

ADMINISTRATIVE PANEL DECISION

Jeff Beauprez V. David Morales, Colorado Networks Usa, Inc
Case No. D2025-4539

1. The Parties

The Complainant is Jeff Beauprez, United States of America (“United States”), represented by Williams Intellectual Property, Inc., United States.

The Respondent is David Morales, Colorado Networks USA, Inc, United States.

2. The Domain Name and Registrar

The disputed domain name <coloradonetworksusainc.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 November 3, 2025. On November 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 5, 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 (“Colorado Networks USA Inc.”) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 5, 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 amended Complaint on the same date. On November 10, 2025, the Center requested the Complainant to clarify a procedural requirement in the Complaint. The Complainant filed a new amended Complaint on November 10, 2025.

The Center verified that the Complaint together with 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 the Respondent 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 Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 2, 2025.

The Center appointed W. Scott Blackmer as the sole panelist in this matter on December 9, 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. ¹

4. Factual Background

The Complainant is an individual residing in the State of Colorado, United States, who offers cyber security services, systems management, and “storage services for archiving databases, images and other electronic data”. The Complainant advertises this business on the Complainant’s website at “www.colorado-networks.com”. The Complainant states that he has been offering such services under his COLORADO NETWORKS mark since October 1, 2002.

The Complainant holds United States Trademark Registration Number 3150992 (registered on October 3, 2006) for a figurative mark consisting of an illustration of a tree branch with leaves and the words COLORADO NETWORKS in large, stylized letters and INC. in smaller letters. The mark is registered in International class 39 for electronic storage services.

The Panel notes that the domain name <colorado-networks.com> was in fact created on October 5, 2002, and the Internet Archive’s Wayback Machine has screenshots associated with that domain name beginning in August 2003 advertising the services of “the professionals of Colorado Networks” to help businesses with their “computer problems”. ²

The disputed domain name was created on November 17, 2022, and is registered to the Respondent David Morales, listed as the CEO of “Colorado Networks Usa, Inc”, with a postal address in the State of Ohio, United States and an Outlook.com contact email address. The Panel notes that the online database of the Colorado Secretary of State lists an active Colorado business corporation named Colorado Networks USA, Inc., formed on October 18, 2016, with David Morales as president and a principal office address in Denver, Colorado. Colorado Networks USA, Inc. is also registered as a foreign corporation in the State of Ohio, United States, at the address given in the registration of the disputed domain name, as shown on the database of the Ohio Secretary of State (David Morales signed the application for the license to do business in Ohio).

At the time of this Decision, the disputed domain name does not resolve to an active website. Screen captures attached to the Complaint (none are available from the Wayback Machine) show that in October 2025 the disputed domain name resolved to a website (the “Respondent’s website”) headed with the tagline, “Secure Your Data. Own Your Platform.” This was followed by, “At Colarado [sic] Networks USA, we build custom data security solutions that put you in control ...” and similar text touting customized computer security services. The text consistently misspelled “Colorado” and was interspersed with what appear to be stock photos and patently spurious “certification” logos with titles such as “Ultra Prestigious Best of the World” and “Hyper Best Award Winning”. The Complaint refers to “sponsored listings” to third parties, but the Panel finds no evidence of these in the furnished screenshots. The site proposed broadly described network security services for USD 9,000 or USD 16,000 and encouraged visitors to email the site operator or to call a toll-free telephone number. The “FAQ” section was not populated.

¹At the request of the Complainant, the Panel also reviewed correspondence between the Registrar, the Center, and the Parties concerning renewal of the disputed domain name, which was set to expire during the pendency of this proceeding. The Registrar pointed out that, while the disputed domain name remained under registrar lock once the Complaint was filed, the disputed domain name would be withdrawn if one party or the other did not pay the registration renewal fee before expiration. The Complainant ultimately paid the registration fee “under protest”. Curiously, the Complainant’s requested remedy in this proceeding is cancellation, not transfer, of the disputed domain name.

²Noting the general powers of a panel articulated in paragraphs 10 and 12 of the Rules, it is commonly accepted that a panel may undertake limited factual research into matters of public record, as the Panel has done in these proceedings. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 4.8.

5. Parties' Contentions

A. Complainant

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

Notably, the Complainant contends that the disputed domain name is confusingly similar to his COLORADO NETWORKS mark, which is registered and has "garnered secondary meaning and distinctiveness".

