

## **ADMINISTRATIVE PANEL DECISION**

Zoox, Inc. v. Kamau Vito

Case No. D2025-4542

### **1. The Parties**

The Complainant is Zoox, Inc., United States of America (“United States”), represented by Lee & Hayes, PC, United States.

The Respondent is Kamau Vito, United Kingdom.

### **2. The Domain Name and Registrar**

The disputed domain name <zooxfm.com> is registered with Gname.com Pte. Ltd. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 4, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 10, 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 the same day.

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 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 18, 2025.

The Center appointed Torsten Bettinger 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 Zoox, Inc., a corporation organized under the laws of the State of Delaware, United States with its principal place of business in Foster City, California, United States.

Founded in 2014, the Complainant develops and operates a fleet of autonomous, symmetrical, battery-electric vehicles intended for use in a proprietary ride-hailing service aimed at improving road safety and reducing traffic congestion and environmental impact in urban areas. In 2020, the Complainant became part of the Amazon group.

Since at least as early as 2016, the Complainant has continuously used, advertised, and promoted its products and services under the trademark ZOOX in the United States and internationally.

The Complainant is the proprietor of various trademark registrations for ZOOX, including the following:

- Brazil trademark No. 911543554 registered on July 24, 2018, in Class 7.
- France trademark No. 4792286 registered on August 26, 2016, in Classes 7, 9, 12 and 39.
- European Union trademark No. 018263002 registered on December 10, 2020, in Classes 9, 12, 39, 41 and 42.

The domain name <zoox.com> has been registered since September 13, 2001, and, since that time, it has been held by or for the benefit of the Complainant. The Complainant's website features photographs promoting the Complainant's autonomous vehicles and the ZOOX trademarks.

The disputed domain name was registered on October 6, 2025. It resolves to a website that impersonates the Complainant, and contains a page on which consumers are asked to enter their telephone numbers and passwords.

#### **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 name.

With regard to the requirement of "identity or confusing similarity between the trademark and the domain name" pursuant to paragraph 4(a)(i) of the Policy, the Complainant contends that

- the disputed domain name is confusingly similar to its ZOOX trademark, as it incorporates the mark in its entirety,
- the additional descriptive term "fm" and the generic Top-Level Domain (gTLD) ".com" are insufficient to dispel confusing similarity under the Policy.

With regard to the Respondent having no rights or legitimate interests in the disputed domain name, the Complainant submitted that,

- the Respondent was not authorized by the Complainant to register or use the disputed domain name;

- the Respondent is not commonly known by the disputed domain name, and, prior to notice of the dispute, did not use the disputed domain name in connection with a bona fide offering of goods or services or for any legitimate noncommercial or fair use;
- instead, the Respondent used the disputed domain name to impersonate the Complainant by reproducing content and images from the Complainant's official website, with the apparent intent to mislead Internet users into believing that the website was operated by, endorsed by, or otherwise affiliated with the Complainant.

Finally, with regard to the disputed domain name having been registered and being used in bad faith, the Complainant argues that,

- it held well-established common law and registered trademark rights in the ZOOX mark prior to the registration of the disputed domain name, making it more likely than not that the Respondent was aware of and deliberately targeted those rights;
- the Complainant's rights were readily discoverable through a simple Internet search, and is further evidenced by the Respondent's copying and use of the Complainant's photographs, logos, and trademarks;
- the disputed domain name resolves to a website designed to impersonate the Complainant and mislead Internet users, thereby confirming both registration and use of the disputed domain name in bad faith;
- the Respondent intentionally sought to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's highly distinctive ZOOX trademark as to source, sponsorship, affiliation, or endorsement, within the meaning of paragraph 4(b)(iv) of the Policy.

## **B. Respondent**

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

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy states that the Complainant must prove each of the three following elements:

- (i) the disputed 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 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.

