

ADMINISTRATIVE PANEL DECISION

OAC 550 Owner LLC v. Aaron Mabey, Integra Mechanical Service Case No. D2025-3511

1. The Parties

Complainant is OAC 550 Owner LLC, United States of America ("United States" or "U.S."), represented by DLA Piper UK LLP, United Kingdom.

Respondent is Aaron Mabey, Integra Mechanical Service, United States.

2. The Domain Name and Registrar

The disputed domain name <550madlson.com> (the "Domain Name") is registered with NameSilo, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 29, 2025. On August 29, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On August 29, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name, which differed from the named Respondent (PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to Complainant on September 1, 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 3, 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 5, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 25, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on September 26, 2025.

The Center appointed John C. McElwaine as the sole panelist in this matter on October 8, 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 is a United States limited liability company engaged in real estate development, management, and leasing services. Complainant owns and operates the landmark commercial property branded as “550 MADISON” in New York City. Since at least 2017, Complainant has used the 550 MADISON name in connection with its services and has invested substantial resources in promoting the brand.

Complainant’s use of the 550 MADISON mark has been recognized through numerous awards and media coverage, including the Municipal Art Society of New York’s “Best Restoration” award, the Urban Land Institute’s Americas Award for Excellence, and the New York Landmarks Conservancy’s Chairman’s Award. The property is widely regarded as one of New York City’s most iconic architectural landmarks. Complainant’s alleged common law trademark rights are referred to as the “550 MADISON Mark”.

The Domain Name was registered on April 7, 2025. The Domain Name has been used to perpetrate phishing fraud, including impersonating Complainant’s employees and soliciting fraudulent rent payments from Complainant’s tenants.

5. Parties’ Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

With respect to the first element of the Policy, Complainant asserts that the Domain Name is confusingly similar to its 550 MADISON Mark. The Domain Name differs from Complainant’s mark only by the substitution of the letter “l” for “i” in “madison”, a change that does not materially distinguish the Domain Name from the mark and is likely to confuse Internet users.

With respect to the second element, Complainant alleges that Respondent has no rights or legitimate interests in the Domain Name. Complainant states that Respondent is not affiliated with Complainant and has never been authorized to use the 550 MADISON Mark in any manner. According to Complainant, Respondent is not commonly known by the Domain Name, nor has Respondent made any legitimate noncommercial or fair use of it. On the contrary, Respondent has used the Domain Name in furtherance of a fraudulent scheme – specifically, to send emails impersonating Complainant’s employees in an attempt to deceive third parties. Complainant contends that such use of the Domain Name is inherently illegitimate and cannot confer any rights or legitimate interests to Respondent.

With respect to the third element, Complainant argues that Respondent registered and is using the Domain Name in bad faith. Complainant points out that its 550 MADISON name and property were well-known long before Respondent’s registration of the Domain Name, making it implausible that Respondent was unaware of Complainant’s rights. Rather, the circumstances indicate that Respondent deliberately registered the typo-version Domain Name to take advantage of Complainant’s reputation. Complainant has provided evidence that soon after registration, Respondent used the Domain Name to send phishing emails purporting to be from Complainant, clearly targeting Complainant’s business and its clients. Such actions, Complainant asserts, demonstrate Respondent’s intent to deceive for commercial gain and therefore establish bad faith registration and use. Complainant also notes that Respondent initially concealed its identity via a privacy service and provided false contact details, further supporting an inference of bad faith.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Even though Respondent has defaulted, paragraph 4 of the Policy requires that, in order to succeed in this UDRP proceeding, Complainant must still prove its assertions with evidence demonstrating:

- (i) the 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 Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

Because of Respondent's default, the Panel may accept as true the reasonable factual allegations stated within the Complaint and may draw appropriate inferences therefrom. See *St. Tropez Acquisition Co. Limited v. AnonymousSpeech LLC and Global House Inc.*, WIPO Case No. [D2009-1779](#); *Bjorn Kassoe Andersen v. Direction International*, WIPO Case No. [D2007-0605](#); see also paragraph 5(f) of the Rules ("If a Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint"). Having considered the Complaint, the Policy, the Rules, the Supplemental Rules and applicable principles of law, the Panel's findings on each of the above-cited elements are as follows.

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 Complainant's trademark and the Domain Name. WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

Complainant has demonstrated unregistered trademark rights in the 550 MADISON mark through extensive and continuous use in commerce since at least 2017. Complainant operates a high-profile commercial property in New York City branded as 550 MADISON and has invested substantial time, effort, and financial resources in promoting its real estate development, management, and leasing services under the 550 MADISON name. The mark has been used in various media, including the domain name <550madison.com>, social media platforms, and prominent architectural and real estate publications. Complainant's restoration of the 550 MADISON property has received widespread acclaim and recognition, including awards from the Municipal Art Society of New York, the Urban Land Institute, the Skyscraper Museum, and the New York Landmarks Conservancy. The building is described as "one of New York City's most recognizable architectural landmarks", and has been featured in numerous media outlets, further reinforcing the mark's distinctiveness and public association with Complainant. Based on this evidence, the Panel finds that Complainant has established common law trademark rights in the 550 MADISON mark. See [WIPO Overview 3.0](#), section 1.3 (noting that unregistered rights may arise through consistent use and recognition as a source identifier).

