

ADMINISTRATIVE PANEL DECISION

Xactware Solutions, Inc. v. John Walker
Case No. D2025-4292

1. The Parties

The Complainant is Xactware Solutions, Inc., United States of America ("United States"), represented by SILKA AB, Sweden.

The Respondent is John Walker, United States.

2. The Domain Names and Registrar

The disputed domain names <xactimate.co>, <xactimate.info>, and <xactimate.net> are registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 20, 2025. On October 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On October 21, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Registration Private / Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 23, 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 amendment to the Complaint on October 24, 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 the Respondent of the Complaint, and the proceedings commenced on November 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 23, 2025. The Respondent sent an email communication to the Center on November 8, 2025. The Center sent an email communication to the Parties

on November 10, 2025, regarding a possible settlement. The Complainant indicated that it was not interested in settling the case. The Response was filed with the Center on November 19, 2025.

The Center appointed Lynda J. Zadra-Symes as the sole panelist in this matter on December 11, 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 provides software solutions for estimating property insurance repair and restoration costs. The Complainant launched its flagship product in the 1980s under the mark XACTIMATE. In 2006, the Complainant was acquired by Insurance Services Office Inc. (ISO) and now operates as part of Verisk Analytics ("Verisk"), a global data analytics and risk assessment provider headquartered in New Jersey, United States. Verisk employs more than 7,000 staff worldwide and reported revenues exceeding USD 2.8 billion in 2024. The Complainant owns numerous trademark registrations for the mark XACTIMATE in jurisdictions around the world, including the following:

United States	Registration No. 1816735, registered January 18, 1994
Canada	Registration No. TMA464652, registered October 25, 1996
European Union	Registration No. 004801312, registered March 14, 2007
United Kingdom	Registration No. UK00904801312, registered March 14, 2007
Australia	Registration No. 1252162, registered July 16, 2008

The Complainant's primary domain name is <xactimate.com>, which it has consistently operated for over two decades. The website provides access to product information, user support, customer login areas, and links to official Verisk pages offering a wide range of XACTIMATE training resources, including self-paced courses, instructor-led sessions and a video library of expert tips. The Complainant also holds and uses other domain names containing the XACTIMATE mark, such as <xactimate.ca>, <xactimateone.com> and <xactimateone.ca>

In addition, the Complainant offers a wide range of professional training and certification programs under the XACTIMATE brand. These courses are promoted through Verisk's official website and are widely used by insurers, contractors and adjusters to build and certify their expertise with the software. The Complainant's XACTIMATE products are also available through mobile platforms. On the Google Play Store, the Complainant's app has been downloaded more than 50,000 times, while the Apple App Store version has received over 7,000 ratings.

The Complainant's XACTIMATE software has repeatedly been ranked among the top estimating solutions for the sector and continues to be profiled in industry publications and reviews and trade press coverage.

The disputed domain names were registered in March 22, 2017.

According to the Registrar, Go Daddy, the registrant for all three disputed domain names is Respondent, John Walker, United States of America.

The disputed domain names <xactimate.co> and <xactimate.net> redirect internet users to Afternic landing pages stating that they are "available for sale!" and inviting users to provide their contact details to "Get a price in less than 24 hours." Both disputed domain names are also listed on GoDaddy for a "Premium Domain Purchase One Time Fee" of USD 2,500. The disputed domain name <xactimate.info> has been used to resolve to a parked page displaying pay-per-click links under headings such as "Construction Estimating Software" and "Building Estimating Software" with links to third party advertising by companies in the Complainant's industry.

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 names.

Notably, the Complainant contends that all three of the disputed domain names incorporate the Complainant's mark in its entirety and are therefore identical and confusingly similar to the Complainant's mark, that the Respondent has no rights or legitimate interests in respect of the disputed domain names and that the disputed domain names have been registered and are being used in bad faith.

