

ADMINISTRATIVE PANEL DECISION

The Southern Company v. Name Redacted
Case No. D2025-4014

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 Name Redacted ¹.

2. The Domain Name and Registrar

The disputed domain name <southerncncompany.com> (the “Disputed Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 1, 2025. On October 2, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On October 2, 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 3, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on October 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”).

¹The Respondent appears to have used the name of a third party when registering the Disputed Domain Name. In light of the potential identity theft, the Panel has redacted the Respondent’s name from this Decision. However, the Panel has attached as Annex 1 to this Decision an instruction to the Registrar regarding transfer of the Disputed Domain Name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding and has indicated Annex 1 to this Decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on October 9, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 29, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 30, 2025.

The Center appointed Lynda M. Braun as the sole panelist in this matter on November 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

The Complainant is a Delaware, United States power distribution company headquartered in Atlanta, Georgia, United States. The Complainant owns the following five registered trademarks through the United States Patent and Trademark Office ("USPTO"): SOUTHERN COMPANY, United States Registration No. 2174589, registered on July 21, 1998, with a first use in commerce of June 16, 1982, in International Class 35; SOUTHERN COMPANY, United States Registration No. 2163676, registered on June 9, 1998, with a first use in commerce of August 2, 1976, in International Class 39; SOUTHERN COMPANY, United States Registration No. 2176397, registered on July 28, 1998, with a first use in commerce of August 1, 1995, in International Class 38; SOUTHERN COMPANY, United States Registration No. 2174591, registered on July 21, 1998, with a first use in commerce of April 23, 1987, in International Class 37; and SOUTHERN COMPANY, United States Registration No. 2174593, registered on July 21, 1998, with a first use in commerce of April 23, 1987, in International Class 36 (hereinafter collectively referred to as the "SOUTHERN COMPANY Mark").

The Complainant is well known and recognized by millions of Americans, having established substantial goodwill and reputation through extensive use of the SOUTHERN COMPANY Mark. The Complainant owns the domain name <southerncompany.com>, which resolves to its official website at "www.southerncompany.com".

The Disputed Domain Name was registered on July 22, 2025 and resolves to an inactive error landing page of the Registrar that states that the site cannot be reached. The Respondent purportedly used the Disputed Domain Name to perpetuate a fraudulent scheme in which the Respondent configured the Disputed Domain Name for email functions by using mail exchange ("MX") records to create an email address incorporating the Disputed Domain Name. Thus, the Respondent impersonated a Director of the Complainant, who sent a fraudulent email to an Information Technology ("IT") firm to request a quotation for IT services. The Complainant learned of the fraudulent request when an officer of the IT firm provided the email exchange to the Complainant. A screenshot of the email messages was submitted as an Annex to the Complaint.

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 is confusingly similar to the SOUTHERN COMPANY Mark;
- the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name;
- the Disputed Domain Name was registered and is being used in bad faith, and the Respondent has used the Complainant's employee's name when registering the Disputed Domain Name; and

- the Complainant seeks the transfer of the Disputed Domain Name from the Respondent to the Complainant in accordance with paragraph 4(i) of the Policy.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

In order for the Complainant to prevail and have the Disputed Domain Name transferred to the Complainant, the Complainant must prove the following (Policy, paragraph 4(a)):

- (i) the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and
- (iii) the Disputed Domain Name was registered and is being used in bad faith.

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires a two-fold inquiry: a threshold investigation into whether a complainant has rights in a trademark, followed by an assessment of whether the disputed domain name is identical or confusingly similar to that trademark. The Panel concludes that in the present case, the Disputed Domain Name is confusingly similar to the SOUTHERN COMPANY Mark as explained below.

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. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

It is uncontested that the Complainant has established rights in the SOUTHERN COMPANY Mark based on its years of use as well as its registered trademarks for the SOUTHERN COMPANY Mark. The registration of a mark satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case. As stated in section 1.2.1 of the [WIPO Overview 3.0](#), "[w]here the complainant holds a nationally or regionally registered trademark or service mark, this *prima facie* satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case". The Respondent has not rebutted this presumption and therefore, the Panel finds that the Complainant satisfied the threshold requirement of having trademark rights in the SOUTHERN COMPANY Mark for purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Disputed Domain Name consists of the SOUTHERN COMPANY Mark in its entirety, albeit misspelled with an extra letter "r" in the Disputed Domain Name. Such a minor modification to a disputed domain name is commonly referred to as "typosquatting" and seeks to wrongfully take advantage of errors by an Internet user in typing a domain name into a web browser. The misspelling of "southern" to "southerrn" does not prevent a finding of confusing similarity to the SOUTHERN COMPANY Mark. See [WIPO Overview 3.0](#), section 1.9: "A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element"; see also *Express Scripts, Inc. v. Whois Privacy Protection Service, Inc. / Domaindeals, Domain Administrator*, WIPO Case No. [D2008-1302](#); *Singapore Press Holdings Limited v. Leong Meng Yew*, WIPO Case No. [D2009-1080](#).

