

ADMINISTRATIVE PANEL DECISION

Boyes & Farina, P.A. v. Albert Lau
Case No. D2026-1099

1. The Parties

The Complainant is Boyes & Farina, P.A., United States of America (“United States”), represented by Boyes, Farina & Matwiczuk United States.

The Respondent is Albert Lau, Malaysia.

2. The Domain Name and Registrar

The disputed domain name <boyesandfarina.com> (the “Disputed Domain Name”) is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 13, 2026. On March 16, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On March 19, 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 (Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 20, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Respondent sent some email communications on March 20, 2026. The Complainant requested the suspension of the proceedings on March 31, 2026. The proceedings were suspended on April 1, 2026 and reinstated on May 12, 2026.

The Center verified that 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 May 15, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 4, 2026. The Center notified the commencement of the proceedings on June 5, 2026.

The Center appointed Nick J. Gardner as the sole panelist in this matter on June 6, 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 Complaint is short and contains limited detail. Pursuant to its general powers the Panel has visited the Complainant's website to obtain further information which, where relevant, is included in this factual background.

The Complainant is a law firm founded in 1994 and based in Palm Beach Gardens, Florida, United States of America. The Complaint asserts that the Complainant has operated continuously under the name "Boyes & Farina" since that date (but see further below) and has, in the course of more than three decades of legal practice, developed goodwill and recognition under that name. The Complainant does not appear to hold any relevant registered trademarks for BOYES & FARINA and relies instead on unregistered common law rights arising from this long-standing use. The Complainant operates a website at "www.bfmlaw.com". The Panel notes that the Complainant's website identifies the firm as "Boyes, Farina & Matwiczuk, P.A.", suggesting a possible subsequent change in the firm's composition or branding; this is addressed further below.

The Disputed Domain Name was created on July 24, 2024. At the time the Complaint was filed, the Whois record identified the registrant as Super Privacy Service LTD c/o Dynadot, a privacy/proxy registration service. Following the Center's verification request, the Registrar disclosed the underlying registrant as Albert Lau, an individual based in Kuala Lumpur, Malaysia.

According to the Complaint and its annexes, at the time of filing the Disputed Domain Name resolved to a website that masqueraded as the Complainant's own legitimate website. The Complainant states the content in question appears to have been copied from an archived version of the Complainant's website, likely obtained through the Internet Archive or a similar service.

By the time the proceeding was reinstated, the Disputed Domain Name was no longer resolving to any active content. The current record (including a Whois lookup and screen capture obtained by the Center on May 15, 2026) shows the website returning a "Website Unavailable" message, consistent with the Respondent's earlier statement that the site had been removed from hosting. The Disputed Domain Name otherwise remains under registrar lock and has not been transferred, cancelled, or returned to active use.

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 as follows.

It has used the name "Boyes & Farina" continuously since 1994 in connection with its legal practice, and that this use has generated substantial goodwill sufficient to establish unregistered trademark rights in that designation for the purposes of the Policy.

The Disputed Domain Name incorporates the Complainant's name in its entirety, the only difference being the substitution of the ampersand with the word "and", which the Complainant characterizes as a common and immaterial formatting variation.

The Respondent has no rights or legitimate interests in the Disputed Domain Name, is not affiliated with the Complainant and is not authorized by the Complainant, and has used the Disputed Domain Name to host a website impersonating the Complainant, which cannot amount to a bona fide offering of goods or services.

The Disputed Domain Name was registered and is being used in bad faith, having been registered decades after the Complainant established its practice under the BOYES & FARINA name, and used to host a website whose content was copied from an archived version of the Complainant's own website in order to mislead Internet users and exploit the Complainant's reputation, causing demonstrated client confusion.

The Complainant requests that the Disputed Domain Name be transferred to it.

B. Respondent

The Respondent did not reply to the Complainant's contentions, but in his email communication with the Center stated that the Disputed Domain Name had been deleted from the hosting.

6. Discussion and Findings

Preliminary Matters – Complainant's Identity

The Complaint says it is brought by Boyes & Farina, P.A. As the Panel understands it the letters P.A. stand for Professional Association and indicate that the law firm is registered as a specific type of professional corporation with the state of Florida. The website at "www.bfmlaw.com" which the Complainant says is its official website refers to the firm as Boyes, Farina & Matwiczkyk. The Complainant's correspondence with the Center is under the name Boyes, Farina & Matwiczkyk. It appears from the Respondent's website which is said to be a copy of an earlier archived version of the Complainant's website, that the Complainant was previously named Boyes & Farina. The Complainant's current website identifies the partners in the Complainant as being Bill Boyes, John Farina, and Peter Matwiczkyk. The Panel infers that the Complainant previously traded as Boyes and Farina and then either changed its name or a new entity was formed when Mr. Matwiczkyk became a partner in the firm. The Panel does not know when that was.

