

ADMINISTRATIVE PANEL DECISION

Averitt Express, Inc. v. Sets Bussrey
Case No. D2025-4017

1. The Parties

The Complainant is Averitt Express, Inc., United States of America ("United States"), represented by Adams and Reese, LLP, United States.

The Respondent is Sets Bussrey, United States.

2. The Domain Name and Registrar

The disputed domain name <averittroles.com> is registered with NameSilo, LLC (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 the same day, 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 (User #75a5b0aa Privacy, PrivacyGuardian.org llc) 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 7, 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 the Respondent of the Complaint, and the proceedings commenced on October 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 30, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 31, 2025.

The Center appointed Gregory N. Albright as the sole panelist in this matter on November 6, 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 one of the leading freight transportation and supply chain management providers in the United States. The Complainant and its predecessors have been using the AVERITT and AVERITT EXPRESS marks in connection with transportation services since at least as early as 1969 and 1977, respectively.

The Complainant is the owner of numerous registrations for its marks, including the following:

Country	Trademark	Registration Number	Registration Date
Canada	AVERITT	TMA958,423	December 20, 2016
Canada	AVERITT EXPRESS	TMA958,422	December 20, 2016
United States	AVERITT EXPRESS	2,616,865	September 10, 2002
United States	AVERITT	2,619,908	September 17, 2022

Complaint and its licensees also own many domain names that incorporate the AVERITT mark, including <averitt.com>, <averitt-express.com>, and <joinaveritt.com>. The Complainant uses its principal website, at “www.averitt.com”, to advertise the Complainant’s various transportation and supply chain management services, including storage, tracking, and delivery of freight, packages, and cargo, and transportation logistics management and consulting services. The Complainant operates its official jobs websites at “www.averittcareers.com” and “www.averittjobs.com”.

The disputed domain name was registered on September 24, 2025. Shortly after the disputed domain name was registered, the Respondent used email addresses at “[name]@averittroles.com” to contact potential applicants for jobs with the Complainant under the false premise of offering them the position of “Remote Supply Chain & Operations Coordinator” with the Complainant. These emails included signature blocks falsely representing that the emails were from the Complainant’s “HR Team.” The emails prompted applicants to respond to questions and provide their contact information.

At the time of the Complainant’s filing of the original Complaint in this proceeding the disputed domain name directed Internet users to a commercial parking page showing pay-per-click advertising links related to the Complainant. At the time of filing the Amended Complaint the disputed domain name was no longer directing to an active website.

5. Parties’ Contentions

A. Complainant

The Complainant contends it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

First, the Complainant contends the disputed domain name is identical or confusingly similar to the Complainant’s AVERITT mark, because the disputed domain name incorporates the AVERITT mark in its entirety, followed by the generic term “roles.” The addition of the generic term “roles” does not dispel the confusing similarity between the disputed domain name and the Complainant’s AVERITT mark. Instead, the addition of the generic term “roles” increases confusion because it is intended to lead recipients of the phishing emails to believe the senders are offering genuine employment opportunities with the Complainant. Panels have applied this reasoning to misuse of the AVERITT mark with the addition of generic or

descriptive words related to the Complainant. See, e.g., *Averitt Express, Inc. v. Averitt Container*, WIPO Case No. [D2024-3417](#) (finding “the added term ‘container’ does not prevent a finding of confusing similarity between the disputed domain name and Complainant’s AVERITT Marks”).

Second, the Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name. To the Complainant’s knowledge, “averittroles” is not the Respondent’s name, and the Respondent has never been commonly known as “averittroles.” The Respondent has never been the Complainant’s licensee or franchisee. The Complainant has never authorized the Respondent to register or use the Complainant’s marks or to register or use any domain name incorporating the marks.

In addition, the Complainant contends, the Respondent is not using the disputed main name in connection with a bona fide offering of goods or services, or in a legitimate noncommercial or fair manner. The Respondent instead is using the disputed domain name in connection with a scheme to defraud potential job applicants into sending personal information to the Respondent, using email addresses associated with the disputed domain name to impersonate the Complainant’s hiring team. This kind of phishing activity is not legitimate noncommercial or fair use of the disputed domain name. Further, the Respondent has used the disputed domain name to direct Internet users to a commercial parking page showing pay-per-click advertising links offering services identical and closely related to those of the Complainant, such as “Transport Management.”

Third, the Complainant avers that the Respondent registered and is using the disputed domain name in bad faith. The Respondent must have been aware of the Complainant’s marks at the time of registering the disputed domain name, given the Complainant’s registrations of its marks, the Complainant’s numerous domain names incorporating its marks, the Complainant’s extensive use and advertising of services in connection with the marks, and the international reach of the Complainant’s service offerings. The Respondent is also using the disputed domain name in bad faith in connection with the phishing described above, and by using the disputed domain name to capitalize on the Complainant’s marks and reputation to generate unjustified pay-per-click revenues.

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 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.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of another term – here, “roles” – may bear on assessment of the second and third elements, the Panel finds the addition of that term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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.

The Complainant asserts that none of the illustrative examples of respondent rights enumerated in Paragraph 4(c) of the Policy is present here.

In addition, panels have held that the use of a domain name for illegitimate activity – here, phishing and impersonation of the Complainant’s employees – can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 second element of the Policy is established.

C. Registered and Used in Bad Faith

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 Respondent registered the disputed domain name in September 2025, long after the Complainant’s obtained registrations of the AVERITT mark in the United States and Canada (as well as other countries). The Respondent’s incorporation of the entire AVERITT mark in the disputed domain name supports the conclusion that the Respondent registered the disputed domain name in bad faith in an effort to capitalize on the good will and reputation associated with the Complainant’s marks, and to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant’s mark.

With respect to the element of bad faith use, Panels have held that the use of a domain name for phishing and impersonation constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. The record here supports the conclusion that the Respondent has attempted to profit from unauthorized use of the disputed domain name, which incorporates the entirety of the Complainant’s AVERITT, to obtain pay-per-click revenue.

Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <averittroles.com> be transferred to the Complainant.

/Gregory N. Albright/

Gregory N. Albright

Sole Panelist

Date: November 19, 2025