

## ADMINISTRATIVE PANEL DECISION

TPS Parking Management, LLC v. Name Redacted, theparkingspotusa.com  
Case No. D2025-3397

### 1. The Parties

The Complainant is TPS Parking Management, LLC, United States of America (“United States”), represented by Neal, Gerber & Eisenberg LLP, United States.

The Respondent is Name Redacted, theparkingspotusa.com, United States<sup>1</sup>.

### 2. The Domain Name and Registrar

The disputed domain name <theparkingspotusa.com> (the “Disputed Domain Name”) is registered with Squarespace Domains II LLC (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 22, 2025. On August 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On August 25, 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 the Complainant on August 27, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on September 1, 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”).

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<sup>1</sup>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Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case.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](#).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on September 2, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 22, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 24, 2025.

The Center appointed Lynda M. Braun as the sole panelist in this matter on September 30, 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**

The Complainant, a Delaware, United States limited liability company with its principal office in Illinois, United States, is a company with a downloadable mobile application used to reserve parking and shuttle services, and to locate nearby shuttles and user vehicles. For over 20 years, the Complainant has marketed and provided its services to customers traveling to and from airports throughout cities across the United States.

The Complainant owns the following registered trademarks through the United States Patent and Trademark Office ("USPTO"): THEPARKINGSPOT, United States Registration No. 2,351,007, registered on May 16, 2000, in International Class 39; THEPARKINGSPOT, United States Registration No. 2,963,762, registered on June 28, 2005, in International Class 39; THEPARKINGSPOT, United States Registration No. 5,472,505, registered on May 22, 2018, in International Class 9; and THEPARKINGSPOT, United States Registration No. 7,308,837, registered on February 20, 2024, in International Class 39. The Complainant also claims to own registered trademarks in jurisdictions worldwide. The aforementioned registered trademarks will hereinafter collectively be referred to as "THEPARKINGSPOT Mark".

As a result of the Complainant's continuous and extensive promotion and use of THEPARKINGSPOT Mark, the Complainant claims to have developed considerable recognition, and claims acquired distinctiveness and secondary meaning in its trademarks, thus having built valuable goodwill in THEPARKINGSPOT Mark.

The Complainant also owns the domain name <theparkingspot.com>, which resolves to its official website at "www.theparkingspot.com", and through which it promotes its services.

The Complainant sent a letter dated May 9, 2025 to the Registrar, setting forth the Complainant's rights in THEPARKINGSPOT Mark, requesting that the Registrar reveal the identity of the registrant of the Disputed Domain Name. In a response dated May 19, 2025, the Registrar refused to disclose the identity and contact information of the registrant.

The Disputed Domain Name was registered on March 31, 2025, and resolves to an inactive landing page entitled "Coming Soon" that states: "We're under construction. Please check back for an update soon."

#### **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 Name. Notably, the Complainant contends that:

- the Disputed Domain Name is confusingly similar to THEPARKINGSPOT Mark;
- the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name;

- the Disputed Domain Name was registered and is being used in bad faith, and the Respondent has used a Complainant's employee's name when registering the Disputed Domain Name; and
- the Complainant seeks the transfer of the Disputed Domain Name from the Respondent to the Complainant in accordance with paragraph 4(i) of the Policy.

## **B. Respondent**

The Respondent did not reply to the Complainant's contentions.

## **6. Discussion and Findings**

In order for the Complainant to prevail and have the Disputed Domain Name transferred to the Complainant, the Complainant must prove the following (Policy, paragraph 4(a)):

- (i) the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and
- (iii) the Disputed Domain Name has been registered and is being used in bad faith.

### **A. Identical or Confusingly Similar**

Paragraph 4(a)(i) of the Policy requires a two-fold inquiry: a threshold investigation into whether a complainant has rights in a trademark, followed by an assessment of whether the disputed domain name is identical or confusingly similar to that trademark. The Panel concludes that in the present case, the Disputed Domain Name is confusingly similar to THEPARKINGSPOT Mark as explained below.

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. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

It is uncontroverted that the Complainant has established rights in THEPARKINGSPOT Mark based on its two decades of use as well as its registered trademarks for THEPARKINGSPOT Mark. Thus, the Complainant has shown rights in THEPARKINGSPOT Mark for purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Disputed Domain Name consists of THEPARKINGSPOT Mark in its entirety, with the addition of the term "usa" in the Disputed Domain Name, followed by the generic Top-Level Domain ("gTLD") ".com". It is well established that a domain name that wholly incorporates a trademark may be deemed confusingly similar to that trademark for purposes of the Policy despite the addition of other terms. Thus, the addition of the term "usa" to THEPARKINGSPOT Mark in the Disputed Domain Name does not prevent a finding of confusing similarity. See e.g., *Cantor Fitzgerald Securities v. Wanda J. Bradley*, WIPO Case No. [D2020-3051](#). As stated in [WIPO Overview 3.0](#), section 1.8, "where the relevant trademark is recognizable within the disputed domain name, the addition of another term (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element".