B. Respondent

On November 8, 2025, the Respondent sent the following informal email communication to the Center:

"[...] At this time, I wish to express my sincere intent to handle this matter amicably and efficiently. While I maintain that there has been no use of these domains in any way that would cause confusion or harm to the Complainant's interests, I understand the importance of resolving trademark concerns in a professional and cooperative manner.

Accordingly, I am open to discussing a mutually agreeable resolution that could include a voluntary transfer of the domains, provided the terms are fair and reflect reasonable consideration for my time, registration costs, and the administrative effort involved[...]"

On November 19, 2025, the Respondent submitted a Response.

The Respondent inter alia stated "[...] I have legitimate rights in holding the domains. They have remained unused since registration. No misleading, commercial, or confusing use has occurred [...]"

The Respondent affirmed that the "[...] Complainant cannot meet Policy ¶4(a)(iii). The domains have never been used to target the Complainant. There has been no bad-faith intent at registration or use. Panels such as *Telstra v. Nuclear Marshmallows* (D2000-0003) and *The New York Times Co. v. Name Admin Inc.* (D2011-0338) reject bad-faith claims where no harmful activity occurred [...]", the "[...] domains were registered in 2017. The Complaint was filed eight years later. This undermines claims of urgency or harm [...]", and "[...] I am willing to consider voluntary transfer at \$500 per domain. This reflects eight years of maintenance and administrative effort [...]"

The Respondent also claimed that one annex in the Complaint was not readable; the Center resent it.

6. Discussion and Findings

In order for the Complainant to obtain a transfer of the disputed domain names, paragraph 4(a) of the Policy requires that the Complainant must demonstrate to the Panel that:

- (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 has been registered and is being used in bad faith.

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. All three of the disputed domain names incorporate the Complainant's mark in its entirety.

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 the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names. The Complainant has not authorized the Respondent to use the Complainant's mark in any manner, including in a domain name, there is no evidence that the Respondent is commonly known by the disputed domain names. The record shows that the Respondent has not used any of the disputed domain names in connection with the bona fide offering of goods or services. 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 names such as those enumerated in the Policy or otherwise.

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.

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.

In the present case, the Panel notes that the Respondent has used the disputed domain names either to direct internet users to a page soliciting offers for their purchase. The respondent has also advertised these domain names each for a "Premium Domain Purchase One Time Fee" of USD 2,500 (which absent evidence to the contrary exceeds any reasonable registration or maintenance costs for the domain names) or to resolve to a parked page comprising competitive pay-per-click links, trading on association with the Complainant's XACTIMATE mark and directing users to third-party sites which offer similar/overlapping services.

The Respondent does not put forward any arguments as to a potentially non-infringing reason for having come up with the disputed domain names which exactly reproduces the Complainant's mark.

The Panel infers from the record that the Respondent was aware of the Complainant's mark at the time of registering the disputed domain names. The record also shows that by offering two of the disputed domain names for a sales price in excess of a reasonable registration fee or maintenance cost, and by using the third disputed domain name for pay-per-click advertising revenues, the Respondent has intentionally created a likelihood of confusion with the Complainant's mark for the Respondent's financial gain and that the Respondent is using all of the disputed domain names in bad faith.

In addition, the Respondent registered all three disputed domain names virtually simultaneously, each consisting solely of the Complainant's XACTIMATE mark. Taken together, the disputed domain names operate as blocking measures, to prevent the Complainant from reflecting its trademark with the gTLDs shown in the disputed domain names. The record therefore supports a finding that the Respondent has engaged in a pattern of conduct, whereby it has registered the disputed domain names to prevent the Complainant from reflecting its XACTIMATE trademark in corresponding domain names, which supports a finding of bad faith under paragraph 4(b)(ii) of the Policy.

The Panel finds that 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 names <xactimate.co>, <xactimate.info> and <xactimate.net> be transferred to the Complainant.

/Lynda J. Zadra-Symes/

Lynda J. Zadra-Symes

Sole Panelist

Date: December 23, 2025