

ADMINISTRATIVE PANEL DECISION

Yard Armor, LLC v. Michael Bennett, Bennett Landscaping
Case No. D2025-4605

1. The Parties

The Complainant is Yard Armor, LLC, United States of America (“United States”), represented by Scheef & Stone, LLP, United States.

The Respondent is Michael Bennett, United States, represented by Rosenthal IP Law, United States.

2. The Domain Name and Registrar

The disputed domain name <yardarmor.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 6, 2025. On November 7, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 7, 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 (DomainsByProxy.com/Registration Private, Domains By Proxy, LLC) 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 amended Complaint on November 13, 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 the Respondent of the Complaint, and the proceedings commenced on November 21, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 11, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Parties of the Respondent’s default on December 12, 2025.

The Center appointed Ingrīda Kariņa-Bērziņa as the sole panelist in this matter on December 18, 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.

The Center received an email from the Respondent's representative on December 18, 2025, stating that the Respondent had not been notified of the Complaint. On December 23, 2025, the Center sent the Respondent confirmation that it had in fact discharged its obligation to notify the Respondent of the Complaint pursuant to paragraph 2(a) of the Rules.

On December 28, 2025, the Respondent submitted a Response, which was acknowledged by the Center, and which, at the Panel's request, extended the due date for the Decision and notified the Parties accordingly on January 2, 2026. On January 5, 2026, the Complainant submitted an unsolicited supplemental filing. On January 10, 2026, the Respondent submitted an unsolicited supplemental filing.

4. Factual Background

The Complainant is a Texas, United States, company that is the proprietor of United States Trademark Registration No. 7869448 for YARD ARMOR (word mark), registered on July 15, 2025, for the following goods in class 6: "metal building materials, namely, metal downspout cover," for which it claims a date of first use of February 24, 2025. The Complainant operates a website at <yardarmorusa.com>.

The Respondent operates a lawn-care business and other related businesses in New Jersey, United States. He is the proprietor of United States Trademark Registration No. 6014677 for RECLAIM YOUR YARD (word mark), registered on March 17, 2020, for services in class 44: "landscape gardening; pest control for horticulture", claiming a date of first use in 2018. One of the Respondent's businesses, Mosquito Guard LLC, is the proprietor of United States Trademark Registration No. 7284589 for MOSQUITO ARMOR (word mark), registered on January 23, 2024, for goods in class 5: "insect repellents, mosquito repellents", claiming a date of first use in 2022. The record contains undated screen shots of a proposed website at the disputed domain name marketing the Respondent's various lawn-care products.

According to the record, the disputed domain name was created in 2009, and the Respondent purchased the disputed domain name on October 15, 2021. At the time of the Complaint and of this Decision, it did not resolve to an active website.

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.

Notably, the Complainant contends that it is the proprietor of a United States Trademark registration for YARD ARMOR, which is identical to the disputed domain name. The Respondent is not making any use of the disputed domain name and has no rights in this mark. The Respondent is not known by the disputed domain name. A review of the Respondent's social media did not reveal any mention of the disputed domain name. The Respondent is not affiliated with the Complainant. The disputed domain name is not being used. Circumstances indicate that the disputed domain name was registered primarily for the purpose of selling it to the trademark holder (the Complainant) or a competitor.

The Complainant requests transfer of the disputed domain name.

B. Respondent

The Respondent contends that the Complainant has not satisfied the elements required under the Policy for a transfer of the disputed domain name. The Respondent states that he and his businesses own several United States trademarks, all of which have to do with protecting yards, such as RECLAIM YOUR YARD, MOSQUITO GUARD, EVENT GUARD, FLEA & TICK GUARD, and MOSQUITO ARMOR. The Respondent purchased the disputed domain name intending to use it as a house mark for his goods and services. He is finalizing plans to launch a website at the disputed domain name in 2026. These demonstrable preparations predate the registration of the Complainant's trademark. The Parties are not competitors. The Respondent did not register the disputed domain name with the intention of preventing the Complainant from reflecting its mark in the disputed domain name, as he was not aware of the Complainant's use of the trademark, which began after the Respondent began preparations for using the disputed domain name.

6. Discussion and Findings

6.1 Supplemental Filings

A. Respondent's Late Response

On December 28, 2025, the Respondent sent its Response to the Center. In addition to the substantive arguments outlined above, the Respondent explained that, due to personal circumstances, he was unable to provide a response by the deadline of December 11, 2025. The Respondent requests that the Response be admitted to the record.

