

ADMINISTRATIVE PANEL DECISION

Dart Container Corporation v. William Boyd, avalon ventures
Case No. D2025-2421

1. The Parties

Complainant is Dart Container Corporation, United States of America (“United States”), represented by McGarry Bair PC, United States.

Respondent is William Boyd, avalon ventures, United States.

2. The Domain Name and Registrar

The disputed domain name <dartcontainer.com> is registered with GMO Internet, Inc., d/b/a Discount-Domain.com and Onamae.com (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 18, 2025. On June 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 20, 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 (Undisclosed Registrant of Dartcontainer.com) and contact information in the Complaint. The Center sent an email communication to Complainant on June 30, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on June 30, 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 Respondent of the Complaint, and the proceedings commenced on July 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 23, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on July 27, 2025.

The Center appointed Timothy D. Casey as the sole panelist in this matter on August 8, 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 sells tableware, food service products, plastic ware and foam beads for use in packaging and in the production of food service products. Complainant first began using DART as a trademark for food service products as early as 1960, and owns at least the following registrations (the “DART Marks”):

Mark	Jurisdiction	Class(es)	Registration No.	Registration Date
DART	United States	8, 17, and 21	2,599,911	July 30, 2002
DART (Design)	United States	2	988,159	July 16, 1974

The disputed domain name was registered on May 22, 2025. At the time of filing the Complaint, the disputed domain name did not resolve to an active website. Complainant provided evidence indicating that the disputed domain name was utilized, on the same date the disputed domain name was registered, in an email impersonating a sales director of Complainant and falsely indicating Complainant’s interest in purchasing products or services from a potential vendor to Complainant.

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 DART Marks and that the disputed domain name is identical or confusingly similar to the DART Marks because the DART Marks are fully incorporated into the disputed domain name. Complainant notes that the disputed domain name includes an additional word “container” with an extra “n” and contends that the disputed domain name serves to confuse consumers who are misled into thinking that the disputed domain name is used with Complainant’s authorization or consent and that Respondent’s website is that of Complainant.

Complainant contends Respondent should be considered to have no rights or legitimate interest in the disputed domain name. Complainant notes there is no evidence that Respondent has used or made demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services. Complainant contends Respondent is not commonly known as by the disputed domain name or acquired any trademark rights therein and is not making a legitimate noncommercial or fair use of the disputed domain name because the only evidence of Respondent’s use of the disputed domain name is an attempt to misdirect business to itself by impersonating an employee of Complainant in an email intending to defraud Complainant’s vendor.

Complainant contends the disputed domain name should be considered to have been registered in bad faith for the reasons provided in the Policy, Paragraphs 4(b)(i), 4(b)(ii), and 4(b)(iv).

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.

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 entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, a misspelling of the term "container," may bear on assessment of the second and third elements, the Panel finds the addition of such term 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.

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 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 impersonation, 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 used the disputed domain name on the same day it was registered in an attempt to impersonate someone associated with Complainant in an apparent attempt to mislead a potential vendor of Complainant into doing business with Respondent in place of Complainant. Clearly, Respondent was aware of Complainant and registered and used the disputed domain name based on this knowledge.

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 impersonation, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. 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 <dartcontainer.com> be transferred to Complainant.

/Timothy D. Casey/

Timothy D. Casey

Sole Panelist

Date: August 23, 2025