

ADMINISTRATIVE PANEL DECISION

ATW Partners LLC v. Name Redacted

Case No. D2025-2380

1. The Parties

Complainant is ATW Partners LLC, United States of America (“United States” or “U.S.”), represented by Cole-Frieman & Mallon, LLP, United States.

Respondent is Name Redacted.¹

2. The Domain Name and Registrar

The disputed domain name <atwpartnersllc.com> (the “Disputed Domain Name”) is registered with Name SRS AB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 16, 2025. On June 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 18, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to Complainant on June 20, 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 23, 2025.

¹ The Respondent appears to have used the name of a third party when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted the Respondent’s name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

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 26, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 16, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on July 22, 2025.

The Center appointed Douglas M. Isenberg as the sole panelist in this matter on August 4, 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 states that it is “a well-established investment and venture development firm headquartered in New York City” that “builds, manages, and scales high-growth businesses across a range of transformative industries, including but not limited to technology, healthcare services, robotics, education technology, and digital infrastructure”. Complainant further states that it is “the registrant of the domain name... <atwpartners.com>, which was created on December 29, 2015, and which it uses in connection with its primary website”.

Complainant states, and provides documentation in support thereof, that it is the owner of the following trademark registrations (the “ATW PARTNERS Trademark”):

- U.S. Reg. No. 5,063,638 for ATW PARTNERS (registered October 18, 2016) for use in connection with “providing venture capital, development capital, private equity and investment funding; management of private equity funds; private equity consultant services”;
- U.S. Reg. No. 5,063,645 for ATW PARTNERS (registered October 18, 2016) for use in connection with “providing venture capital, development capital, private equity and investment funding; management of private equity funds; private equity consultant services”.

The Disputed Domain Name was created on June 11, 2025. Complainant states: “The Respondent used an email address associated with the disputed domain... to impersonate a Co-Founder and Managing Partner of the Complainant.... Specifically, the Respondent sent a fraudulent email to a third party, requesting that funds be wired to a vendor on the Complainant’s behalf, falsely claiming urgent financial obligations and promising reimbursement the following week.” Complainant provided a screenshot of what Complainant describes as this email, although the screenshot does not actually show the sender’s email address.

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:

- The Disputed Domain Name is confusingly similar to the ATW PARTNERS Trademark because the Disputed Domain Name “fully incorporates” the ATW PARTNERS Trademark and “Respondent’s use of the Disputed Domain Name and the associated email address creates a significant risk that the public will wrongfully presume that Complainant and Respondent are the same company”.

- Respondent has no rights or legitimate interests in the Disputed Domain Name because, inter alia, “Complainant has never assigned, granted, licensed, sold, transferred or in any way authorized the Respondent to register or use the ATW PARTNERS Marks in any manner, and Respondent has no relationship whatsoever with Complainant”; and “Respondent’s communication with the job applicant clearly ‘misleadingly diverts consumers’ under the doctrine of ‘initial interest confusion’ – ‘which occurs when a member of the public sees the disputed domain name and thinks that it may lead to a website associated with the Complainant’”.
- The Disputed Domain Name was registered and is being used in bad faith because, inter alia, “Respondent engaged in fraudulent impersonation using the disputed domain name” by “us[ing] an email address associated with the disputed domain to impersonate a Co-Founder and Managing Partner of the Complainant” and, “[t]hrough this fraudulent communication, the Respondent contacted a third party requesting the transfer of funds to a purported vendor, citing fabricated financial constraints and promising reimbursement”.

B. Respondent

Respondent did not reply to Complainant’s contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

Based upon the trademark registrations cited by Complainant, it is apparent that Complainant has rights in and to the ATW PARTNERS Trademark.

As to whether the Disputed Domain Name is identical or confusingly similar to the ATW PARTNERS Trademark, the relevant comparison to be made is with the second-level portion of the Disputed Domain Name only (i.e., “atwpartnersllc”) because “[t]he applicable Top-Level Domain (‘TLD’) in a domain name (e.g., ‘.com’, ‘.club’, ‘.nyc’) is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test”. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 1.11.1.

