

ADMINISTRATIVE PANEL DECISION

FloQast, Inc. v. Luinet Smovar
Case No. D2025-3702

1. The Parties

Complainant is FloQast, Inc., United States of America ("United States"), represented by Pranger Law PC, United States.

Respondent is Luinet Smovar, United States.

2. The Domain Name and Registrar

The disputed domain name <floqastinc.com> (the "Disputed Domain Name") is registered with Hostinger Operations, UAB (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 12, 2025. On September 12, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On September 15, 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 named Respondent (Domain Admin, Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. The Center sent an email communication to Complainant on September 15, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on September 15, 2025.

The Center verified that the Complaint together with the amendment to 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 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 7, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on October 8, 2025.

The Center appointed Richard W. Page as the sole panelist in this matter on October 13, 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 offers online non-downloadable software, known as “software as a service” (“SaaS”), featuring software for streamlining the accounting month end close.

Complainant is the owner of the FLOQAST mark and has multiple trademark registrations and applications in multiple jurisdictions using FLOQAST, including but not limited to the following (the “FLOQAST Mark”):

United States Trademark Registration No. 5,141,415 for FLOQAST registered February 14, 2017 in class 42; and

United States Trademark Registration No. 7,747,963 for #FLOQAST (with design) registered April 1, 2025 in class 42.

Complainant also owns the domain name <floqast.com>, which was registered on June 22, 2013.

The Disputed Domain Name was registered on August 20, 2025, and is entered in a mail exchange (MX) allowing for the sending and receiving of email. Complainant has provided evidence that the Disputed Domain Name had been used in furtherance of a fraudulent email scheme.

5. Parties’ Contentions

A. Complainant

Complainant contends that in addition to the abovementioned registered trademark rights, it also has extensive common laws rights in FLOQAST Mark, which Complainant has used since at least as early as 2013.

Complainant further contends that the entirety of the FLOQAST Mark is contained within the Disputed Domain Name, showing confusing similarity. Complainant further contends that the addition of the descriptive term “inc” does not prevent a finding of confusing similarity.

Complainant submits that the Disputed Domain Name is not being used in a bona fide offering of goods or services or for any other legitimate purpose.

Complainant further submits that Respondent has no license, or any other authorization from Complainant, for use of the FLOQAST Mark in the Disputed Domain Name or in any other way.

Complainant further submits that there is no evidence that Respondent has been commonly known by the Disputed Domain Name.

Complainant further submits that the Disputed domain Name has only ever resolved to a page displaying a “parked” notification by the Registrar. The Disputed Domain Name is currently suspended by the Registrar in response to an abuse report from Complainant. After the Registrar reviewed Complainant’s abuse report and evidence of Respondent’s illegal phishing scheme, the Registrar deemed that Respondent was using the Disputed Domain Name in bad faith and took action to suspend the Disputed Domain Name.

Complainant alleges that Respondent is the perpetrator of a fraudulent and illegal phishing scam targeting Internet users who Respondent falsely leads to believe they are being offered employment by Complainant. Complainant further alleges that Respondent is engaged in an illegal phishing scam in which it sends email from addresses associated with the Disputed Domain Name. These emails use the FLOQAST Mark followed by the term “inc” and the local part (or user name) “jobs” or an individual’s name to imply that the emails concern employment with Complainant. On August 21, 2025, the email address [...]@floqastinc.com was used to send a fraudulent email to a job seeker purporting to concern potential employment with Complainant. The intended victim of the fraudulent email and job offer forwarded the email to Complainant after completing a text-based interview process, as they received “a fraudulent offer letter” that “requested personally identifiable information (PII), including recent photos, current addresses, and even bank account details, all communicated over Microsoft Teams in an unofficial and unsafe manner”. The intended victim noted that he/she was “especially concerned that individuals re-entering the workforce, as well as older candidates, may be particularly vulnerable to such schemes due to the increasingly impersonal methods being used in today’s job market”. Complainant further alleges that Respondent sent this letter with the intention to deceive individuals into believing that the letter was sent on behalf of Complainant, as the letter features the FLOQAST Mark, the exact same logo as one version used by Complainant, Complainant’s street address, and a misspelled reference to Complainant’s employee.

