

ADMINISTRATIVE PANEL DECISION

The Real Estate Blvd, LLC v. Terence Burnside
Case No. D2026-1402

1. The Parties

The Complainant is The Real Estate Blvd, LLC, United States of America (“United States” or “U.S.”), represented by Johnson | Dalal, United States.

The Respondent is Terence Burnside, United States.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 1, 2026. On April 2, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 3, 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 (Terence & Stacie Burnside d/b/a Fieldside Development) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 7, 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 an amended Complaint on April 7, 2026.

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 April 15, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 5, 2026. The Respondent sent an email to the Center on April 21, 2026, which the Respondent characterized as a “UDRP Response”. The Center informed the parties of the Commencement of Panel Appointment Process on May 6, 2026.

The Center appointed William F. Hamilton as the sole panelist in this matter on May 12, 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 Florida limited liability company that provides real estate agency services, real estate brokerage, land acquisition, real estate listings and information, real estate consultancy, and related commercial property services in Florida and throughout the United States, principally through its website at “www.therealestateblvd.com”.

The Complainant holds two United States federal trademark registrations. The first is U.S. Registration No. 5,743,551, a design mark registered May 7, 2019, in connection with real estate agency and brokerage services in International Class 36. The design mark prominently incorporates the wording THE REAL ESTATE BLVD as a textual element (the “Mark”). The second is U.S. Registration No. 6,642,044, a standard character mark for THE REAL ESTATE BLVD, registered February 15, 2022, in connection with the same services. The Complainant’s date of first use of the Mark in commerce dates to April 30, 2018, more than a year before the registration of the disputed domain name.

The disputed domain name was registered on May 9, 2019, two days after the Complainant’s design mark was registered and more than a year after the Complainant commenced commercial use of the Mark.

The Respondent is a real estate developer and broker operating under the name Fieldside Development. At the time of the Complaint, the disputed domain name resolved to the Respondent’s website at “www.fieldsideco.com”, which advertises real estate development and brokerage services in Texas and competes with the Complainant’s services. On or around September 27, 2022, the Complainant transmitted a cease-and-desist letter to the Respondent. In response, the Respondent stated that he had taken down the website at “www.realestateblvd.com”. Notwithstanding that representation, the disputed domain name continued to redirect Internet users to the Respondent’s website as of the date of the Complaint.

5. Parties’ Contentions

A. Complainant

The Complainant contends that the disputed domain name is identical or confusingly similar to the Mark, in which the Complainant has rights by virtue of its federal trademark registrations and its continuous use of the Mark in commerce since April 30, 2018. The Complainant contends that the disputed domain name incorporates the entirety of the Mark, with the sole omission of the definite article “the”, which carries no trademark significance, and the addition of the generic Top-Level Domain (“gTLD”) “.com”, which is disregarded for purposes of comparison under the first element of the Policy.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant has not licensed or otherwise authorized the Respondent to use the Mark. The Respondent is not commonly known by the disputed domain name, as evidenced by the registration record, which identifies the registrant as Terence Burnside. The Complainant contends that the Respondent has not used the disputed domain name in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use, but rather has used it to redirect Internet users to the Respondent’s competing website.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. The Respondent registered the disputed domain name incorporating the Mark in its entirety and has used it to redirect Internet users, including the Complainant's prospective customers, to the Respondent's competing real estate services website at "www.fieldsideco.com". The Respondent's continued use of the disputed domain name to divert Internet traffic to a competing website, even after receiving actual notice of the Complainant's rights through the cease-and-desist letter of September 27, 2022, constitutes bad faith registration and use under the Policy.

B. Respondent

The Respondent submitted a Response by email on April 21, 2026, which the Respondent characterized as a "UDRP Response – Final Submission", addressing each of the three elements of the Policy. The Response is unsupported by any documentary evidence.

The Respondent contends that the disputed domain name was acquired for its descriptive value and for legitimate business use, and not to target any specific trademark holder. The Respondent contends that registration of a domain name consisting of generic or descriptive terms is not, in itself, evidence of bad faith. The Respondent further contends that it operates a business called BLVD Real Estate, establishing a legitimate connection to the disputed domain name, and that a respondent has a legitimate interest where a domain name corresponds to a common term used in its ordinary meaning. The Respondent contends that bad faith requires evidence of targeting, and that without such evidence bad faith cannot be established. Finally, the Respondent contends that acquiring a domain name through legitimate market channels supports a finding of good faith.

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all three elements set out in paragraph 4(a) of the Policy are satisfied:

- (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 disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant holds U.S. Registration No. 5,743,551, a design mark registered May 7, 2019, which prominently incorporates the wording THE REAL ESTATE BLVD as a textual element (the "Mark"). Registration of a mark with a national trademark authority is generally sufficient to establish trademark rights for purposes of the first element. See [WIPO Overview 3.1](#), section 1.2.1. Where a design mark incorporates a textual element, that textual element is sufficient to establish rights under the first element, and panels will assess confusing similarity by reference to the textual element of the design mark. See [WIPO Overview 3.1](#), section 1.10. The Complainant additionally holds U.S. Registration No. 6,642,044, a standard character mark for THE REAL ESTATE BLVD, registered February 15, 2022, which further confirms the Complainant's rights in the Mark.

