

ADMINISTRATIVE PANEL DECISION

Pye-Barker Fire & Safety, LLC v. San Mark, San Mark, LLC
Case No. D2025-2434

1. The Parties

Complainant is Pye-Barker Fire & Safety, LLC, United States of America (“United States”), represented by Nelson Mullins Riley & Scarborough, L.L.P., United States.

Respondent is San Mark, San Mark, LLC, United States.

2. The Domain Name and Registrar

The disputed domain name <firsttrustalarmservice.com> (the “Domain Name”) is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 19, 2025. On June 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On June 20, 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 23, 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 27, 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 July 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 27, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on July 28, 2025.

The Center appointed Robert A. Badgley as the sole panelist in this matter on August 14, 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

According to the Complaint, First Trust Alarm Company (“First Trust Alarm”) was founded more than 30 years ago and is “an established provider of fire alarms, security systems, and fire code compliance services serving the San Francisco Bay, Hollister, and Monterey Bay areas of California.” Complainant Pye-Barker Fire & Safety, LLC (“Pye-Barker”) asserts:

“Led by Joe Bowman, a second-generation fire protection leader, First Trust Alarm provides [sic] California’s Central Coast ‘by providing fire alarm systems, security systems, access control, cloud-based video surveillance, alarm and sprinkler inspection services and 24/7 central monitoring.’”

Pye-Barker acquired First Trust Alarm in May 2024 and has carried on the business of First Trust Alarm. The Panel will henceforth refer to Pye-Barker and First Trust Alarm as “Complainant” unless context requires otherwise.

According to Complainant, the aforementioned May 2024 acquisition “was featured in many outlets, including *Fire & Safety Journals Americas* and *PR Newswire*.” Annexed to the Complaint are media articles corroborating this assertion.

Complainant alleges:

“Since 1981, Complainant has adopted and continuously used the FIRST TRUST ALARM trademark in commerce to identify its services, including fire alarms, security systems, and fire code compliance services. [...] This use is evidenced by the website located at “www.firsttrustalarm.net”, which prominently displays the FIRST TRUST ALARM trademark in connection with its services. [...] The website serves as a primary marketing tool, providing service descriptions and contact information, all branded under the FIRST TRUST ALARM trademark. [...] Additionally, using the FIRST TRUST ALARM trademark, Complainant’s web presence stretches across many webpages for advertising, including Yelp, Yellow Pages, ChamberofCommerce.com, Crunchbase, and Pitchbook, to name a few.”

Annexed to the Complaint are screenshots showing Complainant’s social media presence and Complainant’s operation of a commercial website as of January 6, 2009, at the domain name <firsttrustalarm.net>, a domain name owned by Complainant since February 8, 2006.

Respondent registered the Domain Name on May 13, 2025. It does not appear that the Domain Name has ever resolved to an active website. According to Complainant:

“Days after Respondent registered the website, it began sending out phishing e-mails from e-mail accounts associated with the Domain Name and posing as employees of First Trust. [...] The phishing e-mail was sent by [redacted]@firsttrustalarmservice.com, an impersonation of [redacted], the current Front Office Supervisor for First Trust. [...] Additionally, the phishing e-mails purported to copy the founder of First Trust, , by including the fake e-mail address jbowman@firsttrustalarmservice.com. [...] This phishing activity was reported to the support team of the Registrar, Domain Silo, LLC and the Registrar placed the domain name on hold on May 29, 2025.” [...] The Domain Name can currently not be reached.”

Copies of the alleged phishing emails are annexed to the Complaint.

Respondent has not denied any of the foregoing allegations or disputed Complainant’s supporting evidence.

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.

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; and
- (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 the 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 common law rights in the unregistered mark FIRST TRUST ALARM through use demonstrated in the record. There is evidence of record that Complainant has been using FIRST TRUST ALARM, on its website and on printed materials, as a source identifier for its goods and services for more than 15 years, and there is evidence of unsolicited media coverage using FIRST TRUST ALARM when referring to Complainant's goods and services. The Panel notes further that Respondent itself makes reference to FIRST TRUST ALARM – and to Complainant's founder – in its phishing emails. As such, Respondent is hardly in a position to deny that FIRST TRUST ALARM is a recognized source identifier for Complainant and its goods and services.

The Panel also finds that the Domain Name is confusingly similar to that mark. The Domain Name is comprised entirely of the FIRST TRUST ALARM plus the word "service." In the Panel's view, the mark remains clearly recognizable within the Domain Name notwithstanding this additional word.

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 respect of the Domain Name. Respondent has not come forward to articulate any bona fide basis for registering the Domain Name and has not disputed the allegations and evidence presented by Complainant. The undisputed record here indicates that Respondent has used the Domain Name in connection with a phishing scam designed to extract payments from unsuspecting business partners of Complainant who are advised falsely that they owe money to Complainant.

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, on the record provided here, that Respondent has registered and used the Domain Name in bad faith. The Panel incorporates its discussion above in the "Rights or Legitimate Interests" section. The undisputed record supports the conclusion that Respondent targeted Complainant's mark for purposes of perpetrating a fraudulent phishing scam, in clear violation of the above-quoted Policy paragraph 4(b)(iv).

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 <firsttrustalarmservice.com> be transferred to Complainant.

/Robert A. Badgley/

Robert A. Badgley

Sole Panelist

Date: August 28, 2025