Complainant also provided evidence that Respondent must have intentionally targeted Complainant by engaging in a scheme to attempt to have Complainant's customers make payments to Respondent. See [WIPO Overview 3.0](#), section 1.3 ("The fact that a respondent is shown to have been targeting the complainant's mark (e.g., based on the manner in which the related website is used) may support the complainant's assertion that its mark has achieved significance as a source identifier."). In light of the long use of the 550 MADISON Mark and the intentional targeting of Complainant's name and reputation by Respondent, the Panel finds that Complainant has sufficiently established unregistered trademark rights in

the 550 MADISON Mark.

The Domain Name <550madlson.com> is a clear case of typosquatting, differing from Complainant's mark only by the substitution of the letter "l" for "i" in "madison". This minor typographical variation does not prevent a finding of confusing similarity. When typed in uppercase letters with a lowercase "l", the Domain Name appears visually identical to Complainant's mark. The Panel finds that the Domain Name reproduces Complainant's mark almost in its entirety and is confusingly similar to Complainant's 550 MADISON Mark.

Accordingly, the Panel finds that the Domain Name is confusingly similar to a trademark in which Complainant has rights. The first element of the Policy is satisfied.

B. Rights or Legitimate Interests

Under the Policy, paragraph 4(a)(ii), Complainant must prove that Respondent has no rights or legitimate interests in respect of the Domain Name. Since it may be difficult for a complainant to prove a negative (that Respondent lacks rights or interests), UDRP panels generally require a complainant to make a prima facie showing, after which the burden of production shifts to the respondent to come forward with evidence of rights or legitimate interests in the domain name (while the ultimate burden of proof remains with the complainant). See [WIPO Overview 3.0](#), section 2.1. In this case, Respondent has not submitted any Response or evidence to rebut Complainant's prima facie case. The Panel will therefore assess the record to determine whether Respondent has any rights or legitimate interests

The Panel finds that Complainant has made a prima facie showing that Respondent lacks any rights or legitimate interests in the Domain Name. Complainant confirms that Respondent is not affiliated with Complainant and has never been authorized or licensed to use the 550 MADISON name or mark. There is no indication that Respondent is commonly known by the Domain Name. In fact, the underlying registrant's name is "Aaron Mabey" of "Integra Mechanical Service", which bears no resemblance to "550 Madison" or the Domain Name. Given the absence of any evidence to the contrary, the Panel is satisfied that Respondent is not commonly known by the Domain Name. Policy, paragraph 4(c)(ii).

Furthermore, Respondent's use of the Domain Name has been wholly illegitimate. Respondent has not used the Domain Name in connection with any bona fide offering of goods or services, nor for any legitimate noncommercial purpose. Instead, the unrebutted evidence shows that Respondent used the Domain Name to deceive Internet users by sending fraudulent emails impersonating Complainant's representatives. Using a domain name to masquerade as someone else in furtherance of a phishing or other fraudulent scheme is the opposite of a bona fide or legitimate use. As [WIPO Overview 3.0](#), section 2.13.1 makes clear, using a domain name for illegal activities (including phishing, impersonation, or other fraud) can never confer rights or legitimate interests on a respondent. In this case, Respondent's conduct – creating email addresses to pose as Complainant's employees and contact Complainant's clients – is manifestly deceitful and falls squarely outside any realm of legitimate use.

Respondent, having defaulted, has not come forward with any claim of right or legitimate interest in the Domain Name. There is no evidence of any circumstances that would give Respondent a right to or interest in the Domain Name under the Policy.¹ In particular, Respondent has not shown (or even asserted) that it made any bona fide use of the Domain Name before notice of this dispute, that it is commonly known by the Domain Name, or that it is making legitimate noncommercial or fair use of the Domain Name. To the contrary, all evidence points in the opposite direction and to Respondent's bad faith intent.

¹ The Policy, paragraph 4(c), provides a non-exhaustive list of circumstances in which a respondent could demonstrate rights or legitimate interests in a disputed domain name: "(i) before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or (ii) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or (iii) you are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue."

