

ADMINISTRATIVE PANEL DECISION

GALADTRANS 2009, S.L. v. Donovan Harvey
Case No. D2025-1901

1. The Parties

The Complainant is GALADTRANS 2009, S.L., Spain, represented by Grant Thornton, Spain.

The Respondent is Donovan Harvey, United States of America.

2. The Domain Name and Registrar

The disputed domain name <allianza-gt.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 12, 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 21, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 22, 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 amendment to the Complaint on May 22, 2025.

The Center verified that the Complaint together with the amendment to 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 23, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 12, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 13, 2025.

The Center appointed Martin Michaus Romero 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

The Complainant is part of the Spanish business group known as “ALIANAZALOGISTICS SERVICIOS EUROPEOS, S.L.” (“Alianza”). Alianza, is the parent company and sole owner of the Complainant. The Complainant is the Titleowner of the:

- a) European Union Trademark ALIANZA with registration number 010128131 and registered on December 2, 2011 in International Class 39.
- b) European Union Trademark GALADTRANS 2009, with registration number 019013579 and registered on September 6, 2024, in International Classes 35 and 39.
- c) United Kingdom Trademark ALIANZA with registration number UK00910128131, and also combined with a graphic signs, and registered on December 2, 2011, in International Class 39.

The Complainant is the holder of the Domain Name <alianza-gt.com>, (registered on July 18, 2011) and <alianza-logistics.com> (registered on June 22, 2020).

The employees of the Complainant use the domain name <alianza-gt.com> for corporate email communications.

The disputed domain name <alianza-gt.com> was created on March 31, 2025 and was used to send emails to the Complainant's suppliers impersonating the Complainant.

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.

The Complainant contends that:

- a) The disputed domain name is confusingly similar to its Trademark.
- b) It has not licensed or otherwise permitted the Respondent to use ALIANZA trademark or any other variations or combination thereof, or to register or use any incorporating its Trademark, any variations or combination thereof.
- c) The Respondent is not making legitimate noncommercial or fair use of the disputed domain name.
- d) Its brand has already been targeted by the Respondent, when it discovered the existence of the disputed domain name through emails sent and received from the email address <[...]@allianza-gt.com> to commercial suppliers of the Complainant.

e) The Complainant was alerted by several regular suppliers that someone was impersonating him to place fraudulent purchase orders. The purchase orders were repeated with various suppliers and made using the disputed domain name.

Following a thorough investigation, the Complainant concluded that it had been the target of a phishing attack and found the purchase orders made in its name, without knowledge or authorization. The fraudulent purchase orders were made in its name, without its knowledge or authorization and had been sent from the email address <[...][@allianza-gt.com](mailto:[redacted]@allianza-gt.com)>, which is closely identical to email addresses used by the Complainant employees, <[...][@alianza-gt.com](mailto:[redacted]@alianza-gt.com)>.

f) The Respondent uses the same format, logo, stamps, distinctive signs, and unique tax identification number, with the sole intention of impersonating the Complainant to suppliers, thereby creating the appearance of contracting with the Complainant.

g) Due to the harm caused by fraudulent purchase orders, the Complainant contacted the Respondent through WhatsApp instant messaging services, using the phone number provided in emails sent from <[...][@allianza-gt.com](mailto:[redacted]@allianza-gt.com)>, who admitted to: a) knowing about the existence of the Complainant and their trademark and domain name; b) using the disputed domain name to impersonate the Complainant and issue fraudulent purchase orders; c) paying a hacker to obtain the disputed domain name <[allianza-gt.com](mailto:[redacted]@allianza-gt.com)>; d) being willing to cease the fraudulent activity in exchange for EUR 1000, payable in cryptocurrency or by bank transfer; and proposed to target a different company if the Complainant paid the EUR 1000. Subsequent to the telephone call, the amount required to stop using the domain name <[allianza-gt.com](mailto:[redacted]@allianza-gt.com)> would drop to EUR 400 or EUR 200.

h) After the Complainant refused to pay for the transference of the disputed domain name, the Respondent continued making fraudulent purchase orders under the disputed domain name.

i) The Respondent has no rights or legitimate interests in the disputed domain name, registered and is using the disputed domain name in bad faith.

B. Respondent

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

6. Discussion and Findings

Under the Policy, the Complainant is required to prove on the balance of probabilities 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.

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 for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Complainant's ALIANZA mark is recognizable within the disputed domain name despite the addition of the letter "L". Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.9.

Although the addition of other terms like "-gt" may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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 with 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.

Panels have held that the use of a domain name for illegal activities, including using email addresses in order to commit acts like identity theft, phishing, creating and sending fraudulent purchase orders made in the Complainant name without authorization, as in this case, and other illegal activities, cannot confer rights or legitimate interests on a respondent.

The Respondent is not using the disputed domain name for a bona fide offering of goods or services, nor is making a legitimate noncommercial or fair use that might give rise to rights or legitimate interests in the disputed domain name. As is argued by the Complainant and not rebutted by the Respondent, the Respondent offered to sell the disputed domain name to the Complainant in excess of the possible out-of-pocket costs directly related to the domain name.

Panels have held that the use of a domain name for illegal activity, such as theft, phishing, and impersonating, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

Panels have held that the use of a domain name for illegal activities, such as phishing, impersonation/passing off, or other types of fraud, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

In the present case, the Panel notes that:

- A) the Respondent was aware of the existence of the Complainant and its activities;
- B) the disputed domain name is confusingly similar to the ALIANZA trademark ;
- C) the Complainant's ALIANZA trademark predates the registration of the disputed domain name;
- D) the Complainant was alerted by several suppliers that someone was impersonating him and placing fraudulent purchase orders;

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <allianza-gt.com> be transferred to the Complainant.

/Martin Michaus Romero/

Martin Michaus Romero

Sole Panelist

Date: June 30, 2025