy provides that the following circumstances, "in particular but without limitation," are evidence of the registration and use of the Domain Name in "bad faith":

- (i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Name; or
- (ii) that Respondent has registered the Domain Name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or
- (iii) that Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or

- (iv) that by using the Domain Name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent's website or other online location, by creating a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation, or endorsement of Respondent's website or location or of a product or service on Respondent's website or location.

The Panel concludes, on the record presented and on a balance of probabilities, that Complainant has failed to carry its burden of proving that Respondent registered the Domain Name in bad faith. There is enough evidence in the record – in particular, the signed asset purchase agreement between Respondent (Burns Chevrolet-Cadillac, Inc.) and the prior Rock Hill dealership – to corroborate Respondent's explanation for registering the Domain Name in 2009 for legitimate business purposes.

There is simply no evidence that Respondent targeted Complainant and its purported trademark when registering the Domain Name. Indeed, such would have been impossible, as Complainant and its purported trademark did not come into existence until nine years later.

Complainant has also asserted that Respondent's registration of the Domain Name was unauthorized by GM, and hence was in bad faith. As Complainant argues:

"General Motors, LLC's 'GMC' trademarks are worldwide famous, known to everyone, unless you have been in a cave for the past 100 years. Respondent knew that if it wanted to register and maintain the registration of www.RockHillGMC.com domain name (Disputed Domain Name), it must first obtain permission from the registrant of these worldwide famous and registered 'Buick' and 'GMC' trademarks."

The Panel does not find this argument persuasive. (Respondent could have made this point easier to refute by annexing a signed copy of its alleged agreement with GM.) Whether Respondent's registration of the Domain Name ran afoul of the licensing manufacturer's requirements is not necessarily dispositive of the issue of bad faith registration of the Domain Name under the UDRP, particularly where, as here, the licensing manufacturer is not a party to this proceeding.

Because a domain name transfer under the UDRP requires a complainant to prove both bad faith registration and bad faith use of the subject domain name, the Panel need not address the issue whether Respondent here ever used the Domain Name in bad faith.

In sum, Complainant has not established Policy paragraph 4(a)(iii). The Complaint fails.

D. Reverse Domain Name Hijacking

Oftentimes, when a UDRP panel finds that a respondent's domain name predates a complainant's trademark rights by several years, a finding of Reverse Domain Name Hijacking ("RDNH") is made or at least considered because it would appear that the complaint was doomed to failure but pursued anyway. In the instant case, based on the weaknesses and omissions in the record on both sides, which the participation by GM on behalf of either Party might have overcome, the Panel finds that the record is insufficient to support a finding of RDNH.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Robert A. Badgley /

Robert A. Badgley

Presiding Panelist

/Scott R. Austin/

Scott R. Austin

Panelist

/Diane Cabell/

Diane Cabell

Panelist

Date: July 11, 2025