

## ADMINISTRATIVE PANEL DECISION

Boston Carriage, Inc. v. Jason Dib / Jason Dibson and Name Redacted  
Case No. D2025-3256

### 1. The Parties

The Complainant is Boston Carriage, Inc., United States of America (“United States”), represented by Barclay Damon LLP, United States.

The Respondents are Jason Dib / Jason Dibson, United States, represented by Fox Rothschild LLP, United States, and Name Redacted.<sup>1</sup>

### 2. The Domain Names and Registrars

The disputed domain name <bostoncarriage.com> is registered with GoDaddy.com, LLC.

The disputed domain name <bostoncarriagema.com> is registered with NameCheap, Inc. (the “Registrars”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 13, 2025. On August 14, 2025, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On August 14 and 15, 2025, the Registrars transmitted by email to the Center their verification responses disclosing registrant and contact information for the disputed domain names which differed from the named Respondents (Registration Private, Domains By Proxy, LLC, and Registration Private, Privacy Service provided by withheld for privacy ehf) and contact information in the Complaint.

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<sup>1</sup>The name given for the registrant of one of the disputed domain names is in fact the name of an officer of the Complainant, and the postal address is the Complainant’s, but the contact email address is not. In light of the potential identity theft, the Panel has redacted this Respondent’s name from the Decision. However, in the event of an order to transfer, the Panel has attached as Annex 1 to this decision an instruction to the relevant Registrar regarding transfer of the disputed domain names, 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Annex 1 to the Registrar as part of the order in this proceeding and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case.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. Bradescour gente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

The Center sent an email communication to the Complainant on August 15, 2025, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or, alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all disputed domain names are under common control. The Complainant filed an amended Complaint on August 20, 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 the Respondents of the Complaint, and the proceedings commenced on August 21, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 10, 2025. The Response was filed with the Center on September 9, 2025.

The Center appointed W. Scott Blackmer as the sole panelist in this matter on September 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.

The Complainant submitted a supplemental filing on September 23, 2025, to which the Respondent objected in a detailed email dated September 24, 2025, which the Panel must also treat as a supplemental filing.

#### **4. Factual Background**

The Complainant is a limousine and transportation service company organized under the laws of the Commonwealth of Massachusetts, United States and headquartered in Westwood, Massachusetts. According to the Complaint, the Complainant’s “predecessor” had been using BOSTON CARRIAGE as a common law mark since “as early as 1999”, and the Complainant has been “operating under the trademark BOSTON CARRIAGE” since “at least 2003”. The Panel notes, however, that according to the online database of the Massachusetts Corporations Division, the Complainant was not incorporated until January 20, 2016.<sup>2</sup> The Complainant mentions that it also operated under the name Beantown Carriage, LLC, and the Panel notes that this limited liability company, registered in Massachusetts on November 24, 2003, lists the same principals as the Complainant’s.

The Complaint claims annual sales ranging from USD 1.7 – 2 million since 2020, with over 27,000 booking requests between 2022 and 2024, and cites media articles and industry memberships, customer reviews, and social media posts to demonstrate that the Complainant’s livery service has been known as BOSTON CARRIAGE. These documents all date from 2016 or later, when the Complainant was established under its current name. The Complaint does not document the use of the mark by Beantown Carriage, LLC.

The Complaint also attaches archived screenshots from 1999 and 2001 showing that an unidentified “predecessor” used the disputed domain name <bostoncarriage.com> for a website headed “Boston Carriage” advertising limousine service in Boston and the “New England Area”, by its own account “since January 1999”. Subsequent screenshots show that this disputed domain name was later used to advertise

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<sup>2</sup>Noting the general powers of a panel articulated in paragraphs 10 and 12 of the Rules, it is commonly accepted that a panel may undertake limited factual research into matters of public record, as the Panel has done in this proceeding. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([WIPO Overview 3.0](#)), section 4.8.

limousine tours of Boston and was then apparently unused for several years. The Complainant does not, however, offer evidence linking these various operations to the Complainant or to Beantown Carriage, LLC.

