

## **ADMINISTRATIVE PANEL DECISION**

TPS Parking Management, LLC d/b/a The Parking Spot v. Diane Payne,  
Superior Travel Service, Inc.  
Case No. D2025-2261

### **1. The Parties**

Complainant is TPS Parking Management, LLC d/b/a The Parking Spot, United States of America ("United States"), represented by Neal, Gerber & Eisenberg LLP, United States.

Respondent is Diane Payne, Superior Travel Service, Inc., United States.

### **2. The Domain Name and Registrar**

The disputed domain name <parkingspotthe.com> is registered with Porkbun LLC (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 10, 2025. On June 12, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 12, 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 (Whois Privacy, Private By Design, LLC) and contact information in the Complaint. The Center sent an email communication to Complainant on June 13, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant did not amend the Complaint.

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 Respondent of the Complaint, and the proceedings commenced on June 25, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 15, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on July 17, 2025.

The Center appointed Timothy D. Casey as the sole panelist in this matter on July 30, 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 provides vehicle parking lot and shuttle services in numerous cities in the United States branded with THEPARKINGSPOT trademark, starting with a first location in 1998. Complainant has promoted its services through a website under the domain name <theparkingspot.com> since 1999. Complainant is the owner of trademark registrations in the United States including “theparkingspot” as an element of the mark (the “THEPARKINGSPOT Marks”) as follows:

Mark	Jurisdiction	Class(es)	Registration No.	Registration Date
THEPARKINGSPOT	United States	39	2,351,007	May 16, 2000
THEPARKINGSPOT	United States	39	2,963,762	June 28, 2005
THEPARKINGSPOT (Design)	United States	39	7,308,837	February 20, 2014

The disputed domain name was registered March 7, 2025. At the time of filing the Complaint, the disputed domain name resolved to a website displaying an error message indicating the website cannot be reached. Previously, the disputed domain name resolved to a website that essentially duplicated Complainant’s website, including THEPARKINGSPOT Marks, format, images and the like. Complainant on April 21, 2025, sent Respondent’s web hosting provider a cease and desist letter related to Respondent’s alleged infringement and use of the website for phishing purposes.

#### 5. Parties’ Contentions

##### A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, Complainant contends that it has rights in the THEPARKINGSPOT Marks, as evidenced herein, and that the disputed domain name is confusingly similar to THEPARKINGSPOT Marks because the disputed domain name is primarily comprised of THEPARKINGSPOT Marks, with the location of the term “the” moved from the beginning of the mark to the end. Complainant further contends that the use of the generic Top-Level Domain is insufficient to distinguish the disputed domain name from THEPARKINGSPOT Marks.

Complainant contends that Respondent has no right or legitimate interests in the disputed domain name because Respondent has no legal relationship with Complainant through which Respondent can claim any rights to the THEPARKINGSPOT Marks, nor has Complainant consented to Respondent’s registration and use of the disputed domain name. Complainant contends that Respondent is not using the disputed domain name to make a bona fide offering of goods or services, particularly since Respondent has used the disputed domain name in a fraudulent manner.

Complainant contends Respondent had actual knowledge of THEPARKINGSPOT Marks prior to registering the disputed domain name, as evidenced by Respondent’s infringing website and its operation of an associated phishing scheme and therefore registered and used the disputed domain name in bad faith. Complainant contends that Respondent’s use of a proxy service is further evidence of bad faith.

##### B. Respondent

Respondent did not reply to 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 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.

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 Panel finds the mark is recognizable within the disputed domain name, even though part of the mark is rearranged. Accordingly, the disputed domain name is confusingly similar to the mark 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 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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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 illegitimate activity here, claimed phishing and impersonation/passing off, 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**

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 Respondent created and operated a website impersonating Complainant's website, including the use of the THEPARKINGSPOT Marks and copyrighted images from Complainant's website. In addition, Complainant alleges that Respondent has operated a phishing scheme for some illegitimate purpose, which Respondent has not refuted.

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 illegitimate activity here, claimed phishing and impersonation/passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Further, the disputed domain name's current direction to a website displaying an error message does not prevent a finding of bad faith. Having reviewed the record, the Panel finds Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds that 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 <parkingspotthe.com> be transferred to Complainant.

*/Timothy D. Casey/*

**Timothy D. Casey**

Sole Panelist

Date: August 14, 2025