Preliminary Matters – No Response

The Panel notes that no Response has been filed. However, given the Complaint and Written Notice were sent to the relevant addresses disclosed by the Registrar, then the Panel considers that this satisfies the requirement in paragraph 2(a) of the UDRP Rules to "employ reasonably available means calculated to achieve actual notice". In addition communications received from the Respondent (see above) show he is aware of the Complaint. Accordingly, the Panel considers it is able to proceed to determine this Complaint and to draw inferences from the Respondent's failure to file any Response. While the Respondent's failure to file a Response does not automatically result in a decision in favor of the Complainant, the Panel may draw appropriate inferences from the Respondent's default (see, e.g., *Verner Panton Design v. Fontana di Luce Corp*, WIPO Case No. [D2012-1909](#)).

Substantive Matters

To succeed, in accordance with paragraph 4(a) of the Policy, the Complainant must satisfy the Panel that:

- (i) the Disputed Domain Name is identical with 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;
- (iii) the Disputed Domain Name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The filed evidence as to the Complainant's claimed unregistered rights in the term Boyes & Farina, is relatively limited. WIPO Overview of WIPO Panel Views on Selected UDRP Questions (["WIPO Overview 3.1"](#)), section 1.3. addresses this issue as follows:

"What does a complainant need to show to successfully assert unregistered or common law trademark rights?

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.

Relevant evidence demonstrating such acquired distinctiveness (also referred to as secondary meaning) includes a range of factors such as (i) the duration and nature of the use of the mark (which may include social media presence and engagement), (ii) the amount of sales under the mark and during which time period, (iii) the nature and extent of advertising using the mark – including evidence of expenditures over a relevant time period, (iv) the degree of actual public (e.g., consumer, industry such as trade and professional associations, media) recognition, and (v) consumer surveys. The fact that a respondent is shown to have been targeting the complainant's mark (e.g., based on the manner in which the mark is used on the related website or impersonating documents or other instruments) may also support the complainant's assertion and evidence that its mark has achieved significance as a source identifier.

The claimed mark must also be used as a source identifier of goods or services e.g., on a website or on products or packaging used in commerce, provided that the mark, as used, is linked to the goods or services that are being branded with the mark; this may include use by the complainant on letterhead or invoices or email headers and signatures.

The length of time that the mark has been used is not itself determinative. Panels have noted that, nowadays, some brands may rapidly acquire recognition due to a broad and significant Internet presence and user base.

Specific evidence including for example documented evidence of figures relating to sales, marketing, and/or social media endorsements supporting assertions of acquired distinctiveness should be included in the complaint; conclusory allegations of unregistered or common law rights, even if undisputed in the particular UDRP case, would not normally suffice to show secondary meaning.

In cases involving claimed unregistered or common law marks (which may include domain names) that are comprised solely of descriptive terms or acronyms that are not inherently distinctive, panels require the complainant to present relevant and sufficient examples of evidence of acquired distinctiveness/secondary meaning.

As noted in section 1.1.2, for a number of reasons, including the global nature of the Internet and Domain Name System, the fact that secondary meaning may only exist in a particular geographical area or market niche does not preclude the complainant from establishing trademark rights (and as a result, standing) under the UDRP.

Also noting the availability of trademark-like protection under certain national legal doctrines (e.g., unfair competition or passing-off) and considerations of parity, where acquired distinctiveness/secondary meaning is demonstrated in a particular UDRP case, unregistered rights have been found to support standing to proceed with a UDRP case including where the complainant is based in a civil law jurisdiction.

Even where a panel finds that a complainant has UDRP standing based on unregistered or common law trademark rights, the strength of the complainant's mark may be considered relevant in evaluating the second and third elements".

In the present case, the Complainant has traded since about 1994 and appears to have been named BOYES & FARINA and then BOYES, FARINA & MATWICZYK. It would appear to be a successful and well recognised legal firm. It has received various awards. Its attorneys are AV rated by Martindale-Hubbell, Florida Super Lawyers, Top Lawyers in the South Florida Legal Guide, and Fellows of the American College of Trust and Estate Counsel (ACTEC). All of this supports the Complainant's claim to unregistered trademark rights.