The Complainant asserts that the Respondent is not a licensee and is not commonly known by a corresponding name and is not using the disputed domain name for a bona fide offering of goods or services.

The Complainant argues "upon information and belief" that the Respondent registered and is using the disputed domain name in bad faith, misdirecting Internet users to the Respondent's website to a page with sponsored listings for data security services similar to those offered by the Complainant and receiving some compensation from searches generated through the disputed domain name. The Complainant argues that there is "no plausible circumstance" under which the Respondent could legitimately register the disputed domain name, and the Complainant requests that the disputed domain name be cancelled.

B. Respondent

The Respondent did not reply to the 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 disputed domain name. [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, the registered COLORADONETWORKS INC. figurative mark with prominent, relevant textual elements. [WIPO Overview 3.0](#), section 1.2.1.

The Complainant also mentions secondary meaning and acquired distinctiveness in connection with COLORADO NETWORKS but has not furnished evidence of historical sales, marketing, consumer and industry recognition sufficient to establish this as an unregistered mark for Policy purposes. [WIPO Overview 3.0](#), section 1.3.

The Panel finds that the prominent and distinctive textual elements of the registered COLORADO NETWORKS INC. figurative mark are recognizable within the disputed domain name. Accordingly, the disputed domain name is 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, the geographic abbreviation "usa") may bear on assessment of the second and third elements, the Panel finds the addition of such a term does not prevent a finding of confusing similarity between the disputed 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.

As noted above, the Panel finds evidence that there is in fact a Colorado corporation with a name corresponding to the disputed domain name, and the Respondent’s former website could be seen as advertising the services of this company. However, the email address for the registrant of the disputed domain name reproduces a name different to the named Respondent (raising concerns as to the actual Respondent’s identity), the website is no longer active, and the Respondent has not come forward to show that it is actually conducting a bona fide business or making preparations to do so using the disputed domain name. As detailed further in the following section, the Respondent’s former website raises doubts on the veracity of its content and the purpose behind it, at its best calling for an answer from the Respondent where none has been submitted.

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 created the disputed domain name comprised of a slight variation of the three words making up the textual elements of a registered mark, simply inserting the relevant geographic abbreviation “USA”, and used it for a website advertising competing services. The Complainant was already using a very similar domain name for his business. If the disputed domain name was, in fact, registered by the Respondent, it is also notable that the Respondent is located in Colorado and the Complainant was based in Colorado until a recent move to Ohio. These facts support an inference of prior awareness of the Complainant’s mark.

Paragraph 4(b)(iv) of the Policy gives as an example of bad faith the misdirection of Internet users to another site for commercial gain by creating confusion with the Complainant’s mark. That is the case with the Respondent’s former website, which on its fact advertises services competing with those of the Complainant.

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 held that the use of a domain name for illegitimate activity constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Despite the Complainant’s apparent misapprehension that the Respondent’s website simply involved “sponsored links”, the Panel notes that the Respondent has not come forward with evidence that the Respondent actually engaged in the business purportedly advertised on the Respondent’s former website, which is no longer active. To the contrary, the website was replete with indicia of a factitious site such as misspellings of the company name (“Colarado” rather than “Colorado”), vague descriptions of

service offerings, comically phony “certifications”, missing FAQs, stock photos, no precise identification of the company and its location or history. The Respondent’s former website was more likely generated from templates or by artificial intelligence (AI) than by an actual competitor that could provide the advertised services if an Internet user ordered and paid for them. The Panel notes that it is even possible that the company Colorado Networks USA, Inc. was not the actual registrant of the disputed domain name; the name is spelled with incorrect capitalization in the domain name registration as “Colorado Networks Usa, Inc.”, and the registrant’s email address as identified by the Registrar reproduces a name different to the one of the Respondent David Morales. But whether the named Respondent I or a scammer registered and used the disputed domain name as described above, the Panel finds on this record that this conduct represents bad faith within the meaning of the Policy. In light of the above, the Panel finds that the disputed domain name was more likely than not registered and used in an attempt to attract Internet users to the Respondent’s website to potentially engage in some sort of illegitimate activity. The absence of an explanation from the Respondent as to the registration and use of the disputed domain name supports this finding.

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 <coloradonetworksusainc.com> be cancelled, as requested by the Complainant.

/W. Scott Blackmer/

W. Scott Blackmer

Sole Panelist

Date: December 23, 2025