The Complainant's website at "www.logancarservice.com", with linked social media sites, advertises personal and fleet car services "throughout the New England area and nationwide". The website emphasizes online booking of rides to and from Boston's Logan Airport but also offers service to and from other airports and destinations, particularly in New England and New York State. The Complainant's website is headed "LoganCarService.com by Boston Carriage Co", without a symbol indicating trademark. The copyright notice is in the name of "Logan Car Service & SMS". The "About Us" page begins "Boston Carriage Limousines is one of the most recognized private car service companies in New England area ...". That, of course, is not exactly the name of the Complainant's company or its claimed mark.

The Panel notes that this domain name <logancarservice.com> was created on November 5, 2003, shortly before Beantown Carriage, LLC was formed by the same principals. Screenshots from the Internet Archive's Wayback Machine in 2005 show that the website associated with this domain name advertised the services of "Boston Logan Airport Car Service" or "Boston Car and Limo Services". From August 2007 through December 2012, the screenshots show that the website advertised its operations as "Boston Car Services and Limo by Boston Carriage Limousines Co." or "Boston Car Service by Boston Carriage Limousines Co.", with "Boston Airport Car Service" at the bottom of the page. In January 2013, screenshots begin to appear with the formula "Boston Logan Car Service by Boston Carriage" in smaller print appearing under the heading "Boston Logan Airport Car Service" on the home page. In 2016, while still headed "Boston Logan Airport Car Service" the website begins to look like the Complainant's current website, referring to "Boston Carriage Limousines" under the heading, "About Us". By 2016, the Complainant's website used the current formula of identifying the website operator as "LoganCarService.com by Boston Carriage Co" and referred in the "About Us" section to "Boston Carriage Limousines".

The Complainant also holds the domain name <bostoncarriage.net> (registered on April 15, 2005), which simply redirects to the Complainant's website at "www.logancarservice.com".

The Complainant holds a Massachusetts state trademark registration, Number 94775, registered on June 5, 2025, for the word mark BOSTON CARRIAGE in international class 39. The Complainant also has a pending application for United States trademark registration (Serial Number 99217587, application dated June 4, 2025) for the word mark BOSTON CARRIAGE in international class 39, claiming first use in commerce at least as early as November 28, 2003.

**First Disputed Domain Name.** The disputed domain name <bostoncarriage.com> was created on February 12, 1999, and is registered to "Jason Dib", listing no organization and a postal address in the Commonwealth of Massachusetts, United States. The registration shows a contact email address at [xxx]@cyberdesigngroup.com, a domain name that is currently listed for sale on the landing page to which it resolves.

The Respondent, identifying himself as Jason Dibson, states that he was formerly known as "Jason Dib". He states further that he is the original registrant of the disputed domain name <bostoncarriage.com> and has maintained the registration ever since.

The Respondent explains that in 1999 he operated a web design company and also managed online marketing, dispatch, and customer service for a friend who owned a car and provided livery service under the name "Boston Carriage Corp." This enterprise was organized as a corporation under Massachusetts law on March 5, 1999 (a copy of the Articles of Organization as filed with the Commonwealth of Massachusetts is attached to the Response). The Panel notes that the online database of the Massachusetts Corporations Division shows that this corporation was dissolved on May 31, 2007. The Respondent states that he registered the disputed domain name initially for use with this livery business and created a website for it. The Respondent attaches the same October 1999 screenshot from the Wayback Machine that was attached to the Complaint, noting that in 1999 the website did not accommodate online reservations but advertised telephone and fax numbers for customers to make reservations.

The Respondent recounts that after Boston Carriage Corp. ceased operations, the Respondent used the disputed domain name <bostoncarriage.com> “to offer a “Boston Limousine Carriage Tour” of historic sites in Boston, as shown in screenshots attached to both the Complaint and the Response, dating from 2005, 2012, 2015, and 2021. The Complaint asserts that the disputed domain name was inactive during the period 2016-2019, but the Respondent asserts that this is not proven simply by the fact that the Wayback Machine did not capture any screenshots during that period. The Declaration of Jason Dibson attached to the Response states that the disputed domain name continued to resolve to the same website but did not include an online reservation system until 2022, and that his business “relied more on business cards, flyers, hotel concierge commissions, and word-of mouth to generate business”. The Response includes an example of an online reservation confirmation from 2022, and a screenshot of the new version of the Respondent’s website from October 2023. By 2022, the Respondent was offering additional transportation services, including airport and inter-city limousine service.

