

ADMINISTRATIVE PANEL DECISION

Spectra Holdings, LLC v. wien ben, Argos software development
Case No. D2025-1838

1. The Parties

The Complainant is Spectra Holdings, LLC, Puerto Rico, United States of America (“United States” or “U.S.”), represented by Adams and Reese LLP, United States.

The Respondent is wien ben, Argos software development, United States.

2. The Domain Name and Registrar

The disputed domain name <spectarcapital.com> is registered with GMO Internet, Inc. d/b/a Discount-Domain.com and Onamae.com (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 7, 2025. On May 8, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 9, 2025, the Registrar transmitted by email to the Center its verification response, confirming that the Respondent is listed as the registrant and its contact details.

The Center verified that the 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 16, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 5, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 14, 2025.

The Center appointed Stefan Naumann as the sole panelist in this matter on June 23, 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 commercial real estate debt asset management company headquartered in Puerto Rico, United States, that operates in three locations in the U.S. and notably owns the U.S. trademarks SPECTRA (No. 7509188) registered on September 17, 2024, SPECTRA CAPITAL (No. 7393180) registered on May 21, 2024, and SPECTRA LENDING (No. 7393181) registered on May 21, 2024, all filed on December 21, 2022, for products in class 36 of the Nice Classification for classifying goods and services. The SPECTRA CAPITAL and SPECTRA LENDING trademarks disclaim the terms “Capital” and “Lending” apart from the trademarks.

The Complainant has submitted copies of the registrations of the U.S. trademarks it owns and indicates that it also owns the domain names <spectracapital.com> and <spectralending.com> amongst others.

The disputed domain name was registered on May 2, 2025. The Complainant indicates and provides evidence that the disputed domain name is being used as a part of a fraudulent email scheme impersonating the Complainant.

The information provided by the Registrar shows that the Respondent’s name is wien ben and the registrant organization is “Argos software development” with a postal address in the U.S.

The Complainant has not provided evidence of a webpage or website to which the disputed domain name resolves. In the interest of allowing a timely resolution of the matter, and in keeping with the consensus view among UDRP panels that a panel may undertake limited factual research into matters of public record if it deems this necessary to reach the right decision,¹ the Panel carried out online searches that show that the disputed domain name is not accessible.

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 its SPECTRA and SPECTRA CAPITAL trademarks predate the disputed domain name, were used as early as 2023 and are actively used on social media, that the Respondent has no permission from the Complainant to use the Complainant’s trademarks or apply for a domain name with the Complainant’s trademarks, that the Respondent is not commonly known by and does not have a right or legitimate interest with respect to the disputed domain name in connection with a bona fide offer of goods and services, and that the Respondent registered and is using the disputed domain name in bad faith.

The Complainant submits evidence that the Respondent has used the disputed domain name in emails that reference the Complainant’s trademarks, impersonate the Complainant’s employees and were sent to one of the Complainant’s customers to direct it to transfer payments to an unknown bank account, and argues that the fraudulent use of the disputed domain name to perpetrate email scams (i) constitutes neither a bona fide offer of goods or services nor a legitimate noncommercial use, and (ii) constitutes bad faith use of the disputed domain name.

¹ The general powers of a panel are articulated inter alia in paragraphs 10 and 12 of the Rules. See also WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”) section 4.8 and *Sermo, Inc. v. CatalystMD, LLC*, WIPO Case No. [D2008-0647](#); see also *Descarte, Ltd. and Arena Distribution, S.A. v. Portsnportals Enterprises Limited*, WIPO Case No. [D2008-1768](#); *Latchways PLC v. Martin Peoples*, WIPO Case No. [D2010-1255](#); *Sensis Pty Ltd. Telstra Corporation Limited v. Yellow Page Marketing B.V.*, WIPO Case No. [D2011-0057](#).

B. Respondent

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

6. Discussion and Findings

To succeed in its Complaint, the Complainant must demonstrate that all three elements listed in paragraph 4(a) of the Policy have been satisfied:

- (i) the disputed domain name must be identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent must have no rights or legitimate interests with respect to the disputed domain name; and
- (iii) the disputed domain name must have been registered and used in bad faith.

Paragraph 15(a) of the Rules provides that a panel shall decide a case on the basis of the statements and documents submitted and in accordance with the Policy, the Rules, and any rules and principles of law that it deems applicable. As noted above, paragraphs 10(b) and 10(d) of the Rules provide that a panel shall ensure that the parties are treated with equality and shall determine the admissibility, relevance, materiality, and weight of the evidence.

Paragraph 14(b) of the Rules provides that if a party, in the absence of exceptional circumstances, does not comply with a provision of, or requirement under, the Rules, a panel shall draw such inferences therefrom as it considers appropriate.

In the present matter, the Respondent did not reply to the Complainant's contentions.

While the Respondent's failure to respond does not automatically result in a decision in favor of the Complainant, the Panel is entitled to draw appropriate inferences therefrom, in accordance with paragraph 14(b) of the Rules (see [WIPO Overview 3.0](#), paragraph 4.3).

