

ADMINISTRATIVE PANEL DECISION

Carl Zimmerman d/b/a Superior Dash v. Aaron Becker, Maxton Group, Inc.
Case No. D2025-3477

1. The Parties

Complainant is Carl Zimmerman d/b/a Superior Dash, United States ("U.S."), represented internally.

Respondent is Aaron Becker, Maxton Group, Inc., U.S.

2. The Domain Name and Registrar

The disputed domain name <superiordash.com> (the "Domain Name") is registered with Network Solutions, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 27, 2025. On August 28, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On August 28, 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 Respondent's default on September 22, 2025.

The Center appointed Christopher S. Gibson as the sole panelist in this matter on October 6, 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 operates a business in Florida named Superior Dash, which provides automotive interior dashboard trim panels and products. Complainant has provided evidence that it has been in business since at least 1995. Complainant was organized as a limited liability company, Superior Dash, LLC, in September 2007. Complainant's name, Superior Dash, was registered as a Fictitious Name with the Florida Department of State on June 30, 2020. Complainant has provided Internet Archive's Wayback Machine screen shots to show that the website linked to the Domain Name was used for Complainant's automotive interior products since at least 1998. Complainant provided copies of two invoices (dating from 2006 and 2007) and a four-page marketing flyer.

The Domain Name was registered by Respondent on July 9, 1996. According to the Whois record, the Domain Name was last updated on May 9, 2024, and is set to expire on July 8, 2027. Complainant has provided evidence that the Domain Name over the years was used to display Complainant's branding and to sell Complainant's Superior Dash products, as the Respondent was an agent for Complainant. Since at least August 2025, the Domain Name has been redirected to another website at <realtruck.com>, which is the site of a company called RealTruck that provides accessories for trucks.

5. Parties' Contentions

A. Complainant

(i) Identical or confusingly similar

Complainant states the Domain Name is identical to Complainant's business name, Superior Dash, which it has continuously used in commerce since at least 1995, as evidenced by multiple state filings. Complainant states the Domain Name incorporates its mark in its entirety without any modification, making it identical for purposes of the Policy.

Complainant has provided archived screenshots from the Internet Archive's Wayback Machine to show that the Domain Name was previously used to display Complainant's branding and to sell Complainant's Superior Dash products. Complainant submits this demonstrates that the Domain Name was used in direct connection with Complainant's mark and products, further confirming that Internet users would reasonably expect the Domain Name to be associated with Complainant.

Accordingly, Complainant submits the Domain Name is identical and confusingly similar to a mark in which Complainant has rights.

(ii) Rights or legitimate interests

Complainant contends Respondent has no rights or legitimate interests in respect of the Domain Name. Complainant states Respondent registered the Domain Name while acting as Complainant's marketing agent, representing Complainant online. Complainant submits Respondent's only connection to the Superior Dash name arose from that agency relationship. Once that relationship ended, Respondent had no further right to retain or use the Domain Name.

Complainant claims Respondent is not commonly known by the Domain Name, nor has Respondent made any bona fide offering of goods or services under the Superior Dash name independent of Complainant. Accordingly, Complainant asserts Respondent lacks any rights or legitimate interest in the Domain Name.

(iii) Registered and used in bad faith

Complainant contends Respondent has registered and is using the Domain Name in bad faith. After the agency relationship ended, Respondent retained the Domain Name, and it now redirects to a competing commercial website. This constitutes an intentional attempt to attract Internet users for commercial gain by creating confusion with Complainant's mark, as set out in paragraph 4(b)(iv) of the Policy.

Complainant states that the totality of the circumstances – including Respondent's continued control of the Domain Name despite no longer representing Complainant, and the redirection of the Domain Name to a competitor – clearly establishes Respondent's bad faith registration and use of the Domain Name.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

In order to succeed on its Complaint, Complainant must demonstrate that the three elements set forth in paragraph 4(a) of the Policy have been satisfied. These elements are that:

- (i) the Domain Name registered by Respondent 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 Domain Name; and
- (iii) Respondent has registered and is using the Domain Name in bad faith.

A. Identical or Confusingly Similar

It is well accepted that the first element of the Policy functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between a 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.

