

ADMINISTRATIVE PANEL DECISION

AUTOMOX INC. v. Crystal Faciane

Case No. D2025-4150

1. The Parties

Complainant is AUTOMOX INC., United States of America (“U.S.”), represented by Dorsey & Whitney, LLP, U.S.

Respondent is Crystal Faciane, U.S.

2. The Domain Name and Registrar

The disputed domain name <recruiting-automox.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 October 10, 2025. That same day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. Also, on October 10, 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 (Privacy User #a009b013) and contact information in the Complaint. The Center sent an email communication to Complainant on October 13, 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 October 13, 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 October 23, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 12, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on November 14, 2025.

The Center appointed Harrie R. Samaras as the sole panelist in this matter on November 25, 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 an information technology ("IT") systems operations and maintenance company providing IT automation services for companies around the world.

Complainant has used the trademark AUTOMOX in connection with software, education and training services, and software as a service in relation to web application performance and security operation systems since at least as early as 2020. Complainant owns trademark registrations for the AUTOMOX Mark or the "Mark" in the U.S. and around the world, including U.S. Registrations Nos.: 6,336,252 (registered April 27, 2021, first use in commerce December 1, 2020) and 6,330,016 (registered April 20, 2021, first use in commerce January 27, 2020).

Since 2020, Complainant has used the domain name <automox.com> to advertise and promote a variety of software and IT services in conjunction with the Mark. Further, Complainant uses the Mark on social media. Its YouTube page has nearly 72,000 subscribers, its LinkedIn page has over 12,000 followers, its X account has nearly 900 followers, its Facebook account has nearly 700 followers, and its Instagram account has nearly 500 followers. These pages and profiles maintain a variety of content related to the AUTOMOX Mark including promotional videos, photos, upcoming events, educational advice, and the like.

The Domain Name was registered on September 18, 2025. When this proceeding was commenced, the Domain Name resolved to a landing page with sponsored links to software related to employee recruitment: "Candidate Management Systems Cms", "Best Recruiting Software for Small Business", and "Applicant Tracking Software". Now it resolves to a landing page with different links to sponsored websites, but they are nonetheless related to employee recruitment: "Automation for Recruiters", "Temp Staffing Agency", and "Remote Job Searching".

In addition, Respondent has been using the Domain Name in an active email phishing campaign to access sensitive information from individuals by posing as an employee recruiter for Complainant. Respondent is using two different "@recruiting-automox.com" email addresses to send out fake recruiting requests for the position of "Remote Test Automation Engineer" at Complainant using the Mark and purporting to be someone employed by Complainant. In fact, Complainant has not used such a "@recruitingautomox.com" email. Respondent also uses Complainant's previous business address underneath the signature of the phishing emails to perpetuate the fraud.

In one instance of phishing, using that email address with the fictitious name of someone from Complainant's Human Resources Department attached to it, Respondent sent a targeted email to an individual claiming to "reach[] out to follow up on your application for the Remote Test Automation Engineer position at Automox". In fact, Complainant never employed an individual by the fictitious name, nor had it actively recruited for such a position. The targeted individual, sensing something was off with the email, forwarded the correspondence to Complainant's attention. In another instance of phishing, Respondent posed as another one of Complainant's employees in the Human Resources Department, using the same e-mail above but with a different fictitious name. Respondent informed that targeted individual that "you have been selected to join Automox as a Remote Test Automation Engineer". Then, Respondent asked the targeted individual to provide sensitive personally identifiable information, including her name, home address, phone number, and email address. Respondent followed up with a list of equipment for the job and stated that "new employees are now responsible for purchasing the required equipment using the provided funds".

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.

Based on Complainant's prior and registered rights in the AUTOMOX Mark, Complainant has rights in the Mark. Further, the Domain Name is confusingly similar to the Mark and Complainant's own domain name <automox.com> because the Domain Name consists of the Mark in its entirety, with the preceding use of the term "recruiting", which describes the phishing scheme Respondent initiated. Adding the descriptive, non-distinctive ".com" generic Top-Level Domain to the Domain Name does nothing to remove the likelihood of confusion.