In addition, were there any doubt about this, it is relevant that the Respondent itself thought it worthwhile to use precisely the term BOYESANDFARINA in the Disputed Domain Name. As the panel noted in *NEOVIA, Hi-Nutrients International Ltd. v. WhoisGuard Protected, WhoisGuard, Inc. / Deniz Hus*, WIPO Case No. [D2019-0600](#): "The Respondent did not provide arguments to the contrary; rather, in the Panel's view, the Respondent cannot dispute that, given it deliberately targeted the source identifier in an apparent fraud attempt. Such targeting of the Complainants is sufficient to establish limited trademark rights in the HI-NUTRIENTS trademark for the purposes of the Policy. See *PEMF Supply, LLC v. Domain Administrator, See PrivacyGuardian.org / Gregory Lewis, American Healthcare Foundation*, WIPO Case No. [D2019-0235](#) ('in light of the use of the PEMF SUPPLY mark that was submitted in this proceeding, the targeting of Complainant by Respondent is sufficient to establish Complainant has limited unregistered trademark rights in the PEMF SUPPLY mark for the purposes of the Policy')." See also *Greenspring Associates, Inc. v. Lisa Knowles, Victoria capital pty*, WIPO Case No. [D2019-0265](#): "To that extent, Complainant has in fact used the domain name <gspring.com> as a source identifier for its services. One person who cannot dispute that fact is Respondent, who (as is discussed below) deliberately targeted that source identifier (<gspring.com>) to attempt to perpetrate a fraud via confusion. The Domain Name differs from the GSPRING mark only to the extent that the Domain Name replaces the 'l' with an 'I'. The visual similarity between the 'I' and the 'l' – especially when the font is small – is obvious".

Accordingly, the Panel is satisfied on the evidence as filed that the Complainant has shown it has unregistered trademark rights in the term "BOYES & FARINA" as a source identifier for its services. It does not think the name change to BOYES, FARINA & MATWICZYK alters this analysis (and in any event the outcome would be the same if BOYES, FARINA & MATWICZYK was the term in which the Complainant had unregistered trademark rights). The Panel will refer to the "BOYES & FARINA trademark" in the remainder of this decision in relation to the Complainant's rights.

The Panel finds the Disputed Domain Name is confusingly similar to the BOYES & FARINA trademark. It simply substitutes "and" for "&" and omits the spaces – which are changes which would be required for technical reasons to conform to domain name syntax requirements.

It is well established that the Top-Level Domain ("TLD"), in this case ".com", is viewed as a standard registration requirement and as such is typically disregarded under the first element confusing similarity test. See [WIPO Overview 3.1](#) at section 1.11.1.

Accordingly, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant's trademark and hence the first condition of paragraph 4(a) of the Policy has been fulfilled.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances any of which is sufficient to demonstrate that a respondent has rights or legitimate interests in a domain name:

(i) before any notice to the respondent of the dispute, use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or

(ii) the respondent has been commonly known by the domain name, even if the respondent has acquired no trademark or service mark rights; or

(iii) the respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

None of these apply in the present circumstances. The Complainant has not authorised, licensed, or permitted the Respondent to register or use the Disputed Domain Name or to use BOYES & FARINA trademark. The Complainant has prior rights in the BOYES & FARINA trademark which precede the Respondent's acquisition of the Disputed Domain Name. The Complainant has therefore established a prima facie case that the Respondent does not have any rights or legitimate interests in the Disputed Domain Name and thereby the burden of production shifts to the Respondent to produce evidence demonstrating rights or legitimate interests in respect of the Disputed Domain Name (see, for example, *Do The Hustle, LLC v. Tropic Web*, WIPO Case No. [D2000-0624](#); *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#)).

The Panel finds that the Respondent has failed to produce any evidence to establish his rights or legitimate interests in the Disputed Domain Name. Accordingly the Panel finds the Respondent has no rights or any legitimate interests in the Disputed Domain Name and the second condition of paragraph 4(a) of the Policy has been fulfilled.

C. Registered and Used in Bad Faith

In the present circumstances the fact that the Disputed Domain Name was linked to the Respondent's website which impersonated the Complainant's own website leads the Panel to conclude the registration and use were in bad faith.

Under paragraph 4(b) of the Policy a non-exhaustive list of factors evidencing registration and use in bad faith comprises:

(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location.

In the present circumstances the Panel does not have enough information to identify the Respondent's motives. However, the above list is in any event non exhaustive. The Panel takes the view that the registration of the Disputed Domain Name with knowledge of the Complainant's trademark (which the Respondent must have had) is itself evidence of bad faith – see *The Channel Tunnel Group Ltd. v. John Powell*, WIPO Case No. [D2000-0038](#). It is impossible to conceive of any good faith use that the Respondent could make of the Disputed Domain Name. The Panel also notes that the Respondent has not reply to the Complainant's contentions and hence has not availed himself of the opportunity to present any case of good faith that he might have. The Panel infers that none exists.

Accordingly, the Panel finds that the Disputed Domain Name has been registered and is being used in bad faith and the third condition of paragraph 4(a) of the Policy has been fulfilled.

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 <boyesandfarina.com> be transferred to the Complainant.

/Nick J. Gardner/

Nick J. Gardner

Sole Panelist

Date: June 26, 2026