The Panel notes that the disputed domain name incorporates the Complainant's trademark ZOOX in its entirety and is clearly recognizable within the disputed domain name. The additional element "fm" does not prevent a finding of confusing similarity.

It is well established that the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) to a complainant's trademark does not avoid a finding of confusing similarity where the trademark remains recognizable within the domain name (see [WIPO Overview 3.0](#), section 1.8).

The gTLD ".com" is disregarded for the purposes of the comparison, as it is a standard registration

requirement (see [WIPO Overview 3.0](#), section 1.11.1).

Accordingly, the Panel concludes that the disputed domain name is confusingly similar to the Complainant's ZOOX trademark and that the first element of paragraph 4(a) of the Policy is satisfied.

## **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 Complainant has not authorized the Respondent to use its ZOOX trademark, nor to register a domain name incorporating that mark. There is no evidence in the record that the Respondent has been commonly known by the disputed domain name, or that it has acquired any trademark or service mark rights corresponding to it.

The Panel further finds no evidence that, prior to notice of the dispute, the Respondent used or demonstrably prepared to use the disputed domain name in connection with a bona fide offering of goods or services, nor that the Respondent has made a legitimate noncommercial or fair use of the disputed domain name within the meaning of paragraph 4(c) of the Policy.

To the contrary, the disputed domain name resolves to a website that impersonates the Complainant, and contains a page on which consumers are asked to enter their telephone numbers and passwords, hereby creating the false impression that the website is operated by, endorsed by, or affiliated with the Complainant. Such conduct cannot constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use under the Policy.

The Respondent has not come forward with any evidence to rebut the Complainant's *prima facie* case or to demonstrate rights or legitimate interests in the disputed domain name.

Accordingly, the Panel concludes that the Respondent has no rights or legitimate interests in respect of the disputed domain name and that the second element of paragraph 4(a) of the Policy is satisfied.

## **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.

### **(i) Bad Faith Registration**

The Panel is satisfied that, at the time of registration of the disputed domain name, the Respondent was aware of the Complainant and its ZOOX trademark and registered the disputed domain name with that mark

in mind. The Complainant's trademark is inherently distinctive and had been used and protected by trademark registrations well before the registration of the disputed domain name.

Given the incorporation of the Complainant's mark in its entirety, the absence of any plausible alternative explanation for the choice of the disputed domain name, the Panel finds it more likely than not that the Respondent had actual knowledge of the Complainant's trademark when registering the disputed domain name. Panels have consistently held that registration of a domain name incorporating a distinctive mark, with knowledge of the complainant's rights and without authorization, supports a finding of bad faith registration.

The Panel further notes that the Respondent has not provided any credible evidence-backed rationale for registering the disputed domain name. In these circumstances, the Panel concludes that the disputed domain name was registered in bad faith.

#### **(ii) Bad Faith Use**

The Panel also finds that the disputed domain name is being used in bad faith.

The evidence shows that the disputed domain name resolves to a website that deliberately impersonates the Complainant, and contains a page on which consumers are asked to enter their telephone numbers and passwords.

Such use is clearly intended to create a likelihood of confusion among Internet users as to the source, sponsorship, affiliation, or endorsement of the website.

By using the disputed domain name in this manner, the Respondent has intentionally attempted to attract Internet users for commercial gain by exploiting the goodwill associated with the Complainant's trademark. This conduct falls squarely within the example of bad faith use set out in paragraph 4(b)(iv) of the Policy.

Taken together, the Respondent's conduct demonstrates a clear scheme of targeting the Complainant's trademark both at the time of registration and in the subsequent use of the disputed domain name.

Accordingly, the Panel concludes that the disputed domain name was registered and is being used in bad faith, and that the third element of paragraph 4(a) of the Policy is satisfied.

### **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 <zooxfm.com> be transferred to the Complainant.

*/Torsten Bettinger/*

**Torsten Bettinger**

Sole Panelist

Date: January 2, 2026