

ADMINISTRATIVE PANEL DECISION

Averitt Express, Inc. v. John Paul
Case No. D2025-1668

1. The Parties

The Complainant is Averitt Express, Inc., United States of America ("United States"), represented by Adams and Reese LLP, United States.

The Respondent is John Paul, United States.

2. The Domain Name and Registrar

The disputed domain name <averittpostal.com> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 25, 2025. On April 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 25, 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 (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 28, 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 May 1, 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 May 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 26, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 27, 2025.

The Center appointed Angela Fox as the sole panelist in this matter on June 10, 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 freight transportation and supply chain management provider in the United States. It has been carrying out its business under the trademarks AVERITT and AVERITT EXPRESS in connection with transportation services (including transport via shipping containers) since at least as early as 1969 and 1971, respectively. It operates over a hundred locations in the United States and provides freight and other transportation services to over 300 international destinations in one hundred countries.

The Complainant owns registered trademark rights in AVERITT and AVERITT EXPRESS in various countries, including the following, details of which were annexed to the Complaint.

United States trademark registration no. 2619908 for AVERITT in Classes 37, 39 and 41, registered on September 17, 2002

Canadian trademark registration no. TMA958423 for AVERITT, registered on December 20, 2016

Chinese trademark registration no. 25252236 for AVERITT in Class 39, registered on July 7, 2018

The Complainant operates its principal website at the domain name <averitt.com> and uses this site to advertise its transportation and supply chain management services, including storage, tracking, and delivery of freight, packages, and cargo, and transportation logistics management and consulting services.

The disputed domain name was registered on March 4, 2025. The Complainant became aware of it on April 24, 2025, when the disputed domain name was directing to a website displaying the Complainant's official logo and offering freight transportation services. The imagery and colours on the Respondent's website were strikingly similar to those appearing on the Complainant's own website and included images of the Complainant's trucks displaying the AVERITT brand on the cabs, and drivers wearing the Complainant's uniform and AVERITT-branded hats. The "Contact Us" tab of the website directed to a form prompting visitors to enter sensitive personal information. The disputed domain name also had an active MX record, indicating that the Respondent may have been using the domain name for sending emails. On April 24, 2025, the Complainant's counsel reported the Respondent's website as an impersonation site to the Registrar and web host, and it was suspended.

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 its registered trademark, AVERITT, differing only in the addition of the word "postal", which is in any event descriptive in relation to transportation of goods services, and the Top Level Domain ".com".

The Complainant further contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not known by a name corresponding to the disputed domain name, and the Complainant has not licensed or authorized the Respondent to use it. The Respondent has not used the disputed domain name in connection with a bona fide offering of goods or services, nor has it made any legitimate or fair noncommercial use of it. The Respondent's use in connection with a website impersonating

the Complainant and seeking sensitive personal data from visitors to the website, possibly for use in connection with phishing, does not give rise to a right or legitimate interest under the Policy.

Finally, the Complainant submits that the disputed domain name was registered and has been used in bad faith, in order to impersonate the Complainant for the presumed purpose of phishing. It is clear from the striking similarities between the Respondent's website and that of the Complainant, and the use of imagery of the Complainant's own trucks and uniforms, that the Respondent had actual knowledge of the Complainant's trademark and targeted the Complainant in its registration and use of the disputed domain name. The Complainant also submits that the Respondent appears to have used a fake address in connection with its Whois details, which the Complainant argues further supports a finding of bad faith registration and use.

B. Respondent

The Respondent did not reply to the Complainant's contentions and is in default. No exceptional circumstances explaining the default have been put forward. Therefore, in accordance with paragraphs 14 (a) and (b) of the Rules, the Panel will decide the Complaint and shall draw such inferences as it considers appropriate from the Respondent's default.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, a complainant can only succeed in an administrative proceeding under the Policy if the panel finds that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights;
- (ii) the respondent has no rights or legitimate interests in the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

All three elements must be present before a complainant can succeed in an administrative proceeding under the Policy.

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

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. Moreover, the Complainant has provided evidence that the disputed domain name has been used in connection with a website fraudulently impersonating the Complainant. [WIPO Overview 3.0](#), section 2.13.1 states, “Panels have categorically held that the use of a domain name for illegal activity (e.g., the sale of counterfeit goods or illegal pharmaceuticals, phishing, distributing malware, unauthorized account access/hacking, impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent”.

The Respondent has not attempted to rebut the Complainant’s assertions and evidence.

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

C. Registered and Used 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.

In the present case, the Complainant has shown evidence that the disputed domain name has been used in connection with a website fraudulently impersonating the Complainant and purporting to offer transportation and logistics services, while inviting visitors to provide their personal data under the misapprehension that they were at a site controlled by the Complainant, possibly for the purposes of phishing. It is clear from that use that the Respondent was targeting the Complainant when it registered and used the disputed domain name. The Complainant has also filed evidence in the form of a Google Maps search print-out for the Respondent’s address to support its assertion that the Respondent’s address does not exist, and that the Respondent therefore intentionally provided false contact details when registering the disputed domain name.

[WIPO Overview 3.0](#), section 3.1.4, states that “the use of a domain name for per se illegitimate activity such as the sale of counterfeit goods or phishing can never confer rights or legitimate interests on a respondent” and that “such behavior is manifestly considered evidence of bad faith.” While it is not clear whether any phishing activity has in fact taken place, it is clear from the totality of the circumstances that the Respondent has used the disputed domain name to fraudulently impersonate the Complainant and thereby to mislead Internet users.

The Panel finds that the Complainant has established the third element of the Policy, and that the disputed domain name was registered and has been used in bad faith.

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 <averittpostal.com> be transferred to the Complainant.

/Angela Fox/

Angela Fox

Sole Panelist

Date: June 24, 2025