

## **ADMINISTRATIVE PANEL DECISION**

Renz Construction, Inc. v. wendy runz  
Case No. D2025-4818

### **1. The Parties**

The Complainant is Renz Construction, Inc., United States of America, represented by Wong Meyer Smith & McConnell, United States of America ("United States").

The Respondent is wendy runz, United States.

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

The disputed domain name <renzconstructions.com> is registered with Hostinger Operations, UAB (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 19, 2025. On November 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 21, 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 ("Unknown") and contact information in the Complaint. The Center sent an email communication to the Complainant on November 21, 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 21, 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 24, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 14, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 15, 2025.

The Center appointed Gary Saposnik 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 construction and remodeling company, incorporated and doing business in Wisconsin. The Complainant has been using the common law RENZ CONSTRUCTION trademark since at least as early as December 31, 2008. They also advertise their services through the company website utilizing the domain name <renzconstruction.com>, registered on August 26, 2011, which has been operational since at least as early as February 2013.

The disputed domain name was registered by the Respondent on November 10, 2025, and resolves to a registrar parking page. An email address using it has been used in communications with potential clients. For example, on November 14, 2025, a third party recipient questioned the legitimacy of a website submission that had utilized the email address associated with the disputed domain name. The Respondent's physical address is purported to be in Tampa, Florida, in the United States.

#### **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 the disputed domain name is identical or confusingly similar to the Complainant's RENZ CONSTRUCTION trademark. The disputed domain name contains the RENZ CONSTRUCTION mark in its entirety, along with an addition of the letter "s" at the end. The Complainant claims common law rights in the RENZ CONSTRUCTION mark based on use since at least as early as December 31, 2008, including on its website since at least February 2013.

The Complainant alleges that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent has set up an email address to divert traffic from the Complainant's website by creating a likelihood of confusion with the Complainant's mark. This email address is a similar email address that matches the email address of the Complainant's co-owner, but with the inclusion of the "s" in the disputed domain name. The Respondent is not authorized to use the Complainant's trademark, is not commonly known by the name "Renz Construction", and is not making any legitimate use of the mark in the domain name or on the resolving website.

Further, the Complainant avers that the disputed domain name was registered and is being used in bad faith. The disputed domain name was registered more than ten years after the Complainant began using its common law trademark. The Respondent was aware of the Complainant, based on correspondence where the Respondent was trading off of the goodwill of the Complainant's mark. The Respondent used the disputed domain name in an email address, falsely representing itself to be affiliated with the Complainant, and intentionally attempting to attract, confuse, and divert Internet consumers looking for the Complainant's domain name.

##### **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 of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

The Panel finds the Complainant has established unregistered trademark or service mark rights for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3. The Complainant does not have any registered rights in its RENZ CONSTRUCTION name. In order to establish unregistered or common law trademark rights for purposes of the UDRP, the complainant must show that its mark has become a distinctive identifier which consumers associate with the complainant's goods and/or services. Typical relevant evidence demonstrating such acquired distinctiveness in factors such as duration and nature of use of the mark, the amount of sales under the mark, the nature and extent of advertising using the mark, the degree of actual public (e.g., consumer, industry, media) recognition, and consumer surveys.

Specific evidence supporting assertions of acquired distinctiveness should be included in the complaint, with conclusory allegations not normally sufficient to show secondary meaning. However, evidence of acquired distinctiveness/secondary meaning as demonstrated through unfair competition or passing-off may be sufficient to support standing to proceed with a UDRP case. The fact that a respondent is shown to have been targeting the complainant's mark may support the complainant's assertion that its mark has achieved significance as a source identifier. [WIPO Overview 3.0](#), sections 1.3 and 1.15 (noting use for email).

The Complaint in this matter does not contain any particular evidence of sales or advertising, or consumer surveys to support its allegations of acquired distinctiveness, and provides a copy of its webpage from the Wayback Machine. There are also many entries over the years showing use of the same on the Internet. Although the disputed domain name does not resolve to an active website, the Complainant has provided unrebutted evidence of numerous emails wherein the Respondent has used the disputed domain name in corresponding with customers or vendors, while passing themselves off as the co-owner of the Complainant, including containing the co-owner's personal name and the Complainant's logo. Some customers contacted the Complainant, questioning the source of the emails and whether it was a scam, as the phone number also did not resolve. Combined with the distinctive nature of the mark, the Panel finds sufficient evidence to support unregistered trademark rights, for purposes of the first element of the Policy.

The Panel finds the mark is recognizable within the disputed domain name. The disputed domain name contains the RENZ CONSTRUCTION name in its entirety and merely adds an "s" after "construction". Panels have consistently found that a domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered to be confusingly similar to the relevant mark for purposes of the first element. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7 and 1.9.

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.

The Complainant has not authorized the Respondent to use the RENZ CONSTRUCTION mark, and the Respondent is not known by the disputed domain name. Rather the information disclosed by the Registrar indicates that the Respondent is "Wendy Runz" (emphasis added), rather than "RENZ" that is in the mark and the disputed domain name, and the name of the Complainant's owners. Along with the previously noted email address, and submitted evidence of the Respondent impersonating and passing themselves off as the Complainant, the Respondent is not making a *bona fide* offering of goods or services, nor making a legitimate noncommercial or fair use, but is attempting to attract consumers based on the Complainant's goodwill in the name.

Panels have held that the use of a domain name for illegitimate activity, here, claimed as applicable to this case: impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 the deceptive pluralization of the Complainant's trademark and that the Respondent registered the disputed domain name more than ten years after the Complainant began using its mark on its website. Although the Respondent's address is listed a distance away from the Complainant, it appears that the Respondent is using false contact information, as well as using a number of different addresses in its email correspondence, e.g., also Minneapolis, United States. The inclusion of the Complainant's logo in its emails is additional evidence that the Respondent was well aware of the Complainant, while targeting the Complainant's customers or vendors. The Respondent's use of the disputed domain name in emails to correspond with the Complainant's potential customers and vendors is an intentional attempt to attract, for commercial gain, Internet users by creating a likelihood of confusion with the complainant's mark. The Respondent has not responded to the Complaint, and has not come forward with any explanation as to its selection of the disputed domain name.

Panels have held that the use of a domain name for illegitimate activity, here, claimed as impersonation/passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitute 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 <renzconstructions.com> be transferred to the Complainant.

*/Gary Saposnik/*

**Gary Saposnik**

Sole Panelist

Date: January 2, 2026