Complainant's use of the AUTOMOX Mark and its earliest registration for the AUTOMOX Mark (April 20, 2021) predate Respondent's registration of the Domain Name by several years. Furthermore, Complainant registered its <automox.com> domain name on February 22, 2016, and it has been using the domain name ever since. Complainant's trademark registrations for the Mark provide Respondent with constructive knowledge of Complainant's ownership of the AUTOMOX Mark, and those registrations and Complainant's prominent use of the Mark and trade name evidences Complainant's exclusive rights in the Mark. Complainant has not licensed or otherwise authorized Respondent to use the Mark for any purposes including to register the Domain Name. Respondent has not been commonly known as "AUTOMOX" nor has Respondent provided any proof to counter that. The Mark has been so widely used by Complainant that it has no significance with the consuming public aside from its trademark and trade name significance in relation to Complainant and its affiliates. As described above, Respondent has been using the Domain Name for its own commercial gain by intentionally misleading consumers interested in working at Complainant that it is affiliated with, connected to, or endorsed by Complainant.

Respondent registered the Domain Name without any bona fide basis for doing so to capitalize on the goodwill in the Mark. As discussed above, Respondent has been using the Domain Name to resolve to a landing page with sponsored links to employee recruiting-related sites. Also, as described above, Respondent has been using the Domain Name for illegal activities. Complainant believes Respondent is running a "Work from Home Scam" whereby, according to the U.S. Social Security Administration, a company sends a purported employee a check to buy equipment for their job, but it is for too much money. They then ask you to send the remainder of the money to them. Ultimately, the person will be out the cost of the equipment and the remainder of the money because the check they cash will bounce. Respondent's use of the Domain Name is an attempt to pass itself off as Complainant or an affiliate of Complainant, or an attempt to perpetuate a financial scam by inducing potential employees of Complainant to provide their confidential information with the belief they could have an employment opportunity with Complainant.

Due to its success with IT automation and software services, Complainant has developed tremendous goodwill and name recognition amongst a large base of commercial and consumer industries.

Respondent registered the Domain Name containing Complainant's well-known and distinctive Mark intending to capitalize on the goodwill Complainant owns in the Mark. The Mark is in the Domain Name, as well as the phishing email offering a position at Complainant for a job position that Complainant is likely to offer, leaving little doubt Respondent is attempting to create an association with Complainant. Further, using Complainant's previous business address blatantly shows that Respondent is trying to pass itself off as Complainant.

B. Respondent

Respondent did not reply to 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 Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 1.7.

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 Domain Name. Accordingly, the Domain Name confusingly similar to the Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, "recruiting-" may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the Domain Name and the 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 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.

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

The Domain Name resolves to a landing page displaying several sponsored links, which generate revenues, via pay-per-click links, to the Domain Name holder. Those sponsored links relate to software for employee recruitment or other aspects of employee recruitment. Such use of the confusingly similar Domain Name does not constitute a legitimate noncommercial or fair use of the Domain Name without intent of commercial gain.

Panels have held that the use of a domain name for illegitimate activity, here, claimed as phishing and impersonation/passing off, as described above, can never confer rights or legitimate interests on a 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

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 registered and has been using the Domain Name that is confusingly similar to the Mark without any rights or legitimate interests in the Mark. When Respondent registered the Domain Name in September 2025, Complainant had been using the Mark since at least as early as 2020. Likewise, since 2020, Complainant has used the domain name <automox.com> (similar to the Domain Name but without the descriptive “recruiting-” term) to advertise and promote a variety of software and IT services in conjunction with the Mark. Complainant also uses the Mark on social media as detailed above. For all of those reasons, it is highly likely that Respondent knew of Complainant and its rights in the Mark before registering the Domain Name. But what evidences Respondent’s actual knowledge of Complainant and its rights in the Mark is that as described above Respondent passed itself off as Complainant to perpetuate its fraudulent behavior (e.g., using an email address with the Mark, using a previous address of Complainant). Respondent’s addition of the term “recruiting-” to the Mark coincides with Respondent’s use of the Domain Name in conjunction with a landing page with sponsored links to employee recruitment websites and its use of the “@recruitingautomox.com” email address for its fraudulent activities. Accordingly, the Panel finds that Respondent registered the Domain Name in bad faith.

The Panel also finds that use of the Domain Name that resolves to a landing page with sponsored links is bad faith use. Even if the users who access Respondent’s website may conclude that it is not what they were originally looking for, Respondent has already succeeded in its purpose of using Complainant’s Mark to attract users for commercial gain.

Panels have held that the use of a domain name for illegitimate activity, here claimed as phishing and, impersonation/passing, as described above, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent’s registration and use of the 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 Domain Name <recruiting-automox.com> be transferred to Complainant.

/Harrie R. Samaras/

Harrie R. Samaras

Sole Panelist

Date: December 9, 2025