

ADMINISTRATIVE PANEL DECISION

Suarez & Munoz Construction, Inc. v. Elizabeth Long, Domain Administrator
Case No. D2025-4365

1. The Parties

The Complainant is Suarez & Munoz Construction, Inc., United States of America ("United States"), represented by ZeroFox, United States.

The Respondents are Elizabeth Long, United States, and Domain Administrator, United States.

2. The Domain Names and Registrar

The disputed domain names <suarezmunozinc.com>, <suarezmun0z.com>, and <suarezsmunoz.com> (the "Disputed Domain Names") are registered with NameSilo, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 23, 2025. On October 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Names. On the same day, 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 Respondents (Privacy User #0e18b2c9, Privacy User #785e8778, Privacy User #139ee2f5) and contact information in the Complaint.

The Center sent an email communication to the Complainant on October 28, 2025, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaints for the Disputed Domain Names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all Disputed Domain Names are under common control. The Complainant filed an amendment to the Complaint on November 10, 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 Respondents of the Complaint, and the proceedings commenced on November 11, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 1, 2025. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on December 17, 2025.

The Center appointed Lynda M. Braun as the sole panelist in this matter on December 19, 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 general engineering and landscape contracting company operating in Hayward, California, United States. The Complainant has been operating for approximately 20 years, having accomplished many notable and recognizable projects. In 2024, The Complainant earned about USD 30 million in annual revenue and spent tens of thousands of United States dollars on advertising online and in other media. The Complainant has also been given multiple awards such as the 2024 Contractor of the Year awarded by the American Public Works Association.

Although the Complainant has no registered trademark, the Complainant claims that due to its unique name and reputation, as well as its continuous use of its trademark in commerce for many years, and the advertisement, and promotion of such mark in connection with its services, it meets the necessary requirements for common law trademark rights.

The Complainant owns the domain name <suarezmuno.com>, which it registered on July 6, 2006, and resolves to its official website at "www.suarezmuno.com".

The Disputed Domain Names are <suarezmuno.com>, registered on July 4, 2025, <suarezmuno.com>, registered on July 3, 2025, and <suarezmuno.com>, registered on October 29, 2024. The Disputed Domain Name <suarezmuno.com> and <suarezmuno.com> are registered by the Respondent Elizabeth Long, and the Disputed Domain Name <suarezmuno.com> is registered by the Respondent Domain Administrator.¹ Each Disputed Domain Name resolves to a parked page with pay-per-click ("PPC") hyperlinks. In addition, two of the Disputed Domain Names, <suarezmuno.com> and <suarezmuno.com> have active Mail Exchange ("MX") records associated with them, which suggests preparations for or the intent to engage in email communication incorporating the Disputed Domain Names.

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:

- it has common law trademark rights in the SUAREZ MUNOZ mark;
- the Disputed Domain Names are confusingly similar to the Complainant's common law trademark, since, among other things, they include the SUAREZ MUNOZ trademark in its entirety, albeit with a slight misspelling;
- the Respondents have no rights or legitimate interests in respect of the Disputed Domain Names because, among other things, the Disputed Domain Names resolve to a parked page with PPC-sponsored hyperlinks;
- and

¹ The Panel notes that the Disputed Domain Name <suarezmuno.com> is currently pending Delete.

- the Disputed Domain Names were registered and are being used in bad faith because, among other things, the Respondents used the Disputed Domain Names to resolve to a parked page with PPC-sponsored hyperlinks.

The Complainant seeks the transfer of the Disputed Domain Names from the Respondents to the Complainant in accordance with paragraph 4(i) of the Policy.

B. Respondents

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

6. Discussion and Findings

6.1 Consolidation: Multiple Respondents

The Complaint and the amendment to the Complaint were filed in relation to nominally different domain name registrants. The Complainant alleges that the Disputed Domain Name registrants are the same entity or mere alter egos of each other, or under common control, and thus requests the consolidation of the Complaint against the multiple Disputed Domain Name registrants pursuant to paragraph 10(e) of the Rules. The Complainant claims that the similarity in the Registrar and typosquatting strategy indicates that it is more likely than not that they are owned by the same person or entity.

