

ADMINISTRATIVE PANEL DECISION

American Coatings Association v. CRYSTAL DAVIS,

americancoatingsassociation

Case No. D2025-5303

1. The Parties

The Complainant is American Coatings Association, United States of America ("United States"), represented by Venable, LLP, United States.

The Respondent is CRYSTAL DAVIS, americancoatingsassociation, United States.

2. The Domain Name and Registrar

The disputed domain name <americancoatingsassociation.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 18, 2025. On December 18, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 19, 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 December 22, 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 December 24, 2025.

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 January 5, 2026. In accordance with the Rules, paragraph 5, the due date for Response was January 25, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Parties of the Respondent's default on January 26, 2026.

The Center appointed Ingrīda Kariņa-Bērziņa as the sole panelist in this matter on January 28, 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 nonprofit organization with its main office in Washington, D.C., United States, representing over 160 companies in the paint and coatings industries in the United States. It has operated as “American Coatings Association” since 2010 and has used this mark continuously since that time in connection with its activities, including arranging industry trade shows and advocacy. The Complainant asserts unregistered trademark rights in the AMERICAN COATINGS ASSOCIATION mark and provides evidence of promoting this mark online, in social media, and evidenced additionally by third-party publications reporting on the Complainant’s activities.

The disputed domain name was registered on October 10, 2025. At the time of the Complaint and of this Decision, it resolved to a parking page. The record contains evidence that the disputed domain name was used to generate e-mails to event-planning companies requesting services purportedly on behalf of the Complainant.

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 was originally founded in 1887 and that its 160 member companies produce over 90% of the coatings sold in the United States. As described above, it has continuously used the AMERICAN COATINGS ASSOCIATION mark since adopting that name in 2010. Due to this extensive use in connection with improving the paint and coatings industry’s performance in health, safety and environmental quality, as well as arranging and conducting trade show exhibitions in the field of the coatings industry, the mark has become a distinctive identifier associated with the Complainant and its services, and has become well-known within the paint and coating industry. The disputed domain name is identical to the Complainant’s mark. The Respondent is not authorized by the Complainant to use its mark, nor is the Respondent known by the disputed domain name or using it in connection with a bona fide offering of goods or services. It is being used by the Respondent to create deceptive e-mails that appear to originate with the Complainant. In these e-mails, the Respondent, impersonating an alleged employee of the Complainant, requested event planning services with the likely intent to induce service providers to make payments to their vendors in the expectation of organizing an event for the Complainant.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the UDRP requires the Complainant to make out all three of the following:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the Respondent has registered and is using the disputed domain name in bad faith.

Under paragraph 15(a) of the Rules, “[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”.

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 Panel finds that the Complaint establishes that the AMERICAN COATINGS ASSOCIATION mark demonstrates source-identifying capacity through its use in commerce as a designation of source. The record contains evidence that the mark was in use at the time of the Complaint and that the Complainant has promoted this mark. Moreover, the fact that the Respondent is shown to have been targeting the Complainant's mark (e.g., based on the manner in which the disputed domain name has been used) supports the Complainant's assertion that its AMERICAN COATINGS ASSOCIATION mark has achieved significance as a source identifier.

The entirety of the 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

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 Panel notes the composition of the disputed domain name, which is identical to the Complainant's AMERICAN COATINGS ASSOCIATION mark. The Panel finds that the nature of the disputed domain name carries a risk of implied affiliation to the Complainant that cannot constitute fair use. [WIPO Overview 3.0](#), section 2.5.1.

The Panel notes there is no evidence that the Respondent has used the disputed domain name in connection with a bona fide offering of goods or services, nor that the Respondent has been commonly known by the disputed domain name. There is no evidence that the Respondent has made a legitimate noncommercial or fair use of the disputed domain name.

Rather, the record contains evidence that the Respondent used the disputed domain name to generate fraudulent e-mails requesting services allegedly on behalf of the Complainant. Panels have held that the use of a domain name for illegitimate activity (here, claimed impersonation/passing off, or other types of fraud) 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 that the Respondent intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark. The Complainant has operated as "American Coatings Association" since 2010 and has used this mark continuously since that time in connection with its activities. The Panel finds that the Complainant established rights in its AMERICAN COATINGS ASSOCIATION mark prior to the registration of the disputed domain name in 2025, which reflects this mark in its entirety, thereby implying a link with the Complainant's organization. On this record, the Panel finds that the disputed domain name was registered in bad faith. [WIPO Overview 3.0](#), section 3.1.4.

Panels have held that the use of a domain name for illegitimate activity (here, claimed impersonation/passing off, or other types of fraud) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds that the Complainant has provided evidence that the Respondent has used the disputed domain name to generate fraudulent emails to various event-planning service providers allegedly on behalf of the Complainant. The Respondent has not attempted to provide a good-faith explanation for such conduct and the Panel does not find it credible that one could exist. On this 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 <americancoatingsassociation.com> be transferred to the Complainant.

/Ingrīda Kariņa-Bērziņa/
Ingrīda Kariņa-Bērziņa
Sole Panelist
Date: February 3, 2026