

ADMINISTRATIVE PANEL DECISION

TPS Parking Management, LLC v. CLAUDE SUTTON

Case No. D2025-2243

1. The Parties

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

Respondent is CLAUDE SUTTON, United States.

2. The Domain Name and Registrar

The disputed domain name <theparkingspot-hr.com> (the “Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 9, 2025. On June 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On June 10, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email to Complainant on June 12, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on June 17, 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 Respondent of the Complaint, and the proceedings commenced on June 18, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 8, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on July 9, 2025.

The Center appointed Robert A. Badgley as the sole panelist in this matter on July 11, 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

Complainant alleges:

“The Parking Spot owns all right, title and interest in and to THEPARKINGSPOT mark in connection with, among other services, the provision of vehicle parking lot and shuttle services; a downloadable mobile application for reserving parking, reserving shuttle services, and locating nearby shuttles (collectively, the ‘Services’).”

“For over twenty years, The Parking Spot has marketed and provided its well-known and uniquely-branded Services to customers traveling to and from airports located throughout the United States. In the years since opening its first location in Houston, The Parking Spot has steadily grown the provision of its Services branded with THEPARKINGSPOT mark to serve cities across the United States, including Atlanta, Austin, Baltimore/Washington D.C., Buffalo-Niagara, Charlotte, Columbus, Dallas/Fort Worth, Denver, Hartford, Houston, Kansas City, Los Angeles, Orlando, Philadelphia, Phoenix, Pittsburgh, Salt Lake City, and St. Louis.”

“Over the years, The Parking Spot has invested enormous time, effort, and resources in promoting and providing its Services under and in connection with THEPARKINGSPOT mark. For example, The Parking Spot has promoted and marketed its Services offered in connection with THEPARKINGSPOT mark throughout the U.S. in print media, on prominent billboards, at professional and collegiate sporting events, through social media, via customer coupons, and in other ways customary in the industry.”

Complainant annexed to the Complaint various examples of its marketing materials featuring the word mark THEPARKINGSPOT and a color and graphic scheme used consistently in its advertisements. The mark and the accompanying color and graphic scheme are shown in various printed materials, Internet pages, and at various collegiate and professional sporting events.

Complainant holds two registered trademarks on the Principal Register of the United States Patent and Trademark Office (“USPTO”) for the trademark THEPARKINGSPOT, namely: USPTO Reg. No. 2,963,762 for the word mark THEPARKINGSPOT, registered on June 28, 2005 in connection with, “Vehicle parking lot services,” with a December 15, 1998 date of first use in commerce; and USPTO Reg. No. 5,472,505 for the word mark THEPARKINGSPOT, registered on May 22, 2018 in connection with, “Downloadable mobile application for reserving parking, reserving shuttle services, locating nearby shuttles, managing loyalty account information and locating your vehicle,” with a May 2016 date of first use in commerce.

(These trademarks were referred to by registration number in Complainant’s cease-and-desist letter, discussed below, and hence the Panel was able to visit the USPTO website to verify these marks. This measure was necessary because Complainant failed to annex these marks to its Complaint; rather, Complainant annexed other trademarks that are not related to its THEPARKINGSPOT marks.)

Complainant has owned the domain name <theparkingspot.com> since March 26, 1999, and Complainant uses that site to promote its services. More recently, Complainant has developed a mobile app for its THEPARKINGSPOT services.

The Domain Name was registered on April 8, 2025. The Domain Name does not resolve to an active website. As of June 18, 2025, the Domain Name resolved to a landing page set up by the Registrar which indicates that the Domain Name was currently “suspended” because the “Whois verification is pending.”