These services are all advertised on the website now associated with the disputed domain name <bostoncarriage.com> (the “Respondent’s website”). It is headed, as it has been since at least March 2023, “BOSTONCARRIAGE.COM”, advertising “Limousine Airport Transfer Service” in the Boston area and in New England, which can be booked online or by telephone. The “About” page does not actually identify the website operator, and the Policies and copyright notice are in the name of “BostonCarriage.com.”

The Respondent asserts that he received a telephone call in 2017 from Yekaterina Portnaya, who identified herself as the president of the Complainant, objecting angrily to the Respondent using Google Ads to advertise his limousine service with the keywords “Boston Carriage”. The Respondent reports that he informed Ms. Portnaya that he had owned the disputed domain name <bostoncarriage.com> and operated an associated website since 1999 and had been using the name “Boston Carriage” since then. The Respondent said that Ms. Portnaya apologized, said she had wondered who held the disputed domain name, and suggested meeting in person. However, the Parties never met afterward.

**Second Disputed Domain Name.** The disputed domain name <bostoncarriagema.com> was created on May 5, 2025, and is registered to the Respondent Name Redacted (see footnote 1), an officer of the Complainant, listing the Complainant as the organization and giving the Complainant’s postal address, but a contact email address at [xxx]@proton.me. Additionally, the same telephone number registered to the Respondent of <bostoncarriagema.com> is listed on the website of both disputed domain names.

At the time of this Decision, the disputed domain name <bostoncarriagema.com> does not resolve to an active website, and the Wayback Machine does not have any archived screenshots associated with it. However, the Complaint attaches screenshots of the website to which this disputed domain name resolved in June 2025, headed “Boston Carriage & Wheels of Hope: Driving Community Support in Boston” (the “Wheels of Hope Partnership website”). This site advertised the partnership of “Boston Carriage, Inc.”, “a cornerstone of luxury and reliable transportation in Boston for over 30 years”, with Wheels of Hope, a volunteer organization founded in 2012 to drive individuals to medical appointments, therapy sessions, and community events and help provide access to food banks. The site included links to make donations or volunteer for Wheels of Hope, or to “Book a Ride with Boston Carriage”. The site included a page about “Boston Carriage” and its “three decades” of transportation services in the Greater Boston area, with a bracketed placeholder for a “Link to Boston Carriage main services page”. The Complainant denies any involvement in this website, but the “Contact Information” for the partnership gives the Complainant’s name and postal address, an email address at [xxx]@bostoncarriagema.com, and, significantly, the same telephone number given on the Respondent’s website at “www.bostoncarriage.com”. No contact information was provided for “Wheels of Hope Boston”, and the Panel notes that the organization does not appear to have a website and does not appear on the Massachusetts government’s online lists of registered charities or of “volunteer driver programs”.

The Complainant cites examples of consumer confusion following the publication of the Respondent’s functional website in 2023, attaching copies of negative reviews posted about the Complainant and a complaint email, identifying two customers by name who evidently booked rides through the Respondent’s

website under the impression that they were being served by the Complainant and who were unhappy with their experience.

## **5. Parties' Contentions**

### **A. Complainant**

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

Notably, the Complainant contends that the disputed domain names are identical or confusingly similar to its BOSTON CARRIAGE common law and registered mark. The Complainant asserts that the Respondent is not commonly known by this name and until 2023 offered no services under the name "Boston Carriage" through the associated website and then offered services competing with the Complainant, with knowledge of the Complainant's mark. The Complainant argues that impersonating the mark of another cannot be considered a bona fide use or legitimate interest, and that it also reflects that Respondent's bad faith in misdirecting Internet users for commercial gain to the Respondent's competing website. The Complainant cites instances of actual consumer confusion and notes the copying of the Complainant's contact information on the Wheels of Hope partnership website formerly associated with the disputed domain name <bostoncarriagema.com>.

