

## **ADMINISTRATIVE PANEL DECISION**

The Southern Company v. Sharon Smith  
Case No. D2025-3462

### **1. The Parties**

Complainant is The Southern Company, United States of America ("United States"), represented by Allure Security Technology, Inc., United States.

Respondent is Sharon Smith, United States.

### **2. The Domain Name and Registrar**

The disputed domain name <southerns-company.com> is registered with Porkbun LLC (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 26, 2025. On August 27, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 27, 2025, the Registrar transmitted by email to the Center its verification response confirming that Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 September 1, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 21, 2025. Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 22, 2025.

The Center appointed Georges Nahitchevansky as the sole panelist in this matter on September 26, 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, the Southern Company, is a power distribution company in the United States. Complainant owns and uses the name and mark THE SOUTHERN COMPANY in connections with its services and owns several trademark registrations for the mark SOUTHERN COMPANY in the United States. These include Registrations Nos. 2174589, 2163676, 2176397, 2174591, and 2174593, all of which issued to registration in 1998. Complainant also owns and uses the domain name <southerncompany.com> for a website concerning Complainant and its services.

Respondent appears to be based in New York, United States. Respondent registered the disputed domain name on April 23, 2025. At some point thereafter, Respondent used the disputed domain name as a redirect to Complainant's website and for emails that appeared to impersonate Complainant and an employee of Complainant in connection with an alleged phishing scheme developed around a commercial shoot for a promotional campaign for 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 THE SOUTHERN COMPANY "is well known and recognized by millions of Americans, having established substantial goodwill and reputation through extensive use and public recognition." Complainant also claims rights on the basis of its trademark registrations for the SOUTHERN COMPANY mark.

Complainant asserts that the disputed domain name is identical or confusingly similar to its SOUTHERN COMPANY name and mark as it is a typo version of the SOUTHERN COMPANY mark that merely adds the letter "s" at the end of "southern" and includes a hyphen between "southern" and "company."

Complainant argues that Respondent does not have rights in or legitimate interests in the disputed domain name as Respondent (i) has no license or authorization to use the SOUTHERN COMPANY mark, (ii) is not commonly known by the disputed domain name, and (iii) is not making a bona fide or legitimate noncommercial fair use of the disputed domain name. In that regard, Complainant maintains that Respondent has used the disputed domain name to "impersonate Complainant's employee and solicit engagement in a fraudulent 'photo and video shoot' scheme, and configured the disputed domain name to redirect to Complainant's official website."

Complainant contends that Respondent has registered and used the disputed domain name in bad faith as Respondent has "configured and used the disputed domain name" to impersonate Complainant and to send emails to potential victims for a fabricated "photo and video shoot" as part of a fraudulent scheme to benefit Respondent.

##### **B. Respondent**

Respondent did not reply to Complainant's contentions.

## 6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed Complainant must satisfy the Panel that:

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

### A. Identical or Confusingly Similar

Ownership of a trademark registration is generally sufficient evidence that a complainant has the requisite rights in a mark for purposes of paragraph 4(a)(i) of the Policy. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)") at section 1.7. Complainant has provided evidence that it owns a trademark registration for the SOUTHERN COMPANY mark and that such issued to registration well before Respondent registered the disputed domain name.

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. *Id.*

Here, the disputed domain name is nothing more than a typo version of the SOUTHERN COMPANY mark that merely adds the letter "s" to "southern" along with a hyphen between "southern" and "company." Such minor additions do not prevent a finding of confusing similarity as the SOUTHERN COMPANY mark is clearly recognizable in disputed domain name. Accordingly, the disputed domain name is confusingly similar to Complainant's SOUTHERN COMPANY mark for purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel thus 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 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 that Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. 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 names such as those enumerated in the Policy or otherwise.

Respondent's registration of the disputed domain name that is clearly based on the SOUTHERN COMPANY mark does not seem coincidental, particularly as it is typo version of that mark. Given that Respondent has failed to appear in this matter, such typosquatting is, in and of itself, evidence that Respondent lacks rights or

legitimate interests in the disputed domain name. Additionally, in view of the evidence submitted by Complainant showing that Respondent has used the disputed domain to send emails that impersonate an employee of Complainant as part of a phishing scheme to obtain personal and banking information of potential victims, there can be no basis for Respondent to claim a legitimate interest in or a bona fide use of the disputed domain name. To be sure, Panels have consistently held that the use of a domain name for illegal activity, here impersonating Complainant in emails as part of a phishing scheme, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel thus 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 view of Respondent's actions, and failure to appear in this proceeding, it seems more likely than not that Respondent's registration and use of the disputed domain name has been done opportunistically and in bad faith for Respondent's benefit or profit. Respondent's bad faith is underscored by Respondent's registration of a typo version of the SOUTHERN COMPANY mark and the use of such as part of a fraudulent scheme impersonating Complainant and its employee in an attempt to obtaining banking and other information from unsuspecting victims. WIPO Overview 3.4. Given such actions, Respondent was undoubtedly aware of Complainant and its SOUTHERN COMPANY name and mark when it registered the disputed domain name in furtherance of its fraudulent scheme. <sup>1</sup>

The Panel thus 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 <southerns-company.com> be transferred to Complainant.

*/Georges Nahichevansky/*

**Georges Nahichevansky**

Sole Panelist

Date: October 10, 2025

---

<sup>1</sup>The Panel notes that some of the evidence submitted by Complainant concerns use of the domain name <southernscompany.com> for emails that are part of the fraudulent scheme discussed above. That domain name is not at issue in this proceeding.