

ADMINISTRATIVE PANEL DECISION

Park 'N Fly Service LLC v. David Garofalo
Case No. D2025-3481

1. The Parties

Complainant is Park 'N Fly Service LLC, United States of America ("United States"), represented by Neal, Gerber & Eisenberg LLP, United States.

Respondent is David Garofalo, United States.

2. The Domain Name and Registrar

The disputed domain name <floridaparknfly.com> is registered with Wix.com Ltd. (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 disputed domain names. On September 3, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to Complainant on September 4, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on September 9, 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 Respondent of the Complaint, and the proceedings commenced on September 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 30, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on October 6, 2025.

The Center appointed Lorelei Ritchie as the sole panelist in this matter on October 10, 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 (together with its affiliates and predecessors, “Complainant”) is a company based in the United States. For decades prior to the registration of the disputed domain name, Complainant has offered airport parking and shuttle services under the PARK ‘N FLY mark. Complainant owns several trademark registrations for the PARK ‘N FLY mark. These include, among others, United States Registration No. 1,111,956 (registered on January 23, 1979).¹ Complainant’s PARK ‘N FLY mark has been the subject of a United States Supreme Court ruling affirming Complainant’s right to assert the mark. See *Park ‘N Fly, Inc. v. Dollar Park and Fly, Inc.*, 469 U.S. 189, 198 (1985).

The disputed domain name was registered on February 5, 2025. The disputed domain name is not currently linked to an active website.

5. Parties’ Contentions

A. Complainant

Complainant contends that (i) the disputed domain name is identical or confusingly similar to Complainant’s trademarks, (ii) Respondent has no rights or legitimate interests in the disputed domain name; and (iii) Respondent registered and is using the disputed domain name in bad faith.

Specifically, Complainant contends that it owns rights to the PARK ‘N FLY mark, which has used “for decades” in association with “one of the United States’ largest airport parking and shuttle services”. Complainant maintains that it has engaged in “continuous and extensive promotion and use” of this mark.

Complainant also contends that it owns the registration for the domain name, <parknfly.com> (registered February 27, 2000), which Complainant uses to communicate with consumers online.

Complainant contends that Respondent has incorporated in full Complainant’s PARK ‘N FLY mark into the disputed domain name, with only the addition of the “geographically descriptive” term “Florida”, which consumers will likely understand as referencing Complainant’s services in or directed toward the state of Florida. Respondent nevertheless has no affiliation with Complainant, nor any license to use its marks. Complainant contends that Respondent lacks rights or legitimate interest in the disputed domain name, and rather has registered and is using it in bad faith, having simply acquired the disputed domain name for Respondent’s own commercial gain.

¹ The Panel notes discrepancies in the company name listed by Complainant—Park ‘N Fly Service LLC—with no comma, and the named owners on the submitted trademark registrations—variably Park ‘N Fly, Inc.; Park ‘N Fly Service Corporation; and Park ‘N Fly Service, LLC—with a comma (latest assignment filed with the USPTO for Registration No. 1,111,956). It nevertheless appears that these do refer to predecessor companies, and the Panel accepts the allegations of Complainant that it is the current owner of the mark and registrations. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“[WIPO Overview 3.0](#)”), section 1.4 (“A trademark owner’s affiliate such as a subsidiary of a parent or of a holding company . . . is considered to have rights in a trademark under the UDRP for purposes of standing to file a complaint. . . .panels have been prepared to infer the existence of authorization to file a UDRP case based on the facts and circumstances described in the complaint.”)

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

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.

Complainant has shown rights in respect of a trademark or service mark, PARK 'N FLY, for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. Although the addition of other terms (here, the term "Florida") may bear on assessment of the second and third elements, the Panel finds that the addition of such term/s does not prevent a finding of confusing similarity between the disputed domain name and Complainant's mark for purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel therefore finds that the disputed domain name is confusingly similar to a trademark in which Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

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.

Complainant has established rights to the mark incorporated in the disputed domain name, and Respondent has not responded. The Panel finds that Complainant has provided sufficient evidence of Respondent's lack of "rights or legitimate interests" in accordance with paragraph 4(a)(ii) of the Policy, which Respondent has not rebutted.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

There are several ways that a complainant can demonstrate that a domain name was registered and used in bad faith. As noted in Section 4 of this Panel's decision, the disputed domain name is not currently linked to an active website. It is nevertheless well established that having a passive website does not necessarily shield a respondent from a finding of bad faith. See [WIPO Overview 3.0](#), section 3.3, which notes that the "non-use of a domain name" does not necessarily negate a finding of bad faith.

Rather, a panel must examine “the totality of the circumstances”, including, for example, whether a complainant has a well-known trademark, and whether a respondent conceals his/her identity and/or replies to the complaint. Respondent here used a privacy service and did not respond to Complainant’s allegations in this proceeding. Complainant’s contentions are sufficient to establish prior rights in the PARK ‘N FLY mark. Thus, given the apparent reputation and renown of Complainant’s mark, and the composition of the disputed domain name, the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy. [WIPO Overview 3.0](#), section 3.3.

The Panel finds sufficient evidence that Respondent registered and used the disputed domain name in bad faith for purposes of paragraph (4)(a)(iii) of the Policy.

The Panel finds that the 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 <floridaparknfly.com> be transferred to Complainant.

/Lorelei Ritchie/

Lorelei Ritchie

Sole Panelist

Date: October 24, 2025