A. Identical or Confusingly Similar

The test for the first element requires a reasoned but straightforward comparison between the Complainant's trademark(s) and the disputed domain name ([WIPO Overview 3.0](#), section 1.7).

The disputed domain name combines the SPECTRA CAPITAL trademark with an inversion of letters ("ar" instead of "ra"), and the generic Top-Level Domain ".com". It also combines the SPECTRA trademark with the same inversion of two letters and the term "capital".

For the purpose of assessing identity or confusing similarity in the present matter, the Panel considers that the inversion of letters is an obvious misspelling of the Complainant's SPECTRA CAPITAL and SPECTRA trademarks, which remain recognizable in the disputed domain name ([WIPO Overview 3.0](#), paragraph 1.9).

The Panel is thus satisfied that the disputed domain name is confusingly similar to the Complainant's trademarks SPECTRA CAPITAL and SPECTRA for the purposes of the Policy.

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 complainants, panels regularly consider that once a complainant has made out a prima facie case that a respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with evidence demonstrating his or her rights or legitimate interests in the domain name. If a respondent fails to come forward with relevant evidence, the complainant is deemed to have satisfied the second element ([WIPO Overview 3.0](#), section 2.1).

The Panel finds that the Complainant has made a prima facie case that the Respondent lacks rights or legitimate interests and finds no indication in the evidence that the Respondent could claim rights or legitimate interests in the terms “spectar capital”. Neither the record nor the circumstances of the case point to any circumstances that may support a rights or legitimate interests defense.

The Respondent has chosen not to reply to the Complaint and has not come forward with any evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

Since the Respondent has no permission from the Complainant and chose not to respond to the Complaint, his registration of the disputed domain name is without rights or legitimate interests based on the evidence of use of the disputed domain name for fraudulent purposes provided by the Complainant and absent any indication of circumstances that may support a rights or legitimate interests’ defense.

The use of the disputed domain name for fraud as discussed below cannot confer rights or legitimate interests on the Respondent ([WIPO Overview 3.0](#), section 2.13).

The Panel therefore finds that in the present case the Respondent does not have any rights or legitimate interests with respect to the disputed domain name.

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).

The disputed domain name does not resolve to a webpage or site (error message).

Previous panels have held that the use of a domain name for illegal activities such as phishing, or impersonation/passing off, are considered evidence of bad faith use ([WIPO Overview 3.0](#), sections 3.4).

In the present matter, the Complainant submitted evidence of alleged illegal activity.

The evidence shows that the disputed domain name registered by the Respondent was used for an email address purporting to be that of one of the Complainant’s employees and that fraudulent emails were sent to one of the Complainant’s customers on the day the Respondent registered the disputed domain name.

Although the evidence linking the Respondent to the fraudulent emails is thus only circumstantial, the Panel considers it highly likely that the Respondent made or allowed the fraudulent use of the disputed domain name.

For the limited purpose of deciding bad faith registration and use based on the necessarily limited record in UDRP proceedings, the Panel therefore finds that the fraudulent use can be attributed to the Respondent.

The print-out of the email chain submitted as evidence by the Complainant shows that emails using the disputed domain name were sent on April 29, 2025, i.e. before the disputed domain name was registered, and on May 2, 2025. The emails feature a "Spectra Capital" signature block in which the Complainant's official website appears as a clickable link. The first of the Respondent's emails of May 2, 2025, states that the previous email, i.e. that of April 29, 2025, was sent the day before.

It is not apparent from the print-out whether the previous email was in fact sent on April 29, 2025, or was sent with the email of May 2, 2025.

While the chronology arguably creates a doubt regarding the reliability of the evidence, this doubt can be resolved in favor of the Complainant since the Complainant's customer responded to the email of May 2, 2025, and the Respondent responded to the Complainant's customer the same day. In addition, the Respondent has not offered any rebuttal.

Having reviewed the record, the Panel notes that the disputed domain name is an instance of typo-squatting and was used to attempt to commit fraud.

Here, the record shows that:

- (i) the Respondent is located in the U.S.,
- (ii) the Respondent was well aware of the Complainant's trademarks since he used them in emails to one of the Complainant's customers seeking to misdirect payments,
- (iii) the Respondent registered a disputed domain name that fully incorporates the Complainant's SPECTRA and SPECTRA CAPITAL trademarks with a hard-to-notice misspelling to attempt to mislead the Complainant's customer,
- (iv) the Respondent used a "Spectra Capital" signature block in which he inserted the official Complainant's website, and
- (v) the Respondent used the disputed domain name for fraudulent purposes, specifically to misdirect payments due to the Complainant.

In the present case, the Panel is thus persuaded that the facts of this case as reflected in the limited record available in a UDRP proceeding support a finding that the Respondent's registration and use of the disputed domain name was in bad faith.

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 <spectracapital.com> be transferred to the Complainant.

/Stefan Naumann/

Stefan Naumann

Sole Panelist

Date: July 7, 2025