The Disputed Domain Name registrants did not comment on the Complainant's request to consolidate the Respondents as they did not respond to the Complaint.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the disputed domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the Disputed Domain Names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2. Procedural efficiency would also underpin panel consideration of such a consolidation scenario. See *Speedo Holdings B.V. v. Programmer, Miss Kathy Beckerson, John Smitt, Matthew Simmons*, WIPO Case No. [D2010-0281](#).

As regards common control, the Panel notes that two of the Disputed Domain Names are registered with the same Registrar within one day of each other, and the third, within three months of the others, and two of the Disputed Domain Names are owned by the same individual. Moreover, the Disputed Domain Names all incorporate the terms "suarez" and "munoz", or a visually similar variant thereof in which the letter "o" is replaced by the numeral "0", and two of the Disputed Domain Names are misspelled. In addition, all three of the Disputed Domain Names resolve to parked pages that display PPC third-party sponsored hyperlinks and two of the Disputed Domain Names have configured active associated MX records.

Based on the above, the Panel concludes that it would be procedurally efficient, as well as fair and equitable to all Parties, for the Disputed Domain Names to be dealt with by means of a single Complaint. The Panel accordingly grants the Complainant's request for consolidation.

Thus, the Panel has decided to consolidate the disputes regarding the nominally different Disputed Domain Name registrants (referred to below as "the Respondent") in a single proceeding.

6.2 Substantive Issues

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

- (i) the Disputed Domain Names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the Disputed Domain Names; and
- (iii) the Disputed Domain Names have been registered and are 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.

First, “[i]t is well-settled that the term ‘trademark’ or ‘service mark’ as used in paragraph 4(a)(i) of the Policy encompasses both registered marks and common law marks.” *Henry Ramirez dba Bay Area Driving School v. Interactive Solutions, Inc.*, WIPO Case No. [D2006-1414](#). Here, the Panel finds that the Complainant has common law rights in its SUAREZ MUNOZ mark because the Complainant’s mark is distinctive and has used it in commerce consistently and continuously for 20 years to identify the Complainant to its customers and the public. As such, the Panel concludes that the Complainant has shown evidence of common law trademark rights given that the Complainant’s customers associate the SUAREZ MUNOZ mark with the Complainant and the services it provides due to the Complainant’s annual revenue and extensive advertisement and promotion of its trademark as a source identifier since at least 2006 (hereinafter referred to as the “SUAREZ MUNOZ Mark”).

Second, the Panel concludes that in the present case, the Disputed Domain Names are confusingly similar to the SUAREZ MUNOZ Mark, as set forth 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 Names. [WIPO Overview 3.0](#), section 1.7.

The Panel finds that the Complainant has established rights in the SUAREZ MUNOZ Mark based on its 20 years of use as well as its common law trademark for the SUAREZ MUNOZ Mark since such common law rights satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case. [WIPO Overview 3.0](#), section 1.3.

The Disputed Domain Name consists of the SUAREZ MUNOZ Mark in its entirety, albeit misspelled with the numeral “0” substituted for the letter “o” in one Disputed Domain Name, and the letter “s” added to “suarez” in another Disputed Domain Name, followed by the generic Top-Level Domain (“gTLD”) “.com”. Such a minor modification to a disputed domain name is commonly referred to as “typosquatting” and seeks to wrongfully take advantage of errors by a user in typing a domain name into a web browser. The misspelling of “suarezmunoZ” to “suarezmun0z” and “suarezmunoZ” to “suareZsmunoZ” does not prevent a finding of confusing similarity to the SUAREZ MUNOZ 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](#).

The third Disputed Domain Name includes the SUAREZ MUNOZ Mark followed by the term “inc”. The test for confusing similarity involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name. Here, the SUAREZ MUNOZ Mark is recognizable within the Disputed Domain Name. As stated in section 1.8 of [WIPO Overview 3.0](#), “where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element”. Thus, the addition of the term “inc” to the Complainant’s SUAREZ MUNOZ Mark in the Disputed Domain Name does not prevent a finding of confusing similarity. See e.g., *Allianz Global Investors of America, L.P. and Pacific Investment Management*

Company (PIMCO) v. Bingo-Bongo, WIPO Case No. [D2011-0795](#); and *Hoffmann-La Roche Inc. v. Wei-Chun Hsia*, WIPO Case No. [D2008-0923](#).