As set forth in section 1.7 of [WIPO Overview 3.0](#): “in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing.” Further, as set forth in section 1.8 of [WIPO Overview 3.0](#): “Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element.” Indeed, numerous panels have found that disputed domain names containing a complainant’s trademark in its entirety plus the letters “llc” (an abbreviation for “limited liability company”) are confusingly similar to the trademark. See, e.g., *Verizon Trademark Services LLC v. Peter James*, WIPO Case No. [D2023-2145](#) (transfer of <verizonllc.com>); *Cloud Catalyst Technologies, LLC v. Sheldon Benjamin*, WIPO Case No. [D2023-0020](#) (transfer of <gunbrokerllc.com>); and *Carvana, LLC v. Not disclosed Not disclosed*, WIPO Case No. [D2020-3235](#) (transfer of <carvanallc.com>).

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Complainant has argued that Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because, inter alia, “Complainant has never assigned, granted, licensed, sold, transferred or in any way authorized the Respondent to register or use the ATW PARTNERS Marks in any manner, and Respondent has no relationship whatsoever with Complainant”; and “Respondent’s communication with the

job applicant clearly ‘misleadingly diverts consumers’ under the doctrine of ‘initial interest confusion’ – ‘which occurs when a member of the public sees the disputed domain name and thinks that it may lead to a website associated with the Complainant’”.

[WIPO Overview 3.0](#), section 2.1, states: “[w]hile 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 often impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.”

The Panel finds that Complainant has established its prima facie case and without any evidence from Respondent to the contrary, the Panel is satisfied that Complainant has satisfied the second element of the Policy.

C. Registered and Used in Bad Faith

Whether a domain name is registered and used in bad faith for purposes of the Policy may be determined by evaluating four (non-exhaustive) factors set forth in the Policy: (i) circumstances indicating that the registrant has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the registrant’s documented out-of-pocket costs directly related to the domain name; or (ii) the registrant 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 the registrant has engaged in a pattern of such conduct; or (iii) the registrant has registered the domain name primarily for the purpose of disrupting the business of a competitor; or (iv) by using the domain name, the registrant has intentionally attempted to attract, for commercial gain, Internet users to the registrant’s website or other online location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the registrant’s website or location or of a product or service on the registrant’s website or location. Policy, paragraph 4(b).

Here, Complainant has stated that Respondent has used the Disputed Domain Name to “sen[d] a fraudulent email to a third party, requesting that funds be wired to a vendor on the Complainant’s behalf, falsely claiming urgent financial obligations and promising reimbursement the following week”. Although the screenshot of the email provided by Complainant does not show the sender’s email address, Respondent has not disputed this assertion.

As set forth in section 3.4 of [WIPO Overview 3.0](#): “Panels have held that the use of a domain name for purposes other than to host a website may constitute bad faith. Such purposes include sending email, phishing [or] identity theft.... Many such cases involve the respondent’s use of the domain name to send deceptive emails, e.g., to obtain sensitive or confidential personal information from prospective job applicants, or to solicit payment of fraudulent invoices by the complainant’s actual or prospective customers.”

Clearly, Respondent’s actions were intended to create confusion. Under similar circumstances, numerous panels have found that such activities constitute bad faith. See, e.g., *Syngenta Participations AG v. Guillaume Texier, Gobain Ltd*, WIPO Case No. [D2017-1147](#) (finding bad faith where “the disputed domain name was used... as an email address to send a request to an employee of the Complainant requesting urgent payment of monies claimed to be due on a false invoice”); *Kimley-Horn and Associates, Inc. v. Abraham Hashim*, WIPO Case No. [DCO2019-0017](#) (finding bad faith where respondent “posed as two of Complainant’s actual employees in order to send phishing emails to one of Complainant’s clients in an effort to obtain payment on an allegedly outstanding invoice”); and *BTWN Exhibits, LLC v. Registration Private, Domains By Proxy, LLC / Ahmed Fawzy, ASM Marketing*, WIPO Case No. [D2020-0036](#) (finding bad faith

where “Respondent used the Domain Name to create an email address [and] send fraudulent emails to Complainant’ s customers”).

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 <atwpartnersllc.com> be transferred to Complainant.

/Douglas M. Isenberg/

Douglas M. Isenberg

Sole Panelist

Date: August 10, 2025