

ADMINISTRATIVE PANEL DECISION

TPS Parking Management, LLC v. prometeu garison
Case No. D2025-3402

1. The Parties

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

The Respondent is Prometeu Garison, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <parking-spot.online> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 25, 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 26, 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, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 26, 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”).

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 26, 2025.

The Center appointed Luca Barbero as the sole panelist in this matter on October 2, 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 is headquartered in Chicago, Illinois, and owns and operates an airport vehicle parking lot and shuttle service for customers traveling to and from airports located throughout the United States.

Over the years the service has expanded to serve cities across the United States, including Atlanta, Austin, Baltimore/Washington D.C., Buffalo-Niagara, Charlotte, Columbus, Dallas/Fort Worth, Denver, Hartford, Houston, Kansas City, Los Angeles, Orlando, Philadelphia, Phoenix, Pittsburgh, Salt Lake City, and St. Louis.

Additional services include a related downloadable mobile application for reserving parking, reserving shuttle services, locating nearby shuttles and locating user vehicles throughout the USA.

The Complainant has provided evidence of ownership of trademarks consisting of, or comprising THEPARKINGSPOT, including the following (referred collectively as "THEPARKINGSPOT trademark"):

- United States trademark registration No. 2351007 for THEPARKINGSPOT (word mark), filed on January 07, 1999 and registered on May 16, 2000, in international class 39;
- United States trademark registration No. 2963762 for THEPARKINGSPOT (word mark), filed on February 10, 2004 and registered on June 28, 2005, in international class 39;
- United States trademark registration No. 5472505 for THEPARKINGSPOT (word mark), filed on July 26, 2016 and registered on May 22, 2018, in international class 9; and
- United States trademark registration 7308837 for THEPARKINGSPOT (figurative mark), filed on December 20, 2022, and registered on February 20, 2024, in international class 39.

The Complainant is also the owner of the domain name <theparkingspot.com>, which was registered on March 26, 1999, and is used by the Complainant to provide its services under the trademark THE PARKING SPOT.

The disputed domain name <parking-spot.online> was registered on July 17, 2025, and resolves to an error page.

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 virtually identical and confusingly similar to the trademark THEPARKINGSPOT in which the Complainant has rights as it reproduces the trademark with the sole exclusion of the article "the" and the addition of a hyphen between the words "parking" and "spot", followed by the generic Top-Level Domain ("gTLD") ".online", which is insufficient to distinguish the disputed domain name from the Complainant's THEPARKINGSPOT mark.

The Complainant states that the Respondent has no rights or legitimate interests in the disputed domain name since: i) there is no legal relationship between the Complainant and the Respondent, through which the Respondent could claim any rights to the THEPARKINGSPOT mark; ii) the Respondent has not been using the disputed domain name in connection with a bona fide offering of goods and services as the disputed domain name resolves to an error page; and iii) given the renown of THEPARKINGSPOT mark, it is clear that the Respondent would not have chosen the disputed domain name unless it was seeking to intentionally trade on the THEPARKINGSPOT mark.

With reference to the circumstances evidencing bad faith, the Complainant submits that, given the renown of the THEPARKINGSPOT mark, the similarity of the disputed domain name to the mark and the fact that the THEPARKINGSPOT mark is registered in numerous jurisdictions around the world, it is unlikely that the Respondent would have registered the disputed domain name without knowledge of the Complainant and submits that on the contrary, the Respondent knowingly registered the disputed domain name to impersonate the Complainant and its online services.

Moreover, the Complainant contends that the following additional circumstances demonstrate the Respondent's bad faith: i) the Respondent used a proxy service to mask most of its contact information; ii) the Respondent's contact information that was provided to the Registrar is false and iii) the disputed domain name is being passively held.

B. Respondent

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

6. Discussion and Findings

According to paragraph 15(a) of the Rules: "A Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable." Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following:

- (i) that the disputed domain name registered by the Respondent is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed 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 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. Indeed, the Complainant is the owner of trademark registrations for THEPARKINGSPOT in the United States.

The Panel finds the mark is recognizable within the disputed domain name, since the omission of the article "the" and the addition of a hyphen are not sufficient to prevent a finding of confusing similarity. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

As to the gTLD “.online”, it can be disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

Therefore, 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.

In the case at hand, the Complainant stated that it did not authorize the Respondent to use its trademarks or to register the disputed domain name. The Panel notes that, based on the records, there is no evidence showing that the Respondent is commonly known by the disputed domain name (in fact it has provided fake contact information) or that that the Respondent has used or made preparations to use the disputed domain name – which redirects to an error page – in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use.

Therefore, 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.

The Complainant owns trademark registrations for THEPARKINGSPOT which predate the registration of the disputed domain name in the United States and in other countries, including in the United Kingdom where the Respondent is allegedly based (noting the provision of apparently fake contact information) according to the records¹.

In view of the above and considering the Complainant has been promoting its services under the trademark THE PARKING SPOT via the website “www.theparkingspot.com” since several years prior to the registration of the disputed domain name, the Panel finds that the Respondent was or could have been aware of the Complainant’s trademark at the time of registration.

¹Although the Complainant has not submitted evidence of ownership of trademark registrations for THEPARKINGSPOT in other jurisdictions, the Panel has ascertained that the Complainant owns trademark registrations in the United Kingdom accessing online trademark registration databases. Noting the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the UDRP Rules, it has been accepted that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision. [WIPO Overview 3.0](#), section 4.8.

The disputed domain name resolves to an error page. Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding as per [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the composition of the disputed domain name, confusingly similar to the Complainant's mark, and, considering the Respondent's failure to submit a Response to provide any evidence of actual or contemplated good-faith use, the Respondent's concealing its identity in the public Whois records and its provision of false contact details to the Registrar, finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Therefore, the Panel finds that the Complainant has established the third element of the Policy as well.

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 <parking-spot.online> be transferred to the Complainant.

/Luca Barbero/

Luca Barbero

Sole Panelist

Date: October 17, 2025