

ADMINISTRATIVE PANEL DECISION

Suarez & Munoz Construction, Inc. v. Matthew Dube
Case No. D2025-4438

1. The Parties

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

The Respondent is Matthew Dube, United States.

2. The Domain Name and Registrar

The disputed domain name <suarezmunoz.com> is registered with Squarespace Domains LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 28, 2025. On October 28, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 29, 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 ("Registration Private, Redacted for Privacy") and contact information in the Complaint. The Center sent an email communication to the Complainant on October 30, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint.

The Center verified that 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 December 15, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 4, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 5, 2026.

The Center appointed William F. Hamilton as the sole panelist in this matter on January 12, 2026. 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 Suarez & Munoz Construction, Inc., a construction and landscape contracting company based in California. For many years, the Complainant has operated continuously under the mark SUAREZ & MUNOZ, which it uses in connection with its construction, engineering, and related services. The Complainant maintains an active commercial presence through its principal website “www.suarezmunoz.com” through which it promotes its services, public works projects, employment opportunities, and client relationships.

Although the Complainant indicates it does not own a registered trademark for SUAREZ & MUNOZ, the record demonstrates that the name has acquired distinctiveness through extensive and longstanding use in commerce. Evidence submitted by the Complainant shows that SUAREZ & MUNOZ has been publicly identified as a contractor on numerous large-scale infrastructure and public works projects, including award-winning projects recognized by professional engineering organizations. The Complainant has also received industry recognition and media exposure under the SUAREZ & MUNOZ name, reinforcing the association between that name and the Complainant’s services.

Publicly available search results¹ further confirm that the trademark SUAREZ & MUNOZ is closely and uniquely associated with the Complainant. An Internet search for SUAREZ & MUNOZ returns the Complainant as the primary and dominant result, including direct links to the Complainant’s official website, project portfolio, and business listings.

The disputed domain name was registered on September 19, 2024. The disputed domain name resolves to an inactive webpage.

5. Parties’ Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under paragraph 4(a) of the Policy.

The Complainant asserts that, through long-standing and continuous use in commerce, the trademark SUAREZ & MUNOZ has acquired secondary meaning and functions as a distinctive identifier of the Complainant and its construction services. The Complainant contends that the disputed domain name is confusingly similar to its trademark, as it reproduces the Complainant’s trademark in its entirety with only a minor and meaningless alteration, namely, the substitution of the letter sequence “nr” for the letter “m,” which does not prevent a finding of confusing similarity.

The Complainant further contends that the Respondent has no rights or legitimate interests in the disputed domain name. According to the Complainant, the Respondent is not authorized by the Complainant to use its trademark, nor is the Respondent commonly known by the name, nor and it has made a bona fide offering of goods or services through the disputed domain name.

¹ Noting in particular the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the Rules, it has been accepted that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 4.8.

The Complainant asserts that the Respondent's non-use of the disputed domain name does not confer any rights or legitimate interests under the Policy.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant argues that the Respondent is likely aware of the Complainant's trade name, that the disputed domain name constitutes an obvious case of typosquatting, and that the passive holding of the disputed domain name is in bad faith with a likely intent to capitalize on confusion for commercial gain or to sell the disputed domain name to the Complainant.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy lists three elements that a complainant must satisfy to succeed. The Complainant must demonstrate that:

- (i) the domain name is 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 such domain name; and
- (iii) the 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.

Based on the facts established above in the Complaint and Annexes, the Panel finds the Complainant has established unregistered trademark rights in the mark SUAREZ & MUNOZ for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3.

The Panel finds that the Complainant's mark is recognizable within the disputed domain name. The substitution of the letter sequence "nr" in place of the letter "m" of the Complainant's SUAREZ & MUNOZ mark does not avoid confusing similarity and reflects a deliberate misspelling consistent with typosquatting. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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 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.

In particular, the Panel finds that the Respondent's passive holding of the disputed domain name in connection with an inactive webpage does not constitute a bona fide offering of goods or services, nor a legitimate noncommercial or fair use capable of conferring rights or legitimate interests under the Policy.

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 the Respondent registered a domain name that is confusingly similar to the SUAREZ & MUNOZ mark, has made no active legitimate use of the disputed domain name beyond an inactive webpage, and has failed to respond to the Complaint.

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.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant's trademark, and the typosquatting composition of the disputed domain name, and finds that in the circumstances of this case, the passive holding of the disputed domain name does not prevent a finding of bad faith under 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 name <suarezrunoz.com> be transferred to the Complainant.

/William F. Hamilton/

William F. Hamilton

Sole Panelist

Date: January 26, 2026