

ADMINISTRATIVE PANEL DECISION

TPS Parking Management, LLC (d/b/a The Parking Spot) v. Donald Growizz,
Growizz

Case No. D2025-4342

1. The Parties

Complainant is TPS Parking Management, LLC (d/b/a The Parking Spot), United States of America (“United States”), represented by Neal, Gerber & Eisenberg LLP, United States.

Respondent is Donald Growizz, Growizz, United States.

2. The Domain Name and Registrar

The disputed domain name <parkingsspots.com> 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 23, 2025. On October 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 23, 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 Complainant on October 24, 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 November 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”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified Respondent of the Complaint, and the proceedings commenced on November 4, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 24, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on November 25, 2025.

The Center appointed Georges Nahitchevansky as the sole panelist in this matter on December 1, 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, TPS Parking Management, LLC, is a provider of vehicle parking, shuttle services and related services for customers traveling to and from airports located throughout the United States. Complainant owns and uses the name and mark THEPARKINGSPOT in connection with its services and owns several trademark registrations for such. These include, inter alia, registrations in the United States for THEPARKINGSPOT as a word mark (Registration No. 2351007, which issued to registration on May 16, 2000 on the Supplemental Register; Registration Nos. 2963762, 5472505, and 7308837 on the Principal Register, the earliest of which issued to registration on June 28, 2005). Complainant also owns and uses the domain name <theparkingspot.com> for a website concerning Complainant and its services,

Respondent appears to be based in the State of New York, United States. Respondent registered the disputed domain name on August 5, 2025. Since registering the disputed domain name, Respondent does not look to have used the disputed domain name for an active website or page. Currently, the disputed domain name does not resolve to an active website or page.¹

5. Parties' Contentions

A. Complainant

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

Notably, Complainant maintains that its THEPARKINGSPOT mark has developed considerable recognition and that the associated services are well-known to customers traveling to and from airports located throughout the United States. Complainant also claims strong rights in THEPARKINGSPOT mark by virtue of its several trademark registrations for that mark.

Complainant contends that the disputed domain name is nearly identical or confusingly similar to its THEPARKINGSPOT mark as it is primarily comprised of THEPARKINGSPOT, mark minus the term "the" and with the addition of the letter "s" between the terms "parking" and "spot" and the addition of the letter "s" at the end of the word "spot".

Complainant asserts that Respondent does not have a right or legitimate interests in the disputed domain name as Respondent (i) has no legal relationship with or consent from Complainant for its registration or use of the disputed domain name, and (ii) is not making a bona fide use of the disputed domain name. In that regard, Complainant notes that the disputed domain name merely resolves to a "blank landing page and error message".

Lastly, Complainant argues that Respondent has registered and used the disputed domain name in bad faith with full knowledge of Complainant's rights in THEPARKINGSPOT mark. Complainant further argues that given the renown of THEPARKINGSPOT mark it is "not plausible that Respondent innocently registered the disputed domain name". Complainant also asserts that given its several trademark registrations for

¹ At the time the Complaint was filed, the disputed domain name did not resolve to an active website or page. According to Complainant, the disputed domain name simply resolved to a blank landing page and error message. The Panel likewise obtained an error.

THEPARKINGSPOT, Respondent had at least constructive knowledge if not actual knowledge of Complainant's trademark. Finally, Complainant contends that Respondent's failure to host a website at the disputed domain name is a further indicia of Respondent's bad faith.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed Complainant must satisfy the Panel that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) 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.

Here, although Respondent has failed to respond to the complaint, the default does not automatically result in a decision in favor of Complainant, nor is it an admission that Complainant's claims are true. The burden remains with Complainant to establish the three elements of paragraph 4(a) of the Policy by a preponderance of the evidence. See section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

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 Complainant's trademark and the disputed domain name. [WIPO Overview 3.0](#) at section 1.7.

Complainant has shown rights in respect of its THEPARKINGSPOT mark for purposes of the Policy, [WIPO Overview 3.0](#), section 1.2.1., and that salient portions of such are incorporated in their entirety with the addition of extra letters in the disputed domain name. Respondent, who has not appeared in this proceeding, has not argued otherwise. As such, for purposes of the first element only, the Panel finds that Complainant has met its burden.

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 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.

Here, Complainant maintains that Respondent has no rights or legitimate interests in the THEPARKINGSPOT mark and has not received the consent of Complainant for its registration and use of

the disputed domain name that is based on Complainant's well-known THEPARKINGSPOT mark. Complainant also contends that Respondent's bad faith is further established from Respondent's lack of use of the disputed domain name for an active website.

