

ADMINISTRATIVE PANEL DECISION

TPS Parking Management, LLC v. Pedro Santacruz
Case No. D2025-1885

1. The Parties

The Complainant is TPS Parking Management, LLC, United States of America (“United States”), represented by Neal, Gerber & Eisenberg LLP, United States.

The Respondent is Pedro Santacruz, United States.

2. The Domain Name and Registrar

The disputed domain name <parkingspotclub.com> 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 May 9, 2025. On May 12, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 12, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the 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 21, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 10, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 22, 2025.

The Center appointed W. Scott Blackmer as the sole panelist in this matter on June 27, 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 limited liability company organized in 1998 under the laws of the State of Delaware, United States, with its principal offices in Chicago, Illinois, United States. The Complainant operates long-term airport parking lots and associated shuttle services in the United States (including Florida, where the Respondent is located) and other countries. The Complainant offers a rewards program called “The Spot Club” and allows customers to make reservations through the Complainant’s mobile apps. The Complainant operates a website at “www.theparkingspot.com” (which the Complainant registered in 1999) with linked social media accounts.

The Complainant holds United States trademark registrations including the following:

| Mark | Registration Number | Registration Date | Goods or Services |
|-----------------------|---------------------|-------------------|-------------------|
| THEPARKINGSPOT (word) | 2351007 | May 16, 2000 | IC 39 |
| THEPARKINGSPOT (word) | 2963762 | June 28, 2005 | IC 39 |
| THEPARKINGSPOT (word) | 5472505 | May 22, 2018 | IC 9 |
| THESPOTCLUB (word) | 4197353 | August 28, 2012 | IC 35 |

The disputed domain name was created on December 30, 2024, and is registered to the Respondent, designating no organization and listing a postal address in the State of Florida, United States and a Gmail contact email address.

The disputed domain name resolves to a parking page hosted by the Registrar with pay-per-click (“PPC”) links related to parking, linking a form to contact the domain owner to “Get This Domain” and advertising the Registrar’s services.

The Complainant sent letters to the domain privacy service through which the disputed domain name was registered, asserting its trademark rights, but the service declined to identify the underlying registrant until this proceeding was launched. The Respondent did not reply to communications from the Center or submit a Response in this proceeding.

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 “virtually identical” to its registered marks THEPARKINGSPOT and THESPOTCLUB, which it has been using in the United States and internationally for many years. The Complainant states that the Respondent has no relation to the Complainant and no permission to use the marks, and there is no evidence that the Respondent has rights or legitimate interests in the disputed domain name, which only resolves to a parking page. “Given the renown” of the Complainant’s marks and the trademark registrations, the Complainant infers that the Respondent had actual or constructive knowledge of the marks and could have no good-faith reason for registering the disputed domain name (through a proxy service) and offering it for sale. The Complainant cites the “passive holding” doctrine enunciated in *Telstra Corporation Ltd. v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](https://www.wipo.int/databases/en/cases/2000/0003.html), and following cases.

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 (here, the registered word marks THEPARKINGSPOT and THESPOTCLUB) for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds that both marks are recognizable within the disputed domain name, which merely blends the two marks and drops the article "the". Accordingly, the disputed domain name is confusingly similar to the marks 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. 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 name such as those enumerated in the Policy or otherwise. The Respondent does not appear to have a corresponding name, for example (Policy paragraph 4(c)(ii)), and the Respondent has not published a commercial or noncommercial website associated with the disputed domain name that could be evaluated for legitimate interested under the Policy, paragraphs 4(c)(i) or (iii), respectively.

Panels have previously recognized that the use of a domain name to host a page comprising PPC links would be permissible where the domain name consists of an actual dictionary word(s) or phrase and is used to host PPC links genuinely related to the dictionary meaning of the word(s) or phrase comprising the domain name, and not to trade off the complainant's (or its competitor's) trademark. [WIPO Overview 3.0](#), section 2.9.

Here, the disputed domain name contains the words “parking”, “spot”, and “club”. While the evidence provided indicates that the disputed domain name hosts PPC links related to parking, there is no relation to the term “club”, which is both a service the Complainant advertises and offers, and a part of the Complainant’s trademarks. The Panel believes this is an unlikely coincidence, and is more likely an effort to capitalize on the Complainant’s trademarks. Thus, in the absence of any response from the Respondent, and in addition to the other factors discussed below in section 6C, the Panel finds that the Respondent has failed to show rights or legitimate interests in the disputed domain name.

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 Complainant has been operating a consumer-oriented business for more than 25 years, advertised online as well as in other channels and present in the state where the Respondent is located. The disputed domain name is composed of a “mashup” of the Complainant’s two registered word marks, which, again, is an unlikely coincidence. The Panel finds it probable that the Respondent was aware of the Complainant and its marks when creating and registering the disputed domain name and allowing it to be offered for resale.

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.

Panels have found that the non-use of a domain name, including allowing it to be listed on a standard landing page offering it for sale, would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the reputation of the Complainant’s trademark, and the composition of the disputed domain name, as described above, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy. The Complainant infers bad faith as well from the Respondent’s use of a domain privacy service, but this is not decisive, as there are legitimate reasons to employ a privacy service, such as avoiding the automated harvesting of contact details. However, in this case the Respondent’s refusal to reply to communications or submit a Response and offer legitimate reasons for registering and holding the disputed domain name tends to reinforce an inference of 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 <parkingspotclub.com> be transferred to the Complainant.

/W. Scott Blackmer/
W. Scott Blackmer
Sole Panelist
Date: July 4, 2025