Finally, the addition of a gTLD such as ".com" in a domain name is a technical requirement. As such, it is well established that a gTLD may typically be disregarded when assessing whether the disputed domain name is identical or confusingly similar to a trademark. See *Proactiva Medio Ambiente, S.A. v. Proactiva*, WIPO Case No. [D2012-0182](#) and [WIPO Overview 3.0](#), section 1.11.1. Thus, the Panel finds that the Disputed Domain Name is confusingly similar to THEPARKINGSPOT Mark.

Based on the available record, the Panel finds that 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 a 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 that 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. The Respondent has not rebutted the 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.

The Complainant’s prima facie case includes the fact that the Complainant has not authorized, licensed or otherwise permitted the Respondent to use THEPARKINGSPOT Mark, that there is no evidence that the Respondent is commonly known by the Disputed Domain Name or by any similar name, and that there is no evidence that the Respondent was using or making demonstrable preparations to use the Disputed Domain Name in connection with a bona fide offering of goods or services. See Policy, paragraph 4(c). Moreover, based on the circumstances of the case and the use made of the Disputed Domain Name to resolve to an inactive landing page entitled “Coming Soon”, the Panel finds that the Respondent is not making a bona fide offering of goods or services nor making a legitimate noncommercial or fair use of the Disputed Domain Name under the circumstances of the case. See *Lego Juris A/S v. Nofel Izz, JID*, WIPO Case No. [2019-2601](#). Furthermore, the Respondent’s use of a Complainant’s employee’s name and “theparkingspotusa.com” when registering the Disputed Domain Name does not confer rights or legitimate interests on the Respondent.

Based on the available record, the Panel finds that the second element of the Policy has been established.

## **C. Registered and Used in Bad Faith**

The Panel finds that, based on the record, the Complainant has demonstrated the Respondent’s bad faith registration and use of the Disputed Domain Name pursuant to paragraph 4(b) of the Policy.

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. 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.

First, the Respondent registered and is using a domain name that is confusingly similar to the Complainant’s trademark. The Panel concludes that the Respondent likely had actual knowledge of the Complainant and THEPARKINGSPOT Mark and thus strains credulity to believe that the Respondent had not known of the Complainant or THEPARKINGSPOT Mark when registering the Disputed Domain Name. See *Myer Stores Limited v. Mr. David John Singh*, WIPO Case No. [D2001-0763](#) (“a finding of bad faith may be made where the respondent ‘knew or should have known’ of the registration and/or use of the trademark prior to registering the domain name”). The Panel also notes that the composition of the Disputed Domain Name

affirms the Respondent's intention to take unfair advantage of the likelihood of confusion between the Disputed Domain Name and the Complainant. In sum, the Panel finds that the Respondent had THEPARKINGSPOT Mark in mind when registering the Disputed Domain Name, another example of bad faith.

Second, the registration of a domain name that is confusingly similar to a registered trademark by an entity that has no relationship to that mark may be sufficient evidence of opportunistic bad faith. See *Ebay Inc. v. Wangming*, WIPO Case No. [D2006-1107](#); *Veuve Clicquot Ponsardin, Maison Fondée en 1772 v. The Polygenix Group Co.*, WIPO Case No. [D2000-0163](#) (use of a name for a service by an individual with no connection to the service suggests opportunistic bad faith). Based on the circumstances here, the Respondent registered and used the Disputed Domain Name in bad faith in an attempt to create a likelihood of confusion with THEPARKINGSPOT Mark.

Finally, inactive or passive holding of the Disputed Domain Name by the Respondent does not prevent a finding of bad faith. See *Advance Magazine Publishers Inc. and Les Publications Condé Nast S.A. v. ChinaVogue.com*, WIPO Case No. [D2005-0615](#); *Société pour l'Oeuvre et la Mémoire d'Antoine de Saint Exupéry – Succession Saint Exupéry – D'Agay v. Perlegos Properties*, WIPO Case No. [D2005-1085](#). It has long been held in UDRP decisions that the passive holding of a disputed domain name that incorporates a well-known or distinctive trademark without a legitimate purpose does not prevent a finding of bad faith under paragraph 4(a)(iii) of the Policy. See *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#); *Jupiters Limited v. Aaron Hall*, WIPO Case No. [D2000-0574](#).

Specifically, UDRP panels have frequently found that the lack of active use of a disputed domain name (i.e., passive holding) does not prevent a finding of bad faith. See [WIPO Overview 3.0](#), section 3.3. From the inception of the UDRP, panelists have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. While panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark; (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use; (iii) the respondent's concealment of its identity or use of false contact details (noted to be in breach of its registration agreement); and (iv) the implausibility of any good faith use to which the disputed domain names may be put.

Based on the above, the Panel has taken into consideration the following factors in arriving at a finding of bad faith registration and use: (i) the Complainant's claim that its trademark is distinctive and has acquired secondary meaning; (ii) the Respondent has not submitted a response in the proceedings nor provided any evidence of actual or contemplated good faith use; (iii) the Respondent's use of a Complainant's employee's name when registering the Disputed Domain Name; and (iv) the implausibility of any good faith use to which the Disputed Domain Name may be put. The Panel therefore finds that the Respondent registered and used the Disputed Domain Name in bad faith.

Based on the available record, the Panel finds that the third element of the Policy has been established.

## 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 <theparkingspotusa.com> be transferred to the Complainant.

/Lynda M. Braun/

**Lynda M. Braun**

Sole Panelist

Date: October 14, 2025