While Complainant owns rights in the mark THEPARKINGSPOT, the question before the Panel are how broad are those rights in view of Complainant's claim that the THEPARKINGSPOT mark has developed considerable recognition and the associated services under the mark are well-known to customers traveling to and from airports located throughout the United States. To be sure, the term "parking spot" alone is a common phrase that is frequently used to describe an area, often marked by lines on the ground, for a vehicle to park in a lot, garage, or on a street. A simple Internet search shows hundreds, if not thousands, of references to the phrase "parking spot" or its plural "parking spots". While Complainant may feel otherwise, Complainant's rights in THEPARKINGSPOT do not extend over that generic or descriptive phrase per se, but are limited to the services with which the mark is associated with and for which Complainant has been able to establish acquired distinctiveness through its use of THEPARKINGSPOT in the United States over many years.²

Notably, while Complainant contends its mark is well-known, Complainant did not provide the type of evidence one would expect to see to establish such claimed notoriety. There is no evidence of past use by Complainant of the mark THEPARKINGSPOT apart from more recent examples of advertising and promotions by Complainant, some of which look to be from September 2025. There is also no evidence in the record of third party recognition of the mark, brand rankings, awards or accolades or the like that would typically support a claim of notoriety. In all, absent supporting evidentiary support, Complainant's assertion of being well known is unsubstantiated and conclusory.

But putting aside such lacune, the basic missing piece in Complainant's complaint is evidence showing that Respondent registered a typo version of the generic or descriptive phrase "parking spots", by adding an extra letter "s" between "parking" and "spots", to take advantage of the trademark rights of Complainant in THEPARKINGSPOT. Complainant has provided no evidence that Respondent has made any use of the disputed domain name to trade off of Complainant's trademark rights since registering it in August 2025. There is no evidence, for example, that Respondent used the disputed domain name for a website offering competing or related services to those of Complainant, attempted to leverage Complainant's rights in THEPARKINGSPOT to attract and mislead web traffic to a website for Respondent's benefit, or used the disputed domain name for a nefarious purpose. Nor is there any evidence in the record that Respondent has attempted to sell the disputed domain name to Complainant or anyone else for a price that would indicate an attempt to take advantage of the trademark rights or value Complainant enjoys in THEPARKINGSPOT mark. Lastly, there is no evidence that Respondent is a known cybersquatter, owns other domain names based on third party marks or names or is known to traffic in domain names of questionable origin. In all, the record is devoid of anything that suggests Respondent did anything more than register a typo version of a common phrase.

To be sure, the Panel is mindful that merely registering a domain name comprised of a dictionary word or phrase does not by itself automatically confer rights or legitimate interests on a Respondent. However, in this case the disputed domain name at issue does not involve a well-known mark per se, despite Complainant's unsubstantiated claim. This is not a case, where a truly well-known mark is at issue, such as ORANGE or AMAZON. In such as case, the mere fact of registering a domain name with either the words "orange" or "amazon", might put into question the motive of a Respondent in doing so, and thus the mere

² Complainant's original registration in the United States for THEPARKINGSPOT was placed on the Supplemental Register (Registration No. 2351007), thus confirming that at the time it was considered to be a descriptive phrase. Subsequent registrations obtained by Complainant in the United States for THEPARKINGSPOT on the Principal Register have all included claims of acquired distinctiveness for THEPARKINGSPOT to overcome a descriptiveness objection. Put another way, Complainant claimed that though its continuous use of the mark for five years or more the mark THEPARKINGSPOT had in the mind of consumers become a brand for the services applied for.

argument that the domain name was registered for its descriptive or geographic indication would not suffice and require some proof by the Respondent that such was registered or used in connection with its relied upon dictionary meaning and not to trade off of the trademark rights associated with the ORANGE or AMAZON marks.

Here, in contrast, Complainant has not established that the THEPARKINGSPOT mark is a well-known mark as it claims. As such, this is not a situation as described above with marks that are truly well known such as ORANGE or AMAZON. The question then turns on what the proper burden should be when a disputed domain consists solely of a generic or descriptive phrase, does not fully copy a complainant's mark and the mark at issue only enjoys limited rights. To the Panel, putting the burden solely on a respondent in such circumstances to prove a short time after registering a disputed domain name that it was done to take advantage of a complainant's limited rights would essentially give complainants a windfall. A more balanced approach in such circumstances would be for the complainant to at least provide some evidence that would suggest that the respondent was likely attempting to trade off of its trademark. Here, as already noted, the evidence that Respondent was trying to take advantage of rights that Complainant enjoys in THEPARKINGSPOT mark is missing.

To be sure, Complainant would have a much better claim, for example, if the domain name at issue included the article "the", such as <theparkingspots.[TLD]>, as that might clearly suggest on its face an attempt to ride on Complainant's limited trademark rights and not simply registering a typo version of the common phrase "parking spots". But simply registering a typo version of the common phrase "parking spots" does not without more indicate an attempt to take advantage of Complainant's limited trademark rights.

The Panel thus finds that Complainant has not established the second element of the Policy

C. Registered and Used in Bad Faith

In the light of the Panel's finding as to the second element, the Panel does not need to address the third element of registration and use in bad faith in respect of the disputed domain name. The Panel, however, again notes that Complainant not only did not establish with evidence that its mark is well-known, but failed to provide any evidence establishing or suggesting that Respondent more likely than not registered the disputed domain name to trade off of Complainant's rights in the mark THEPARKINGSPOT, as opposed to simply registering a typo version of a common phrase that is generic or descriptive.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Georges Nahitchevansky/

Georges Nahitchevansky

Sole Panelist

Date: December 22, 2025