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

B. Respondent

Respondent did not reply to Complainant’s contentions.

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs the Panel as to the principles the Panel is to use in determining the dispute: “A Panel shall decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules, and any rules and principles of law that it deems applicable.”

Even though Respondent has failed to file a Response or to contest Complainant’s assertions, the Panel will review the evidence proffered by Complainant to verify that the three essential elements of the claims are met. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 4.3.

Paragraph 4(a) of the Policy directs that Complainant must prove each of the following three essential elements:

- i) that the Disputed Domain Name registered by Respondent is identical or confusingly similar to the FLOQAST Mark in which Complainant has rights; and
- ii) that Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and
- iii) that the Disputed Domain Name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

[WIPO Overview 3.0](#), section 1.2.1 states that registration of a trademark is prima facie evidence of Complainant having enforceable rights in the FLOQAST Mark.

Complainant has shown rights in respect of the FLOQAST Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

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 FLOQAST Mark and the Disputed Domain Name. [WIPO Overview 3.0](#), section 1.7.

The entirety of the FLOQAST Mark is reproduced within the Disputed Domain Name. Accordingly, the Disputed Domain Name is confusingly similar to the FLOQAST Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here “inc”, may bear on assessment of the second and third essential elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the Disputed Domain Name and the FLOQAST Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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 Respondent may demonstrate rights or legitimate interests in the Disputed Domain Name. Paragraph 4(c) of the Policy allows three nonexclusive methods for the Panel to conclude that Respondent has rights or a legitimate interest in the Disputed Domain Name:

- (i) before any notice to you [Respondent] of the dispute, your use of, or demonstrable preparations to use, the Disputed Domain Name or a name corresponding to the Disputed Domain Name in connection with a bona fide offering of goods or services; or
- (ii) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Disputed Domain Name, even if you have acquired no trademark or service mark rights; or
- (iii) you [Respondent] are making a legitimate noncommercial or fair use of the Disputed Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the FLOQAST Mark.

Although the overall burden of proof in UDRP proceedings is on Complainant, panels have recognized that proving Respondent lacks rights or legitimate interests in the Disputed Domain Name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of Respondent. As such, where Complainant makes out a prima facie case that Respondent lacks rights or legitimate interests, the burden of production on this element shifts to Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the Disputed Domain Name (although the burden of proof always remains on Complainant). If Respondent fails to come forward with such relevant evidence, Complainant is deemed to have satisfied the second essential element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Disputed Domain Name. 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 Disputed Domain Name such as those enumerated in the Policy or otherwise.

Panels have held that the use of the Disputed Domain Name for illegitimate activity, here a fraudulent phishing scheme, can never confer rights or legitimate interests on Respondent. [WIPO Overview 3.0](#), section 2.13.1.

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

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy sets forth four nonexclusive criteria for Complainant to show bad faith registration and use of the Disputed Domain Name:

- (i) circumstances indicating that you [Respondent] have registered or you have acquired the Disputed Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Disputed Domain Name registration to Complainant who is the owner of the FLOQAST Mark or to a competitor of Complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the Disputed Domain Name; or
- (ii) you [Respondent] have registered the Disputed Domain Name in order to prevent the owner of the FLOQAST Mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or
- (iii) you [Respondent] have registered the Disputed Domain Name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the Disputed Domain Name, you [Respondent] have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion with the FLOQAST Mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product on your website or location.

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 the present case, the Panel notes that Respondent has entered the Disputed Domain Name in a MX to facilitate a phishing scheme.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that the Disputed Domain Name was registered and used in bad faith, but other circumstances may be relevant in assessing whether Respondent's registration and use of the Disputed Domain Name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Panels have held that the use of the Disputed Domain Name illegitimate activity, here a fraudulent phishing scheme, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds Respondent's registration and use of the Disputed Domain Name constitutes bad faith under the Policy.

The Panel 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 <floqastinc.com> be transferred to Complainant.

/Richard W. Page/

Richard W. Page

Sole Panelist

Date: October 21, 2025