The Complainant's supplemental filing seeks to bolster the arguments that the Complainant has rights in BOSTON CARRIAGE as a common law mark derived from Boston Carriage Corp. as a predecessor, and also that the Respondent registered the disputed domain name <bostoncarriage.com> as the agent or service provider of Boston Carriage Corp. and, therefore, never had the right to retain it. The Complainant cites UDRP decisions treating domain name registrations by former employees of a mark holder as evidence of bad faith in the registration and use of a domain name. See, e.g., *2U Laundry, Inc. v. Contact Privacy Inc. Customer 7151571251 / Brett Allen, Southern Laundry Solutions*, WIPO Case No. [D2022-2486](#). The Complainant argues that Boston Carriage Corp. and its owners "were the legitimate rights holders of BOSTON CARRIAGE – and by extension" of the disputed domain name <bostoncarriage.com>, and that the Respondent was merely providing a service to that company as a website designer. The Complainant attaches a copy of Purchase and Sale Agreement dated November 28, 2003, between Boston Carriage Corp. and Beantown Carriage, LLC. According to the Complainant, this agreement transferred "all of the rights to [the Beantown Carriage, LLC]", by implication including Boston Carriage Corp.'s rights in the common law trademark BOSTON CARRIAGE and its rights in the disputed domain name <bostoncarriage.com>.

In its supplemental filing, the Complainant emphasizes that the Respondent's website became an active ecommerce website competing with the Complainant, following a period of apparent inactivity, after the telephone conversation between the Respondent and the Complainant's president Ms. Portnaya, which the Complainant asserts took place in 2021. The Complainant argues that this shows an intent to use the disputed domain name to misdirect Internet users for commercial gain, which is also consistent with the Respondent's bad faith in improperly retaining the disputed domain name that the Respondent had registered for Boston Carriage Corp.

### **B. Respondent**

The Respondent contends that the Complainant has not satisfied all three of the elements required under the Policy for a transfer of the disputed domain name <bostoncarriage.com>. The Respondent denies registering the disputed domain name <bostoncarriagema.com> and disclaims any interest in it.

The Respondent argues that the Complainant uses "Boston Carriage" as its corporate name and as a trade name, not as a trademark. The Respondent points out that "LoganCarService.com by Boston Carriage Co" appears at the header on the Complainant's website at "www.logancarservice.com" and that the

Complainant attempted first to register LOGAN CAR SERVICE as a United States Trademark (Serial Number 90667669, application filed April 23, 2021), subsequently abandoning this application on March 24, 2023. The Response attaches a Memorandum and Order dated September 30, 2022, from a judicial proceeding, *Boston Carriage, Inc., d/b/a Logan Car Service v. Boston Suburban Coach, Inc., et al*, Civil Action No. 1:21-cv-10688-IT (USDC, D Mass.), in which the court found that “Boston Carriage and its predecessor business partnership have operated under the trade name ‘Logan Car Service’ since the 2000s” and recounted that “Boston Carriage alleges that it has developed substantial recognition and goodwill using its ‘Logan Car Service’ trademark, which Boston Carriage has used for years in its advertising campaigns ...”. The Respondent argued that the Massachusetts trademark registration should not be accorded deference as an unexamined trademark, and that “Boston Carriage” is “highly descriptive, if not generic”.

The Respondent claims a legitimate interest in the disputed domain name <bostoncarriage.com> from having registered it originally, in 1999, for the limousine business for which he worked and using it subsequently for his “Boston Limousine Carriage Tour” business and then, until the present, for his “Boston Carriage” business. The Respondent argues that his domain name registration and use pre-dates the Complainant’s business and its claimed trademark and cannot be considered in bad faith.

In his supplemental filing, the Respondent points out that the 2003 Purchase and Sale Agreement could have been included in the original Complaint and also does not mention trademark rights or list the disputed domain name <bostoncarriage.com> as assets transferred to the Complainant’s predecessor.

## **6. Discussion and Findings**

### **6.1 Preliminary Issues**

#### **A. Consolidation: Multiple Respondents**

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are under common control because the composition of the disputed domain names is similar, the content of the associated websites (or former websites) both imitate the Complainant’s business, and each of these websites lists the same contact telephone number. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The Respondent admits to owning the disputed domain name <bostoncarriage.com> but denies registering or controlling the disputed domain name <bostoncarriagema.com>, which was registered more than 26 years later, evidently fraudulently, in the name of an officer of the Complainant and listing the Complainant’s postal address and telephone number but a different contact email address. The Respondent denies any prior awareness of this domain name and says he does not know the person named as the registrant or the charity Wheels of Hope described in the website briefly associated with that disputed domain name. The Respondent does not explain why the Respondent’s telephone number appeared in the contact information on that website, along with the name, address, and description of the Complainant. The Respondent submits that the listing of the same phone number does not prove anything as the Respondent cannot control what an unrelated third party chooses to post on its website. The Respondent states that he has no interest in the disposition of the disputed domain name <bostoncarriagema.com>.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant’s request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 4.11.2.

