

## **ADMINISTRATIVE PANEL DECISION**

Realtruck, LLC v. Host Master, Njalla Okta LLC

Case No. D2025-5267

### **1. The Parties**

The Complainant is Realtruck, LLC, United States of America ("United States"), represented by MacMillan, Sobanski & Todd, LLC, United States.

The Respondent is Host Master, Njalla Okta LLC, Saint Kitts and Nevis.

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

The disputed domain name <thegatortonneaucover.com> is registered with Tucows Domains Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 17, 2025. On December 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 17, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. The Complainant filed an amended Complaint on December 18, 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 December 23, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 12, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 13, 2026.

The Center appointed Rodrigo Azevedo as the sole panelist in this matter on January 19, 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 a United States-based manufacturer and seller of automotive accessories, including tonneau covers for pickup trucks, operating an online retail business.

The Complainant is the owner of trademark registrations for the GATOR trademark, including the United States Trademark Registration No. 5,485,380 (filed on October 16, 2017 and registered on June 5, 2018).<sup>1</sup>

The disputed domain name <thegatortonneaucover.com> was registered on April 26, 2025, and was not linked to any active website at the time of filing of the Complaint.

#### 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:

(i) The disputed domain name is identical or confusingly similar to the Complainant's trademark. The Complainant submits that it owns valid and subsisting trademark rights in the mark GATOR, which covers "fitted tonneau covers for pickup trucks" in Class 12 and "online retail store services featuring tonneau covers and fitted carpeting for pickup trucks" in Class 35. The GATOR trademark was filed in 2017 and registered in 2018, with first use in commerce as early as in 2013 and in 2014, respectively. The disputed domain name is materially identical to its registered GATOR mark. The addition of the definite article "the" does not distinguish the disputed domain name from the Complainant's mark, and indeed serves to reinforce the association with the Complainant's core business. The trademark remains clearly recognizable within the disputed domain name and that such minor additions do not avoid a finding of confusing similarity under the Policy. Furthermore, the inclusion of the generic Top-Level Domain ("gTLD") ".com" is legally irrelevant in assessing whether a domain name is identical or confusingly similar to a mark.

(ii) The Respondent has no rights or legitimate interests in the disputed domain name. The Complainant contends that the Respondent is not affiliated with the Complainant in any way and has not been licensed or authorized to use the Complainant's GATOR trademark. The Respondent is not an authorized distributor, reseller, or service provider of the Complainant, and is not otherwise commonly known by the disputed domain name. The disputed domain name is not being used in connection with any bona fide offering of goods or services. At the time of filing, the disputed domain name resolved to an inaccessible webpage. However, based on information and belief, the Complainant submits that the Respondent previously used the disputed domain name to unauthorizedly and illegitimately use the Complainant's trademark, including commercial content that intentionally trades on the Complainant's goodwill. Moreover, the Complainant believes that the Respondent's website promoted competing third-party products while falsely suggesting an affiliation or endorsement by the Complainant. Such conduct constitutes neither fair use nor a legitimate noncommercial use under the Policy. These activities are purely exploitative and intended to mislead Internet users as to the source, sponsorship, affiliation, or endorsement of the site. Given that the Complainant's rights in the GATOR mark predate the Respondent's registration of the disputed domain name by nearly 12 years, the Complainant concludes that the Respondent cannot demonstrate any rights or legitimate interests in the disputed domain name.

---

<sup>1</sup> According to the Complainant's submission, it has changed its name from "Realtruck E-Commerce, LLC" to "Realtruck, LLC". However, the Panel notes that the trademark owner's name is still "Realtruck E-Commerce, LLC".

(iii) The disputed domain name was registered and is being used in bad faith. The Complainant asserts that the Respondent had actual and/or constructive knowledge of the Complainant's longstanding rights in the GATOR trademark at the time of registration of the disputed domain name. The Respondent's choice of domain name — incorporating the entirety of the GATOR mark along with the term "the" — demonstrates a deliberate attempt to target the Complainant's brand and trade on its goodwill. The Respondent's use of the disputed domain name to divert Internet users — potentially for commercial gain — and to promote third-party or competing products is evidence of an intent to mislead consumers. The Respondent's prior use of the website associated with the disputed domain name included unauthorized references to the Complainant's mark and, potentially, unauthorized reproduction of product imagery from the Complainant's legitimate website. The Complainant submits that such conduct evidences a deliberate attempt to confuse consumers and capitalize on the Complainant's reputation. The Respondent has intentionally attempted to attract, for commercial gain, Internet users to his website by creating a likelihood of confusion with the Complainant's mark.

## **B. Respondent**

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

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy provides that in order to be entitled to a transfer of the disputed domain name, a complainant shall prove the following three 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.

Based on the available record, the Panel finds 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 trademark GATOR is wholly encompassed within the disputed domain name, with the addition of the prefix "the" and the suffix "tonneaucover", as well as with the gTLD extension ".com".

Although the addition of a definite article (here, "the") and of descriptive terms (here, "tonneau cover") may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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.

It is also well established that the addition of a gTLD, such as ".com", is typically disregarded when determining whether a domain name is confusingly similar to a complainant's trademark as such is viewed as a standard registration requirement. [WIPO Overview 3.0](#), section 1.11.1.

Based on the available record, 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. At the time of filing of the Complaint, no content was published on the disputed domain name, and the Respondent has not submitted any response in this proceeding.

The Complainant has not licensed nor authorized the use of its trademark to the Respondent, and the Panel finds no indication that the Respondent is commonly known by the disputed domain name.

Based on the available record, 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.

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.

The Panel concludes that it is not feasible that the Respondent was not aware of the Complainant’s trademark and that the registration of the disputed domain name was a mere coincidence.

When the disputed domain name was registered (in 2025) the GATOR trademark was already directly connected with the Complainant’s tonneau covers and other automotive accessories.

The disputed domain name includes the distinctive trademark GATOR in its entirety. According to the [WIPO Overview 3.0](#), section 3.1.4, UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or widely known trademark by an unaffiliated entity can by itself create a presumption of bad faith.

The Panel believes that the addition of the definite article “the” and of the suffix “tonneaucover” only enhances the confusingly similarity, describing one of the main products commercialized by the Complainant under the trademark GATOR (“tonneau covers”).

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 composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain names does not prevent a finding of bad faith under the Policy.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under 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 <thegatortonneaucover.com> be transferred to the Complainant.

*/Rodrigo Azevedo/*

**Rodrigo Azevedo**

Sole Panelist

Date: February 2, 2026