

ADMINISTRATIVE PANEL DECISION

The Southern Company v. John Doe
Case No. D2025-3546

1. The Parties

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

The Respondent is John Doe, United States.

2. The Domain Name and Registrar

The disputed domain name <southerncompanyus.com> is registered with Global Domain Group LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 2, 2025. On September 3, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 4, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details and contact information in the Complaint. The Center sent an email communication to the Complainant on September 11, 2025, providing the registrant and contact information disclosed by the Registrar for its information. On September 11, 2025, the Complainant clarified its choice of Mutual Jurisdiction in the Complaint.

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 the Respondent of the Complaint, and the proceedings commenced on September 15, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 5, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 6, 2025.

The Center appointed Joseph Simone 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

The Complainant is a gas and electric utility holding company based in the Southern United States. The Complainant has a substantial portfolio of trade mark registrations incorporating the SOUTHERN COMPANY mark, including the following:

- United States Trade Mark Registration No. 2174589 for SOUTHERN COMPANY in Class 35, registered on July 21, 1998;
- United States Trade Mark Registration No. 2163676 for SOUTHERN COMPANY in Class 39, registered on June 9, 1998; and
- United States Trade Mark Registration No. 2174591 for SOUTHERN COMPANY in Class 37, registered on July 21, 1998.

The disputed domain name was registered on May 13, 2025. Prior to the filing of the Complaint, the disputed domain name was used to send fraudulent email messages that impersonated an employee of the Complainant. These emails, sent to multiple external vendor companies of the Complainant, placed fraudulent orders for equipment in the name of a "Procurement Supervisor" and requested that invoices for this equipment be issued to the Complainant.

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 registered by the Respondent is identical or confusingly similar to the Complainant's SOUTHERN COMPANY marks and that the addition of the geographic identifier "us" for the United States and the generic Top-Level Domain ("gTLD") ".com" does not affect the analysis as to whether the disputed domain name is identical or confusingly similar to the Complainant's trade marks.

The Complainant asserts that it has not authorized the Respondent to use the SOUTHERN COMPANY marks, and there is no evidence to suggest that the Respondent has used, or has undertaken any demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services.

The Complainant also claims there is no evidence that the Respondent has any connection to the SOUTHERN COMPANY marks, and that there is no plausible good faith reason for the Respondent to have registered the disputed domain name, especially considering the fact that the disputed domain name has been used in connection with fraudulent acts. The Complainant therefore argues that the registration and any use of the disputed domain name is in bad faith.

B. Respondent

The Respondent did not reply to the 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 trade mark 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 Panel acknowledges that the Complainant has established rights in the SOUTHERN COMPANY trade marks. [WIPO Overview 3.0](#), section 1.2.1.

Disregarding the gTLD ".com", the disputed domain name incorporates the Complainant's trade marks SOUTHERN COMPANY in its entirety. Thus, the disputed domain name should be regarded as confusingly similar to the Complainant's SOUTHERN COMPANY trade marks. The inclusion of the additional term "us" does not prevent a finding of confusing similarity. [WIPO Overview 3.0](#), sections 1.7, 1.8, and 1.11.1.

The Panel therefore finds that the Complainant has satisfied the requirements of paragraph 4(a)(i) of the Policy in establishing its rights in the SOUTHERN COMPANY trade marks and in showing that the disputed domain name is confusingly similar to its marks.

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 this case, the Complainant asserts that it did not authorize the Respondent to use its trade marks and there is no evidence to suggest that the Respondent has used, or undertaken any demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services. Having reviewed the available records, the Panel finds that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name.

The composition of the disputed domain name, incorporating the Complainant's distinctive trade marks (which also corresponds to the Complainant's company name) with the term "us" (which is a common abbreviation of the United States), indicates the Respondent's intent to cause consumer confusion between the disputed domain name and the Complainant with respect to the origin of the disputed domain name and a possible affiliation between it and the Complainant. This carries a risk of implied affiliation, sponsorship, or endorsement with the Complainant, reflecting an attempt to take unfair advantage of the Complainant's fame. [WIPO Overview 3.0](#), section 2.5.1. The Respondent did not file any response and has therefore failed to assert factors or put forth evidence to rebut the Complainant's prima facie case that the Respondent does not enjoy rights or legitimate interests in the disputed domain name. Meanwhile, no evidence has been provided to demonstrate that the Respondent, prior to the notice of the dispute, had used or demonstrated its preparation to use the disputed domain name in connection with a bona fide offering of goods or services.

There is also no evidence to show that the Respondent has been commonly known by the disputed domain name or that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name.

As such, the Panel concludes that the Respondent has failed to rebut the Complainant's prima facie showing of the Respondent's lack of rights or legitimate interests in the disputed domain name, and that none of the circumstances of paragraph 4(c) of the Policy are applicable in this case.

Accordingly, and based on the Panel's findings above, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name pursuant to paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The third and final element that a complainant must prove is that the respondent has registered and is using the disputed domain name in bad faith.

Paragraph 4(b) of the Policy states that any of the following circumstances, in particular but without limitation, shall be considered as evidence of the registration and use of a domain name in bad faith:

- (i) circumstances indicating that the respondent registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant (the owner of the trade mark or service mark) or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or
- (ii) circumstances indicating that the respondent registered the domain name in order to prevent the owner of the trade mark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or
- (iii) circumstances indicating that the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) circumstances indicating that the respondent is using the domain name to intentionally attempt to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on its website or location.

The examples of bad faith registration and use set forth in paragraph 4(b) of the Policy are not meant to be exhaustive of all circumstances in which bad faith may be found. Other circumstances may also be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith ([WIPO Overview 3.0](#), section 3.2.1).

For reasons discussed below and under the preceding heading, the Panel believes that the Respondent's conduct in this case constitutes bad faith registration and use of the disputed domain name.

When the Respondent registered the disputed domain name, the SOUTHERN COMPANY trade marks were already widely known and directly associated with the Complainant's activities. UDRP panels have consistently found that the mere registration of a domain name that is confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trade mark by an unaffiliated entity can by itself create a presumption of bad faith. See [WIPO Overview 3.0](#), section 3.1.4.

The Complainant's registered trade mark rights in SOUTHERN COMPANY for its products and services predate the registration date of the disputed domain name. A simple online search for the term "southern company" would have revealed that it is an established brand. [WIPO Overview 3.0](#), section 3.2.2.

The Panel is therefore of the view that the Respondent registered the disputed domain name with knowledge of the Complainant's trade mark rights.

The Respondent has not presented any evidence or explanation to justify its choice of the term "southern company" in the disputed domain name. As the term "us" is a widely used abbreviation for the United States and the Complainant is located in the United States, the inclusion of this element together with the Complainant's trade mark would mislead Internet users into believing that the disputed domain name is connected to the Complainant.

In the present case, the Panel notes that the Respondent used the disputed domain name to send email messages impersonating an employee of the Complainant for the apparent purpose of phishing or otherwise defrauding the recipient of the message. Panels have held that the use of a domain name for illegal activities, such as impersonating an employee of the Complainant for the purpose of phishing or other fraudulent activity as seen here, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

In light of the foregoing, the Panel finds that the registration and use of the disputed domain name by the Respondent constitutes bad faith for purposes of paragraph 4(b)(iv) of the Policy.

Accordingly, the Complainant has established the third element under paragraph 2(a) 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 <southerncompanyus.com> be transferred to the Complainant.

/Joseph Simone/

Joseph Simone

Sole Panelist

Date: October 21, 2025