Here, the Domain Name is identical to Complainant's Superior Dash name; however, Complainant has never obtained a registered trademark for its name. Further, Complainant has provided extraordinarily little argumentation and evidence to demonstrate whether it has acquired common law, unregistered trademark rights in its name. The Panel recognizes that Complainant has been in business in Florida since as early as 1995, demonstrating long usage of the Superior Dash name, but Complainant offers little or no explanation or evidence to show how Complainant's name has been promoted and used in commerce over time to give rise to common law rights. Given the Panel's finding on the third element of the Policy below, the Panel need not make a definitive finding under this first element of the Policy.

B. Rights or Legitimate Interests

Since the respondent in a UDRP case is in the best position to assert rights or legitimate interests in a disputed domain name, it is well established that after a complainant makes a prima facie case, the burden of production on this element shifts to the respondent to come forward with relevant evidence of its rights or legitimate interests in the domain name. See [WIPO Overview 3.0](#), section 2.1.

Here, Complainant has grounded its prima facie case by establishing long use of its Superior Dash name, that the Domain Name is identical to Complainant's name, that Respondent is not commonly known by the Domain Name, that Respondent lacks permission to use the Domain Name after the agency relationship ended between Complainant and Respondent, and that the Domain Name is now linked to a competing third-party commercial website. This shifts the burden of production to Respondent.

Respondent has not rebutted Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Domain Name such as those enumerated in the Policy or otherwise. Panels tend to assess claimed respondent rights or legitimate interests in the present, i.e., with a view to the circumstances prevailing at the time of the filing of the Complaint. See [WIPO Overview 3.0](#), section 2.11. Here, the Panel finds that Respondent has lost any right to use the Domain Name when the agency relationship with Complainant ended. Respondent has continued to use Complainant's name in the Domain Name without permission, redirecting it to a competing third-party commercial website, and this plainly does not give rise to any right or legitimate interest in the Domain Name. See *APT Advanced Polymer Technology Corp. v. Matt Arnold, Majestic Capital*, WIPO Case No. [D2019-0824](#) (respondent lost any right to use the disputed domain name once the distributor agreement with complainant was terminated).

Accordingly, the Panel concludes that Complainant prevails on the second element of the Complaint.

C. Registered and Used in Bad Faith

The third element of paragraph 4(a) of the Policy requires that Complainant demonstrate that Respondent registered and is using the Domain Names in bad faith. Here, Complainant contends that after the agency relationship with Respondent ended, Respondent retained the Domain Name and now redirects it to a competing commercial website, which constitutes an intentional attempt to attract Internet users for commercial gain by creating confusion with Complainant's mark, as set forth in paragraph 4(b)(iv) of the Policy.

Paragraph 4(a)(iii) of the Policy is stated in the conjunctive and requires that Complainant establish that "the disputed domain name has been registered *and* is being used in bad faith" (*italics added*). This Panel concurs with the reasoning of other UDRP panels that have closely examined the conjunctive requirement in the context of terminated distributors and have concluded that a complainant must establish bad faith at the time of registration as well as in the later use of the disputed domain name. The logic of this point was expressed in *Danshar (1963) Ltd. v. Joey Gilbert/ Daisy Li*, WIPO Case No. [D2011-2304](#):

"What must be tested...is the Respondent's motivations at the time of registration. It must also be borne in mind that the dual requirement of both registration and use in bad faith was very sharply debated in the lead up to the adoption of the Policy and an alternative proposal that only registration or use in bad faith would suffice was rejected. Accordingly, the preponderant and preferable view is that it is impermissible to use subsequent conduct to override actual intentions at the relevant time rather than providing an inference for what those intentions were."

Thus, as stated in *APT Advanced Polymer Technology Corp. v. Matt Arnold, Majestic Capital*, WIPO Case No. [D2019-0824](#), "Complainant's argument for bad faith registration requires an inference that Respondent harbored a malign intent from the outset around the time of the registration of the Domain Name to violate its limited license, retain the Domain Name, and then use it in bad faith, to disrupt the Complainant's business and mislead Internet users for commercial gain or otherwise."

While conduct after an agency relationship is terminated may in some instances reflect on respondent's original intent, in this case Complainant has not alleged that Respondent's registration of the Domain Name in 1996 was a negotiating tactic or otherwise made in bad faith. The Panel finds no persuasive evidence to make such a leap of inference and accordingly does not find bad faith in the registration of the Domain Name.

Accordingly, the Panel concludes that Complainant has not established the third element of the Complaint.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Christopher S. Gibson/

Christopher S. Gibson

Sole Panelist

Date: October 20, 2025