As regards common control, the Panel notes that the Wheels of Hope website formerly associated with the disputed domain name <bostoncarriagema.com> appeared to accrue to the benefit of the Respondent, with the Respondent's telephone number and a place for a link presumably to place reservations via the Respondent's website (the website refers to the "Boston Carriage main services page"). There is no evidence pointing to another party that would likely benefit from this arrangement.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party. On the face of it, there appears to be a connection between the two disputed domain names, similar in composition and in the use of the Respondent's contact telephone number on an associated website. The Respondent now disclaims any interest in the second disputed domain name, <bostoncarriagema.com>, so an order disposing of that disputed domain name would not appear to prejudice the Respondent.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

## **B. Supplemental Filings**

The Rules provide for a Complaint and Response and do not contemplate repeated amendments and supplemental filings. Paragraph 10 of the Rules gives the Panel "the authority to determine the admissibility, relevance, materiality and weight of the evidence, and also to conduct the proceedings with due expedition". Paragraph 12 provides that it is in the Panel's sole discretion to request further statements or documents from the parties. Unsolicited filings are generally discouraged and tend to be permitted exceptionally where additional supporting evidence is required, a relevant claim has not been addressed, or fairness calls for an opportunity to respond to the opposing party. [WIPO Overview 3.0](#), sections 4.6, 4.7.

In its supplemental filing, the Complainant challenges the Respondent's claim to legitimate interests in the disputed domain name <bostoncarriage.com> and rebuts the Respondent's attack on the Complainant's claim to trademark rights in BOSTON CARRIAGE. In addition to the declarations of the two officers of the Complainant rebutting factual assertions made in the Response, the Complainant's supplemental filing attaches documents (a) showing that the Respondent operated a website design business at the time he registered the disputed domain name <bostoncarriage.com> (in support of the theory that he merely acted as an agent to acquire the domain name for Boston Carriage Corp.), (b) detailing the background of Boston Carriage Corp., which initially operated the website associated with that domain name, and (c) documenting the sale of assets of that company to Beantown Carriage, LLC in 2003 (the Purchase and Sale Agreement discussed above). These are potentially relevant facts, but they do not appear to be newly discovered, and it is surprising that the Purchase and Sale Agreement was not presented with the Complaint. Nevertheless, the Panel will take these materials into consideration to the extent that they can be considered as rebuttal to aspects of the Respondent's factual assertions and arguments on the issues of the Complainant's trademark rights and the Respondent's legitimate interests and alleged bad faith.

As a matter of fairness, the Panel also accepts the Respondent's reply to the Complainant's supplemental filing, which does not present new evidentiary material but offers counterarguments to the Complainant's interpretation of the Purchase and Sale Agreement and the relationship between the Respondent and the principal of Boston Carriage Corp.

## **6.2 Substantive Issues**

### **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 3.0](#), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark (the BOSTON CARRIAGE service mark) for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. While the Complaint cannot be grounded on the pending application for a United States trademark registration of BOSTON CARRIAGE as a word mark ([WIPO Overview 3.0](#), section 1.1.4), the Panel finds that the Complainant's recent registration of the word mark BOSTON CARRIAGE as a service mark in the Commonwealth of Massachusetts is sufficient to ground the UDRP Complaint.

As noted in [WIPO Overview 3.0](#), section 1.2.2, "panels tend to carefully review certain types of automatic / unexamined registered trademarks such as US state registrations (as opposed to US federal registrations); these are not accorded the same deference and may not on their own satisfy the UDRP's 'rights in a mark' standing test".

Taking that caution into account, the Panel has reviewed the Massachusetts trademark law enacted as General Law chapter 110H (based on the International Trademark Association's Revised Model State Trademark Bill), which became effective on October 29, 2006 (see the Massachusetts government website at "[www.sec.state.ma.us/divisions/corporations/filing-by-subject/trademarks/corporations-about-trademarks.htm](http://www.sec.state.ma.us/divisions/corporations/filing-by-subject/trademarks/corporations-about-trademarks.htm)"). This law provides for a detailed registration application similar to the United States federal trademark registration application and both substantive and procedural grounds for refusal that include issues such as mere descriptiveness and confusing similarity with a previously registered mark. The Panel notes that applications are not published for opposition before registration, and the trademark was registered in this instance on the day after the application was filed. There are, however, procedures for amendment or cancellation of a mark after issuance and for judicial review. On balance, the Panel concludes that a Massachusetts trademark registration warrants deference for purposes of the first Policy element. See *Paul McManus v. J McEachern*, WIPO Case No. [D2007-1597](#) ("Unlike some states of the United States of America and contrary to Respondent's assertion, Massachusetts does not issue trademarks automatically upon filing; the Secretary of the Commonwealth does give filings some scrutiny before authorizing a mark, so the exception in the Overview does not apply" [footnote omitted].).