On April 23, 2025, Complainant's counsel sent a cease-and-desist letter to Respondent's privacy service, who responded with an email pointing out that it was not the registrant of the Domain Name and could not transfer the Domain Name.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name. Among other things, Complainant asserts:

"Respondent undoubtedly registered the Disputed Domain Name to trade upon the significant goodwill and extensive promotional efforts associated with THEPARKINGSPOT mark. Not coincidentally, the Disputed Domain Name is primarily comprised of THEPARKINGSPOT mark, with the addition of the generic term "hr", which is meant to refer to Complainant's human resources department. The Disputed Domain Name resolves to a parked landing page."

"Particularly given the renown of THEPARKINGSPOT mark, it is clear that Respondent would not have chosen the Disputed Domain Name unless Respondent was seeking to intentionally trade on THEPARKINGSPOT mark. Accordingly, Respondent cannot establish a bona fide interest in the Disputed Domain Name."

"Given the renown of Complainant's THEPARKINGSPOT mark and the similarity of the Disputed Domain Name to THEPARKINGSPOT mark, it is not plausible that Respondent innocently registered the Disputed Domain Name without a design to exploit its similarity to THEPARKINGSPOT mark. In fact, it seems likely that Respondent registered the Disputed Domain Name to impersonate Complainant and its human resources department."

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Paragraph 4(a) of the Policy lists the three elements which Complainant must satisfy with respect to the Domain Name:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the 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 Complainant's trademark and the Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 1.7.

The Panel finds that Complainant has rights in the mark THEPARKINGSPOT through registration and use demonstrated in the record. The Panel also finds that the Domain Name is confusingly similar to the THEPARKINGSPOT mark. Notwithstanding the hyphen and the additional letters "hr," the mark remains recognizable within the Domain Name.

Complainant has established Policy paragraph 4(a)(i).

B. Rights or Legitimate Interests

Pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

- (i) before any notice to you [Respondent] of the dispute, your use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services; or
- (ii) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Domain Name, even if you have acquired no trademark or service mark rights; or
- (iii) you [Respondent] are 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.

The Panel concludes that Respondent lacks rights or legitimate interests in connection with the Domain Name. Respondent has not come forward in this proceeding to articulate his bona fides vis-à-vis the Domain Name, or to dispute Complainant's allegations and evidence.

On the undisputed record here, the Panel finds it more likely than not that Respondent was aware of Complainant's THEPARKINGSPOT mark when registering the Domain Name. Although the record presented here does not support a claim that Complainant's mark is particularly famous, the mark has been registered on the USPTO Principal Register for 20 years and it does appear that Complainant has made considerable efforts to promote its services under that mark. In addition, it appears that Respondent's contact information is open to doubt, as the Registrar has suspended the Domain Name. The Panel notes further that the area code listed in the Whois database is associated with a county in Florida, and not the location that Respondent lists as his physical address in upstate New York. Finally, the addition of the letters "hr" in the Domain Name, as Complainant suggests, indicates the knowledge on Respondent's part that THEPARKINGSPOT is already associated with an actual company.

In sum, the Panel finds that Complainant has established Policy paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy provides that the following circumstances, "in particular but without limitation," are evidence of the registration and use of the Domain Name in "bad faith":

- (i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Name; or
- (ii) that Respondent has registered the Domain Name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or
- (iii) that Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or
- (iv) that by using the Domain Name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent's website or other online location, by creating a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation, or endorsement of Respondent's website or location or of a product or service on Respondent's website or location.

The Panel concludes that Respondent registered and used the Domain Name in bad faith under the Policy. The Panel incorporates its discussion above in the "Rights or Legitimate Interests" section. On this undisputed record, and on a balance of probabilities, the Panel finds that Respondent's non-use of the

Domain Name does not prevent a finding of bad faith registration and use. A review of the record reveals no conceivable basis on which Respondent could have registered this Domain Name – which includes Complainant’s mark in its entirety and inserts the letters “hr” (often an abbreviation for human resources) – in good faith.

Complainant has established Policy paragraph 4(a)(iii).

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 Domain Name <theparkingspot-hr.com> be transferred to Complainant.

/Robert A. Badgley/

Robert A. Badgley

Sole Panelist

Date: July 25, 2025