Finally, the addition of a gTLD such as ".com" in a domain name is a technical requirement. Thus, it is well established that, as here, such element may typically be disregarded when assessing whether a domain name is identical or confusingly similar to a trademark. See *Proactiva Medio Ambiente, S.A. v. Proactiva*, WIPO Case No. [D2012-0182](#) and [WIPO Overview 3.0](#), section 1.11.1. Thus, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant's SOUTHERN COMPANY Mark.

Based on the available record, the Panel finds that 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 a 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 that 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.

Having reviewed the available record, the Panel finds the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name. The Respondent has not rebutted the 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.

The Complainant’s *prima facie* case includes the fact that the Complainant has not authorized, licensed or otherwise permitted the Respondent to use the SOUTHERN COMPANY Mark, that there is no evidence that the Respondent is commonly known by the Disputed Domain Name or by any similar name, and that there is no evidence that the Respondent was using or making demonstrable preparations to use the Disputed Domain Name in connection with a bona fide offering of goods or services. See Policy, paragraph 4(c). Moreover, based on the circumstances of the case and the use made of the Disputed Domain Name, the Panel finds that the Respondent is not making a bona fide offering of goods or services nor making a legitimate noncommercial or fair use of the Disputed Domain Name under the circumstances of the case. See *Lego Juris A/S v. Nofel Izz, JID*, WIPO Case No. 2019-2601. Furthermore, the Respondent’s use of a Complainant’s employee’s name and the Complainant’s name when registering the Disputed Domain Name does not confer rights or legitimate interests on the Respondent.

Finally, the use of a disputed domain name for a fraudulent impersonation scheme “can never confer rights or legitimate interests on a respondent.” *Afton Chemical Corporation v. Whois Agent, Whois Privacy Protection Service, Inc./ Name Redacted*, WIPO Case No. [D2018-2833](#). “Panels have categorically held that the use of a domain name for illegal activity (e.g., ... impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent.” [WIPO Overview 3.0](#), section 2.13.1. Given the scheme the Respondent operated by configuring MX records using the Disputed Domain Name to send email communications impersonating one of the Complainant’s Directors, the Respondent was not making a legitimate noncommercial or fair use of the Disputed Domain Name.

In sum, the Panel finds that the Complainant has established an unrebutted *prima facie* case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name.

Based on the available record, the Panel finds that the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel finds that, based on the record, the Complainant has demonstrated the Respondent’s bad faith registration and use of the Disputed Domain Name pursuant to paragraph 4(b) of the Policy.

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. Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may 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.

First, the Respondent registered and is using a domain name that is confusingly similar to the Complainant's trademark. The Panel concludes that the Respondent likely had actual knowledge of the Complainant and the SOUTHERN COMPANY Mark and thus strains credulity to believe that the Respondent had not known of the Complainant or the SOUTHERN COMPANY Mark when registering the Disputed Domain Name. See *Myer Stores Limited v. Mr. David John Singh*, WIPO Case No. [D2001-0763](#) ("a finding of bad faith may be made where the respondent 'knew or should have known' of the registration and/or use of the trademark prior to registering the domain name"). The Panel also notes that the composition of the Disputed Domain Name affirms the Respondent's intention to take unfair advantage of the likelihood of confusion between the Disputed Domain Name and the Complainant's trademark. The Respondent's attempted impersonation of one of the Complainant's Directors in connection with the fraudulent email scheme originating from the Disputed Domain Name also illustrates that the Respondent knew of the Complainant at the time of registration. The Panel further finds actual knowledge of the Complainant by the Respondent in that the Disputed Domain Name, although slightly misspelled, was essentially identical to the SOUTHERN COMPANY Mark. In sum, the Panel finds that the Respondent had the SOUTHERN COMPANY Mark in mind when registering the Disputed Domain Name, another example of bad faith.

Second, the use of a domain name for illegitimate activity, here, impersonation or passing off, may constitute bad faith. Having reviewed the record, the Panel finds the Respondent's registration and use of the Disputed Domain Name constitute bad faith under the Policy due to the Respondent's impersonation of a Director of the Complainant to send fraudulent emails requesting information from an IT company. The facts of this case thus establish the Respondent's bad faith in registering and using the Disputed Domain Name to impersonate the Complainant in communications with a third party. Moreover, identity theft and email-based schemes that use a complainant's trademark in a disputed domain name are also evidence of bad faith. See [WIPO Overview 3.0](#), section 3.4 ("Panels have held that the use of a domain name for purposes other than to host a website may constitute bad faith. Such purposes include sending email, phishing, identity theft, or malware distribution...").

Finally, based on the above, the Panel has taken into consideration the following factors in arriving at a finding of bad faith registration and use: (i) the Complainant's claim that its trademark is distinctive; (ii) the Respondent has not submitted a response in the proceedings nor provided any evidence of actual or contemplated good faith use of the Disputed Domain Name; (iii) the Respondent's use of the name of a Director of the Complainant when registering the Disputed Domain Name; and (iv) the implausibility of any good faith use to which the Disputed Domain Name may be put. The Panel therefore finds that the Respondent registered and used the Disputed Domain Name in bad faith.

Based on the available record, the Panel finds that the third element of the Policy has been established.

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 <southerncncompany.com> be transferred to the Complainant.

/Lynda M. Braun/
Lynda M. Braun
Sole Panelist
Date: November 24, 2025