The Complainant also claims BOSTON CARRIAGE as a common law mark in use by predecessors in interest since 1999. The Panel considers this claim in some detail, not only as further support for the Complainant's standing under the first Policy element given the less rigorous nature of the state trademark registration process, but because the timing of the Complainant's acquisition of trademark rights can be critical for the assessment of bad faith under the third Policy element.

Grounding a Policy complaint on an unregistered mark requires evidence of acquired distinctiveness (also referred to as "secondary meaning") in a relevant market, including such factors as the nature and duration of use, the amount of sales and advertising under the mark, media and industry recognition, consumer surveys and public recognition. [WIPO Overview 3.0](#), section 1.3. Such proof is largely lacking for the use of BOSTON CARRIAGE as a mark by the Complainant's predecessors. There is no record of sales and media or industry recognition for a BOSTON CARRIAGE mark associated with any enterprise before 2016, when the Complainant was formed and attracted some local media attention. There is a 1999 website screenshot and a photocopy of the business card used by Boston Carriage Corp. in 2003, when it was operating with only two cars and sold its business to Beantown Carriage, LLC. This is simply not enough to establish that the company name had acquired distinctiveness in a trademark sense, either immediately when that company was formed in 1999 or by 2003 when Beantown Carriage, LLC purchased itemized assets that listed the "name" Boston Carriage but did not mention a trademark, which would normally be considered an important business asset.

After 2003, the evidence is also equivocal that Beantown Carriage, LLC used BOSTON CARRIAGE in a trademark sense. Beantown Carriage, LLC operated from the website at "[www.logancarservice.com](http://www.logancarservice.com)" (which later became the Complainant's website), not a domain name reflecting a "Boston Carriage" name. Screenshots from the Wayback Machine show references on this website to what looks like a company name ("Boston Carriage Limousines Co.") from 2007 until the term "Boston Carriage Limousines" appears on the Complainant's website in 2016. As the Respondent observes, the Complainant applied for (and then abandoned) a United States trademark registration for LOGAN CAR SERVICE, a mark corresponding with

the domain name used for its website and the name that appears prominently on the website, followed by the words, “by Boston Carriage Co.”, which is not exactly the Complainant’s corporate name but has the appearance of a company name not a trademark. As detailed above, a federal judge noted as recently as 2023 that the Complainant and its predecessor were using “Logan Car Service” for many years as their “trade name” or “trademark”.

It is possible, of course, for a company to use more than one mark. On this record, however, the Panel finds insufficient support for the Complainant’s claim that the Complainant or its predecessors acquired rights in respect of an unregistered BOSTON CARRIAGE service mark before 2016, after the Complainant was formed, the name was mentioned in the media, and the Complainant demonstrably was using the term itself on its website without a company suffix to describe its services. The Panel finds on this record that the Complainant likely acquired unregistered rights in BOSTON CARRIAGE by 2016 for Policy purposes.

The Panel finds that the BOSTON CARRIAGE mark is recognizable within both of the disputed domain names. The disputed domain name [bostoncarriage.com](http://bostoncarriage.com) is identical to the Complainant’s mark, and the disputed domain name [bostoncarriagema.com](http://bostoncarriagema.com) is confusingly similar, adding only the suffix “ma”, the common postal code abbreviation for Massachusetts (the state in which the city of Boston is located), which does not avoid confusion 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.