B. Complainant's Supplemental Filing

On January 5, 2026, the Complainant submitted an unsolicited supplemental filing. In it, the Complainant addresses the arguments made in the Response. The Complainant states that the Respondent, by failing to publicly use the trademark, has no legal right and no legitimate interest in the Complainant's trademark, which the Respondent is legally prohibited from using on yard marks or services. The Respondent's registered trademarks do not include the words "yard armor." The Respondent's services are in the same channels of trade as the Complainant's. As the Respondent is aware, the Complainant markets its products to landscape service providers and is now also marketing fence related products. The Respondent does not support its claim of four years of preparation to use the mark. The Complainant, by contrast, has filed several patent applications and registered the YARD ARMOR trademark. It is trading as YARD ARMOR and has developed a website at <yardarmorusa.com>.

C. Respondent's Supplemental Filing

On January 10, 2026, the Respondent submitted an unsolicited supplemental filing. In it, the Respondent briefly addresses the Complainant's unsolicited supplemental filing and reiterates previously stated arguments.

D. Discussion of Late and Supplemental Filings

Neither the Rules nor the Supplemental Rules make express provision for supplemental or late filings, except at the request of the panel (see paragraph 12 of the Rules). Generally, UDRP panels only accept such filings in exceptional circumstances where such a filing clearly shows its relevance to the case and the filing party shows that it was unable to provide the information contained therein in the original complaint or response (see section 4.6 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#))).

Noting the aim of conducting the proceedings with due expedition, paragraph 10 of the Rules vests a panel with authority to conduct the proceedings in a manner it considers appropriate while also ensuring both that the parties are treated with equality, and that each party is given a fair opportunity to present its case.

Noting the exceptional circumstances described by the Respondent, and the relatively brief delay, the Panel finds that the Response, though received after the Panel was appointed, may be considered in these proceedings.

At the same time, the Panel admits the Complainant's Supplemental Filing. The Panel notes that the Complainant includes arguments refuting the Response. Some of these repeat arguments in the Amended Complaint, but others address new factors such as the Respondent's website which triggers a security warning, of which the Panel takes note.

In light of the disposition of the case, the Panel need not admit the Respondent's Supplemental Filing; it is noted that it does not introduce any new information and merely reiterates previously stated arguments.

Accordingly, the Panel will proceed to decide the case on this basis.

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. [WIPO Overview 3.0](#), section 1.2.1.

While the Policy makes no specific reference to the date on which the holder of the trademark or service mark acquired its rights, such rights must be in existence at the time the Complaint is filed. [WIPO Overview 3.0](#), section 1.1.3.

The entirety of the YARD ARMOR mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical 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

Given the finding below, it is not necessary to make a finding on this element.

C. Registered and Used in Bad Faith

The evidence in the case file as presented does not indicate that the Respondent's aim in registering the disputed domain name was to profit from or exploit the Complainant's trademark.

UDRP panels have tended to find that the transfer of a disputed domain name amounts to a fresh registration. [WIPO Overview 3.0](#), section 3.9. Accordingly, the Panel will consider the circumstances at the time of the Respondent's acquisition of the disputed domain name in 2021.

The Panel notes that the disputed domain name was registered several years before the Complainant filed its trademark (in 2024) and prior to any use of its YARD ARMOR mark (claimed in February 2025). According to established UDRP practice, where a respondent registers a domain name before the complainant's trademark rights accrue, panels will not normally find bad faith on the part of the respondent.

[WIPO Overview 3.0](#), section 3.8.1. The Panel does not find that the circumstances described in the available evidence justify deviation from this approach.

Rather, the Panel finds that the Respondent did not register the disputed domain name in bad faith targeting of the Complainant or its trademark rights because the Complainant had no relevant trademark rights at the time that the Respondent registered the disputed domain name. [WIPO Overview 3.0](#), section 3.8.1. While the record establishes that the Complainant had launched its YARD ARMOR business by 2025, there is no evidence available to indicate that the Respondent registered the disputed domain name in anticipation of the Complainant's launch or in proximity to the filing date of the Complainant's trademark.

The Panel notes that the Complainant's arguments regarding the Respondent's failure to use the disputed domain name do not overcome the circumstances around the timing of the Respondent's acquisition of the disputed domain name. While indeed, under certain circumstances, non-use of a disputed domain name may be consistent with a finding of bad faith (see [WIPO Overview 3.0](#), section 3.3.), such circumstances do not exist where, as here, the disputed domain name was registered prior to the establishment of the Complainant's trademark rights, and where there is a plausible nexus between some of the Respondent's services (some of which employ marks that use one (but not both) of the terms "yard" or "armor") and the terms in the disputed domain name.

The Panel finds the third element of the Policy has not been established.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Ingrīda Kariņa-Bērziņa /

Ingrīda Kariņa-Bērziņa

Sole Panelist

Date: January 9, 2026