

ADMINISTRATIVE PANEL DECISION

Modigent, LLC v. Brenda Vega
Case No. D2025-2351

1. The Parties

Complainant is Modigent, LLC, United States of America (“United States” or “U.S.”), represented by Slates Harwell Campbell, LLP, United States.

Respondent is Brenda Vega, United States.

2. The Domain Name and Registrar

The disputed domain name <modigentcareers.com> is registered with Wild West Domains, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 13, 2025. On June 16, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 16, 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 June 19, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on June 20, 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 June 24, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 14, 2025. Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 15, 2025.

The Center appointed Michael A. Albert as the sole panelist in this matter on July 23, 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 Modigent, LLC has been in the business of providing HVAC and plumbing services since at least as early as 2023. It has two trademark registrations on the Principal Register of the United States Patent and Trademark Office for the mark MODIGENT, namely U.S. Reg. No. 7,732,778 and U.S. Reg. No. 7,732,637, relating to services in the field of HVAC, plumbing and related services, both registered on March 18, 2025. It also owns and operates a website utilizing the MODIGENT Marks, located at the domain name <modigent.com>.

The disputed domain name was registered on May 22, 2025. The disputed domain name resolved to a website that purported to offer career related information and Complainant has submitted evidence regarding fraudulent email communications.

Respondent does not conduct any business using the name Modigent and is not licensed by Complainant. Respondent has offered no evidence of any use or demonstrable preparations to use the domain name in connection with any good-faith offering of goods or services.

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 been using the MODIGENT marks in connection with its business since at least as early as 2023, that it owns U.S. federal trademark registrations for that mark, that it has not authorized Respondent make any use thereof, that the disputed domain name is identical or confusingly similar to Complainant's mark because it adds only a generic term ("careers"). Complainant further contends that the registration and use of the disputed domain name is in bad faith as evidenced by Respondent's falsely and fraudulently purporting to offer career information relating to Complainant and its business and sending fake Modigent job hiring emails to potential job applicants.

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 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.

Here, 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. In particular, its federal trademark registrations, which substantially pre-date the registration of the disputed domain name, suffice to make such a showing.

Moreover, the entirety of the mark is reproduced within the disputed domain name, adding only a generic term (“careers”) that does not help distinguish the two and indeed tends to increase confusion by suggesting that the domain name is owned or affiliated with Complainant. Accordingly, the disputed domain name is identical or confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7 and 1.8.

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. Respondent has not rebutted the Complainant’s prima facie showing and has not come forward with any evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

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 finds that Respondent has adopted a domain name that is clearly confusingly similar to Complainant’s, offering no justification for having done so. It is highly implausible that Respondent would have come up with the disputed domain name without having deliberately intended to reference Complainant’s registered mark. Accordingly, the Panel finds that Respondent intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with Complainant’s mark.

Moreover, the record reflects evidence that Respondent has used the disputed domain name to impersonate Modigent human resources employees and send fake Modigent job hiring emails to potential job applicants. Panels have held that the use of a domain name for illegitimate or illegal activity constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds that Respondent’s registration and use of the disputed domain name constitutes bad faith under the Policy.

Accordingly, 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 <modigentcareers.com> be transferred to Complainant.

/Michael A. Albert/

Michael A. Albert

Sole Panelist

Date: August 18, 2025