The Panel finds that, before notice to the Respondent of the dispute, the Respondent used the disputed domain name [bostoncarriage.com](http://bostoncarriage.com) in connection with a *bona fide* offering of goods or services. [WIPO Overview 3.0](#), section 2.2. It is undisputed that the Respondent is the original registrant of this disputed domain name, and that the Respondent has used it for various transportation businesses of his own since at least 2005. The Complainant claims that there was a period of inactivity, at least in terms of a lack of archived screenshots, but does not deny that there are archived screenshots relating to the Respondent’s limousine business from 2021 to the present, and the Respondent shows that there was business transacted through the associated website since 2022. The Panel notes that the Complainant argues that this business could not be considered “*bona fide*” because the Respondent was aware of the Complainant’s common law BOSTON CARRIAGE mark and meant to exploit it. Thus, the Panel’s finding on the second element is contingent on analysis of the third element, bad faith, below.

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 [bostoncarriagema.com](http://bostoncarriagema.com). The Respondent, in fact, disclaims any knowledge of this disputed domain name.

Panels have held that the use of a domain name for illegitimate or illegal activity such as phishing, impersonation, or other types of fraud can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1. There is evidence of such activity in the case of the second disputed domain

name, <bostoncarriagema.com>, given the false registration details and the former association of the disputed domain name with a website impersonating the Complainant but providing a contact telephone number for the Respondent and soliciting donations for a charitable organization which may not exist and for which no contact details were provided.

The Panel finds the second element of the Policy has been established with respect to the disputed domain name <bostoncarriagema.com>.

### **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. While the Complainant does not cite the Policy, paragraph 4(b)(iv), this is the relevant Policy example of bad faith that comports with the facts asserted by the Complainant: that the Respondent intentionally registered and used both disputed domain names to create confusion with the Complainant's BOSTON CARRIAGE mark, for commercial gain.

Of course, the difficulty is that the Policy by its terms requires evidence of bad faith both in the registration and in the use of the disputed domain names. It is undisputed that the Respondent registered the first disputed domain name, <bostoncarriage.com>, in 1999, long before the Complainant was formed and years before Beantown Carriage, LLC, a company owned by the same principals, acquired the business of Boston Carriage Corp., for which the Respondent originally registered that disputed domain name. The Panel found, as described above, that the record is insufficient to establish that any of these companies made trademark use of the name "Boston Carriage" until the Complainant did so by 2016 at the earliest.

There are precedents for finding that a person registered a domain name in anticipation of another's trademark rights, involving, for example, insider knowledge of trademark plans, a recently announced product launch, or a rising celebrity ([WIPO Overview 3.0](#), section 3.8.2). The Complainant argues in its supplemental filing that this principle applies to the facts of this case, where the Respondent registered the disputed domain name in connection with providing services for the new enterprise Boston Carriage Corp. However, the Panel finds insufficient evidence that this company made trademark use of the name or plans to do so even four years later when it sold its assets to Beantown Carriage, LLC, and the Complainant does not appear to have made trademark use of the name until a decade after the registration of the disputed domain name. In the Panel's view, this stretches the theory of anticipatory registration too far; it is not probable on this record.

The Panel finds, therefore, that the third element of the Policy has not been established with respect to the disputed domain name <bostoncarriage.com>.

However, the second disputed domain name, <bostoncarriagema.com>, was registered on May 5, 2025, and the Panel finds that the Complainant likely had acquired common law rights in BOSTON CARRIAGE as a service mark by that time. As discussed above, the Respondent denies involvement with this disputed domain name, but it was associated with a website impersonating the Complainant yet giving the Respondent's telephone number and presumably intended to direct site visitors to the Respondent's website. Thus, it is fair to conclude that the disputed domain name comports with the example of bad faith found in the Policy, paragraph 4(b)(iv), as intentionally creating confusion with a trademark for commercial gain.

Panels also have held that the use of a domain name for illegitimate or illegal activity such as phishing, impersonation, or other types of fraud constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. There is evidence of such activity in the case of the second disputed domain name, <bostoncarriagema.com>, given the false registration details and the former association of the disputed domain name with a website impersonating the Complainant but providing a contact telephone number for the Respondent and soliciting donations for a charitable organization which may not exist and for which no contact details were provided.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name <bostoncarriagema.com> constitutes bad faith under the Policy, and that the Complainant has established the third element of the Policy with respect to that disputed domain name.

## **7. Decision**

For the foregoing reasons, the Complaint is denied with respect to the disputed domain name <bostoncarriage.com>.

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 <bostoncarriagema.com> be transferred to the Complainant.

*/W. Scott Blackmer/*

**W. Scott Blackmer**

Sole Panelist

Date: October 7, 2025