

## **ADMINISTRATIVE PANEL DECISION**

Havenpark Capital Partners, LLC v. Amanda Smith  
Case No. D2026-0348

### **1. The Parties**

The Complainant is Havenpark Capital Partners, LLC, United States of America (“United States”), represented by Havenpark Communities, United States.

The Respondent is Amanda Smith, United States.

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

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

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 27, 2026. On January 28, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 28, 2026, 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 (“Privacy User #3635b397, Privacy Service Provided by NameSilo, LLC”) and contact information in the Complaint. In response to a notification by the Center regarding irregularities in the Complaint, the Complainant filed the first Amended Complaint on February 11, 2026. The Center sent an email communication to the Complainant on February 12, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed a second amended Complaint on February 13, 2026.

The Center verified that the Complaint together with the amended Complaints 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 February 16, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 8, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 9, 2026.

The Center appointed Kathryn Lee as the sole panelist in this matter on March 13, 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 an operator and developer of affordable manufactured home communities in the state of Utah, United States. Established in 2019, the Complainant has installed more than 4,000 homes since then and is the winner of the Humanitarian Award 2024 from Multi-Housing News. The Complainant owns a trademark registration for the mark HAVENPARK COMMUNITIES registered in the United States on April 7, 2020 (United States Trademark Registration 6,030,728).

According to information from the Registrar, the Respondent is an individual with an address in the United States.

The disputed domain name was registered on January 5, 2026, and does not resolve to any website with active content. The disputed domain name has been used to send fraudulent emails.

#### **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 confusingly similar to the HAVENPARK COMMUNITIES trademark in which the Complainant has rights since it contains the distinctive HAVENPARK element.

The Complainant also contends that the Respondent has no rights or legitimate interests in the disputed domain name and confirms that it has not authorized or licensed rights to the Respondent in any respect. The Complainant further contends that the Respondent sent emails from email addresses generated from the disputed domain name, impersonating the Complainant in an employment-related fraud scheme which is not legitimate noncommercial or fair use.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant contends that the Respondent sent emails from email addresses generated from the disputed domain name (e.g., [...]@havenparkteam.com) impersonating the Complainant which constitutes registration and use in bad faith.

##### **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 Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms – here, “team” – may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

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 that 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 3.1](#), 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.

In addition, the Respondent used the disputed domain name in furtherance of fraud, specifically, impersonating the Complainant and soliciting applicants to apply for non-existent positions, likely to obtain personal and/or financial information. Panels have held that the use of a domain name for illegal activity – here, claimed phishing and impersonation/passing off – can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), 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 registered the disputed domain name which incorporates the distinctive portion of the Complainant’s trademark along with the term “team” which makes the disputed domain name appear as though it is used by a department within the Complainant company. Further, the Respondent sent emails to multiple individuals impersonating the Complainant, soliciting them to apply/interview for job positions which do not exist. It is unlikely for the Respondent to have done so without prior knowledge of the Complainant and its marks. Rather, it is clear that the Respondent knew of the Complainant and its marks and targeted them when registering the disputed domain name.

Also, panels have held that the use of a domain name for illegal activity – here, claimed phishing and impersonation/passing off – constitutes bad faith. [WIPO Overview 3.1](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds the third element of the Policy has been established.

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

*/Kathryn Lee/*

**Kathryn Lee**

Sole Panelist

Date: March 27, 2026