

ADMINISTRATIVE PANEL DECISION

Park 'N Fly Service LLC v. Alashe Nelson, EZ-VIP
Case No. D2025-1889

1. The Parties

The Complainant is Park 'N Fly Service LLC, United States of America (“United States”), represented by Neal, Gerber & Eisenberg LLP, United States.

The Respondent is Alashe Nelson, EZ-VIP, United States.

2. The Domain Name and Registrar

The disputed domain name <parkandflyatl.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 10, 2025. On May 13, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 13, 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 26, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 15, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 17, 2025.

The Center appointed Steven Auvil as the sole panelist 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

According to the Complaint, the Complainant is a United States company that provides airport-adjacent car parking and airport transportation services. The Complainant maintains multiple trademark registrations for the PARK 'N FLY brand, including United States registration No. 1111956 for PARK 'N FLY, registered January 23, 1979, and United States registration No. 2666170 for PARK 'N FLY, registered December 24, 2002. The Complainant also owns and uses the domain names <parknfly.com> and <parkandfly.com> for its PARK 'N FLY brand.

The Respondent registered the disputed domain name on September 16, 2024. The disputed domain name does not resolve to any active website and, instead, resolves to a Registrar page containing pay-per-click links related to the Complainant's services.

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.

First, the Complainant contends that the disputed domain name is confusingly similar to the Complainant's PARK N' FLY mark because the disputed domain name primarily consists of the Complainant's registered PARK 'N FLY mark having only replaced the letter "n" with the word "and" and adding the term "atl." The Complainant contends that the aforementioned changes are insufficient to avoid confusion between the disputed domain name and the Complainant's PARK 'N FLY mark because "atl" is a geographically descriptive term that refers to Atlanta, United States, where the Complainant offers its services at the Atlanta Hartsfield Jackson Airport.

Second, the Complainant contends that the Respondent has no legitimate interests or rights in the disputed domain name. The Complainant contends that the Complainant has no legal relationship with the Respondent through which the Respondent could claim any rights to the PARK 'N FLY mark or to the disputed domain name. Nor has the Complainant consented to or authorized the Respondent's registration or use of the disputed domain name, according to the Complaint.

Finally, the Complainant contends that the Respondent has registered and is using the disputed domain name in bad faith. Specifically, the Complainant contends that the Respondent is not using the disputed domain name to make a bona fide offering of goods or services, and the disputed domain name does not resolve to an active page. The Complainant further contends that the Respondent registered the disputed domain name with knowledge and awareness of the Complainant's Park 'N Fly mark and the Complainant's presence in Atlanta, United States, in an effort to unfairly profit from the Complainant's goodwill and promotional efforts associated with the PARK 'N FLY brand.

The Complainant requests that the disputed domain name be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

According to paragraph 15(a) of the Rules: "[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and

principles of law that it deems applicable.” Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following to obtain relief:

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

In view of the Respondent’s failure to submit a Response, the Panel is entitled to accept as true the allegations set forth in the Complaint (unless the evidence is clearly contradictory), and to derive reasonable inferences from the evidence presented.

Based on the foregoing guidance, the Panel makes the following findings and conclusions based on the allegations and evidence contained in the Complaint, and reasonable inferences drawn from the evidence presented.

A. Identical or Confusingly Similar

It is well established 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. Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms, whether descriptive or otherwise, will not prevent a finding of confusing similarity under the first element. [WIPO Overview 3.0](#), section 1.8. Additionally, as set forth in section 1.11.1 of the [WIPO Overview 3.0](#), the applicable generic Top-Level Domain (“gTLD”) (e.g., “.com”) is viewed as a standard registration requirement and as such is typically disregarded under the first element’s confusing similarity test. As such, the use of “.com” gTLD in the disputed domain name has no bearing on the confusing similarity analysis.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy as the Complainant owns trademarks for PARK ‘N FLY. [WIPO Overview 3.0](#), section 1.2.1. Moreover, both the mark and the disputed domain name include the phrases “park” and “fly” and this represents a dominant feature of both the PARK ‘N FLY mark and the disputed domain name. Moreover, the “n” and “and” portions of the disputed domain name and mark are phonetically similar. Further, the presence of the term “at!” does not prevent a finding of confusing similarity between the disputed domain name and the PARK ‘N FLY mark.

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. Such circumstances include:

- (i) before any notice of the dispute, the respondent used, or prepared to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services;
- (ii) the respondent (as an individual, business, or other organization) is commonly known by the disputed domain name, even if the respondent has acquired no trademark or service mark rights; or
- (iii) the respondent is 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.

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 the production of information that is often primarily within the knowledge or control of the respondent. Considering this difficulty, 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 Panel finds that none of the circumstances listed in paragraph 4(c) of the Policy apply.

The Panel observes that “parkandflyatl” might be interpreted as a term composed of dictionary terms “park” and “fly.” While the mere use of dictionary terms in a domain name does not automatically confer rights or legitimate interests under the second element of the Policy, the Panel acknowledges that a domain name consisting of dictionary terms could, in theory, represent a legitimate interest. This is not, however, the case when a complainant demonstrates that the respondent registered the disputed domain name primarily to target a third party’s trademark rights, as the Complainant has demonstrated here. See [WIPO Overview 3.0](#), section 2.10. The terms “park” and “fly” as combined are a dominant feature of the Complainant’s trademark and domain names, including the domain name <parkandfly.com>. Moreover, the “parkandfly” element of the disputed domain name is phonetically similar to the Complainant’s trademark PARK ‘N FLY. Finally, the Panel finds that the letter string “atl” in the disputed domain name is common abbreviation for the city of Atlanta, United States, a city where the Complainant operates.

Taking into account the above considerations, the Panel finds it is more likely than not that the Respondent intended to trade off the Complainant’s rights in the PARK ‘N FLY mark when registering the disputed domain name. Moreover, the Respondent has not come forward with relevant evidence to rebut the Complainant’s prima facie showing an absence of rights or legitimate interests in respect of the dispute 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 that, if found by the Panel to be present, is evidence of the registration and use of a domain name 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 Panel concludes that the Respondent registered and used the disputed domain name in bad faith.

First, the Respondent substantially duplicated the Complainant’s Park ‘N Fly mark in the disputed domain name.

Second, based on the facts provided in the Complaint, the lack of a response from the Respondent, and the Panel’s findings in the section 6.B above, the Panel concludes that it is more likely than not that the Respondent registered the disputed domain name with knowledge of the Complainant’s Park ‘N Fly mark to unfairly take advantage of the Complainant’s trademark rights.

Third, the Respondent has provided no rebuttal evidence demonstrating good faith registration or use by it of the disputed domain name. See *Park 'N Fly Service LLC v. Usman Hafeez*, WIPO Case No. [D2025-1727](#).

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 <parkandflyatl.com> be transferred to the Complainant.

/Steven Auvil/

Steven Auvil

Sole Panelist

Date: July 4, 2025