Accordingly, the Panel concludes that Complainant has established the second element, paragraph 4(a)(ii) of the Policy

C. Registered and Used in Bad Faith

Paragraph 4(a)(iii) of the Policy requires Complainant to prove that the Domain Name “has been registered and is being used in bad faith” by Respondent. The Policy provides a non-exhaustive list of circumstances that, if found, shall be evidence of bad faith registration and use (Policy, paragraph 4(b)). These include, inter alia, registering a domain name primarily to disrupt the business of a competitor (Policy 4(b)(iii)), or using a domain name to intentionally attempt to attract, for commercial gain, Internet users by creating a likelihood of confusion with the complainant’s mark (Policy 4(b)(iv)). The Panel emphasizes that the examples in paragraph 4(b) are not exclusive; bad faith may be found based on other circumstances as well, consistent with the overall aims of the Policy.

It is clear that Respondent was aware of Complainant and its rights in the 550 MADISON mark when registering the Domain Name. Complainant’s building and brand are prominent and widely publicized, especially in New York City, where the building is located. By 2025, the 550 MADISON mark had been used for years and had been the subject of extensive media coverage and accolades (e.g., architecture awards and news articles). The timing and nature of the registration strongly suggest that Respondent deliberately chose a domain name that imitates Complainant’s mark. The only logical explanation for registering <550madlson.com> – which so closely mirrors Complainant’s well-known domain <550madison.com> – is that Respondent knew of Complainant’s 550 MADISON mark and targeted it. Respondent has provided no alternative explanation. It is therefore evident to the Panel that Respondent registered the Domain Name with Complainant’s mark in mind, in an attempt to capitalize on that mark’s goodwill.

In light of the evidence demonstrating clear knowledge of Complainant and fraudulent use of the Domain Name, there could be no other legitimate explanation except that Respondent intentionally registered the Domain Name to cloak its actions and deceive recipients into believing the emails were from Complainant. The Domain Name does not appear to have been registered for any other purpose, as the Domain Name does not resolve to a parked webpage. Such activity constitutes a disruption of Complainant’s business and also establishes bad faith registration and use. *Securitas AB v. Whois Privacy Protection Service, Inc. / A. H.*, WIPO Case No. [D2013-0117](#) (finding bad faith based upon the similarity of the disputed domain name and the complainant’s mark, the fact that the complainant is a well-known global security company and the fact that the disputed domain name is being used to perpetrate an email scam.)

Respondent’s subsequent use of the Domain Name leaves no doubt that it was deployed in bad faith. The record shows that Respondent used the Domain Name in connection with a fraudulent phishing scheme. Specifically, Respondent created email addresses incorporating the Domain Name (such as “[...]@550madlson.com”) and used them to send emails impersonating Complainant’s property management personnel. By doing so, Respondent attempted to mislead recipients into believing they were communicating with Complainant (or Complainant’s employees), presumably to trick those recipients into divulging information or transacting with Respondent under false pretenses. This behavior exemplifies bad faith use under the Policy. It falls squarely within the example of paragraph 4(b)(iv). The deception here could also be seen as disrupting Complainant’s business (Policy 4(b)(iii)), since it involves interfering in Complainant’s communications with its clients or stakeholders in a harmful manner. In either case, UDRP panels have consistently found that phishing and impersonation schemes constitute conclusive evidence of bad faith use. See, *Securitas AB v. Whois Privacy Protection Service, Inc. / A. H.*, WIPO Case No. [D2013-0117](#) (bad faith established where respondent used the domain to perpetrate an email scam).

Moreover, it does not matter that a website was not resolving from the Domain Name. [WIPO Overview 3.0](#), section 3.4. In finding that a disputed domain name used only for an email scam was bad faith, the panel in *Kramer Law Firm, P.A. Attorneys and Counselors at Law v. BOA Online, Mark Heuvel*, WIPO Case No. [D2016-0387](#), pointed out that numerous UDRP panels have found such impersonation to constitute bad faith, even if the relevant domain names are used only for email communications. See, e.g., *Terex*

Corporation v. Williams Sid, Partners Associate, WIPO Case No. [D2014-1742](#) (“Respondent was using the disputed domain name in conjunction with...an email address for sending scam invitations of employment with Complainant”); and *Olayan Investments Company v. Anthono Maka, Alahaji, Koko, Direct investment future company, ofer bahar*, WIPO Case No. [D2011-0128](#) (“although the disputed domain names have not been used in connection with active websites, they have been used in email addresses to send scam emails and to solicit a reply to an ‘online location’”).

In sum, Respondent’s registration of a deliberate misspelling of Complainant’s mark, combined with its use of the Domain Name for phishing and deception, leads the Panel to conclude that Respondent has both registered and used the Domain Name in bad faith under Policy paragraph 4(a)(iii).

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 Domain Name <550madlson.com> be transferred to Complainant.

/John C McElwaine/

John C McElwaine

Sole Panelist

Date: October 21, 2025