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 Names are confusingly similar to the Complainant’s SUAREZ MUNOZ 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 the Respondent may demonstrate rights or legitimate interests in a disputed domain name. Here, the Respondent has not so demonstrated.

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 Respondent has not rebutted the Complainant’s prima facie showing as it has not submitted a response to the Complaint 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 Complainant’s prima facie case includes the fact that the Complainant has not authorized, licensed or otherwise permitted the Respondent to use its SUAREZ MUNOZ Mark, that the Complainant does not have any type of business relationship with the Respondent, that there is no evidence that the Respondent is commonly known by the Disputed Domain Names or by any similar names, and that there is no evidence that the Respondent was using or making demonstrable preparations to use the Disputed Domain Names in connection with a bona fide offering of goods or services. See Policy, paragraph 4(c).

Further, as noted above, the Disputed Domain Names resolve to a parking page displaying PPC links to various third-party services. The Complainant infers, and the Panel concurs, that the Respondent is purportedly seeking to generate click-through revenue from Internet users drawn to the Respondent’s web page due to a perceived association between the Disputed Domain Names and the Complainant’s trademark. Such conduct, where the Respondent is seeking to unfairly capitalize on the goodwill associated with the Complainant’s trademark, does not amount to use of the Disputed Domain Names in connection with a bona fide offering of goods or services. As such, the Respondent’s registration and use of the Disputed Domain Names may be deemed commercially motivated and does not amount to a legitimate noncommercial or fair use within the meaning of paragraph 4(c)(iii) of the Policy.

In addition, as two of the Disputed Domain Names, <suarezmunozinc.com> and <suarezmun0z.com>, have active MX records associated with them, it suggests preparations for or the intent to engage in email communication incorporating the Disputed Domain Names. Such use may potentially cause further confusion due to the similarity of the Disputed Domain Names to the Complainant’s trademark.

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 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.

The Disputed Domain Names resolve to a parking page displaying PPC links to third-party services. The Complainant infers that the Respondent derives click-through revenue from the presence of such links on the website to which the Disputed Domain Names resolve. The Panel finds that by using the Disputed Domain Names in such a manner, the Respondent intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's SUAREZ MUNOZ Mark as to the source, sponsorship, affiliation, or endorsement of the Disputed Domain Names in bad faith pursuant to paragraph 4(b)(iv) of the Policy.

Moreover, the Panel concludes that the Respondent's registration of the Disputed Domain Names was an attempt to disrupt the Complainant's business by diverting Internet users who were searching for the Complainant's services from its official website to the Respondent's resolving webpages. See *Banco Bradesco S.A. v. Fernando Camacho Bohm*, WIPO Case No. [D2010-1552](#). The Respondent's use of the Disputed Domain Names is also likely to confuse Internet users into incorrectly believing that the Respondent's use is somehow authorized by, or that the Respondent is affiliated with the Complainant.

Further, two of the Disputed Domain Names contain a misspelling of the SUAREZ MUNOZ Mark, which further supports a finding of bad faith registration and use. See *Nutricia International BV v. Eric Starling*, WIPO Case No. [D2015-0773](#).

Finally, the Panel also finds that the Respondent knew that the Complainant had rights in the SUAREZ MUNOZ Mark when registering the Disputed Domain Names, emblematic of bad faith registration and use. The Respondent created near identical domain names, incorporating the entirety of the SUAREZ MUNOZ Mark, making clear that the Respondent was well aware of the Complainant and its trademark. Therefore, it strains credulity to believe that the Respondent had not known of the Complainant or its SUAREZ MUNOZ Mark when registering the Disputed Domain Names. 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"). Thus, the Panel concludes that in the present case, the Respondent had the Complainant's SUAREZ MUNOZ Mark in mind when registering the Disputed Domain Names.

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 Names <suarezmunozinc.com>, <suarezmun0z.com> and <suarezsmunoz.com> be transferred to the Complainant.

/Lynda M. Braun/

Lynda M. Braun

Sole Panelist

Date: January 2, 2026