The disputed domain name incorporates the Mark in its entirety, omitting only the definite article "the" and adding the gTLD ".com". The omission of a definite article such as "the" does not meaningfully distinguish a disputed domain name from the Mark. See [WIPO Overview 3.1](#), section 1.8. In addition, as gTLDs are viewed as a standard registration requirement, they are generally disregarded for purposes of the confusing similarity assessment. See [WIPO Overview 3.1](#), section 1.11.1. Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Mark.

The first element of paragraph 4(a) of the Policy is satisfied.

B. Rights or Legitimate Interests

Under the second element, a complainant is required to make a prima facie case that the respondent lacks rights or legitimate interests in the disputed domain name, whereupon the burden of production shifts to the respondent to come forward with relevant evidence demonstrating such rights or interests. See [WIPO Overview 3.1](#), section 2.1.

The Complainant has established a prima facie case. The Complainant has not licensed or otherwise authorized the Respondent to use the Mark. The Whois record identifies the registrant as Terence Burnside, and there is no evidence in the record that the Respondent is commonly known by the disputed domain name or by the name “Real Estate Blvd”. See [WIPO Overview 3.1](#), section 2.3. The disputed domain name has been used to redirect Internet users to the Respondent’s competing website at “www.fieldsideco.com”, which does not constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use. See [WIPO Overview 3.1](#), section 2.5.

The Respondent contends that it operates a business called BLVD Real Estate, establishing a legitimate connection to the disputed domain name, and that the domain was acquired for its descriptive value. The Panel notes that this contention is entirely unsupported by evidence. No business registration, trademark filing, website, or other documentation evidencing the existence or operation of a business under the name “BLVD Real Estate” has been submitted. The Respondent’s own website at “www.fieldsideco.com” identifies the Respondent’s business as Fieldside Development, not BLVD Real Estate. A respondent’s mere assertion of legitimate interest, unsupported by evidence, is insufficient to rebut a complainant’s prima facie case. See [WIPO Overview 3.1](#), section 2.1.

The Respondent’s reliance on the proposition that registration of a domain name consisting of generic or descriptive terms is not in itself evidence of bad faith does not assist the Respondent here. That principle applies where a domain name is genuinely generic or descriptive and a respondent can demonstrate a credible legitimate interest in the terms at issue, and does not apply where, as here, there are indications that the respondent is targeting a complainant’s trademark. See [WIPO Overview 3.1](#), section 2.10.1. In the present case, the Mark is incorporated in a registered trademark, and the Respondent has provided no evidence of any legitimate interest in the specific combination of terms comprising the disputed domain name.

The second element of paragraph 4(a) of the Policy is satisfied.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy sets out a non-exhaustive list of circumstances that may evidence bad faith registration and use. The Panel finds that the circumstances of this case support a finding of bad faith on multiple grounds.

The Panel observes, independently of the parties’ submissions, that the Complainant’s design mark, U.S. Registration No. 5,743,551, prominently incorporating the wording THE REAL ESTATE BLVD, was registered on May 7, 2019. The disputed domain name was registered two days later, on May 9, 2019, following more than a year of the Complainant’s commercial use of the Mark dating to April 30, 2018. Both parties operate in the real estate services industry. The Respondent is a licensed real estate broker and developer, as confirmed by the Respondent’s own website at “www.fieldsideco.com”. In these circumstances, the Panel finds it implausible that the Respondent, as a professional operating in the same industry, was unaware of the Complainant and its Mark at the time of registration. The proximity in time between the registration of the Complainant’s design mark and the registration of the disputed domain name, combined with the Respondent’s professional involvement in the real estate industry and the Complainant’s prior commercial use of the Mark, supports a finding that the disputed domain name was registered in bad faith. See [WIPO Overview 3.1](#), section 3.2.2.

The Respondent's use of the disputed domain name to redirect Internet users to the Respondent's competing website at "www.fieldsideco.com" constitutes bad faith use under paragraph 4(b)(iv) of the Policy, in that it creates a likelihood of confusion with the Mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website and the services offered thereon. See [WIPO Overview 3.1](#), section 3.1.4.

The Respondent's bad faith is further evidenced by its conduct following receipt of the Complainant's cease-and-desist letter of September 27, 2022. In response to that letter, the Respondent represented that it had taken down the website at "www.realestateblvd.com". Notwithstanding that representation, the disputed domain name continued to redirect Internet users to the Respondent's website at "www.fieldsideco.com" as of the date of the Complaint. Continued use of a disputed domain name to divert Internet traffic to a competing website after receiving actual notice of the Complainant's trademark rights is consistent with a finding of bad faith. See [WIPO Overview 3.1](#), section 3.2.1.

The Respondent contends that bad faith requires evidence of targeting and that the mere existence of a trademark does not establish bad faith. The Panel acknowledges that targeting is a relevant consideration in the bad faith analysis. See [WIPO Overview 3.1](#), section 3.2.1. On the facts of this case, the Panel finds that targeting is established. The disputed domain name incorporates the Mark in its entirety. The Respondent operates in the same industry as the Complainant. The disputed domain name was registered two days after the Complainant's design mark and was used to redirect Internet traffic to the Respondent's competing real estate services website. These circumstances, taken together, are consistent not only with an awareness of the Complainant and its Mark at the time of registration, but with an intent to exploit that association for commercial gain.

The Respondent further contends that acquiring a domain name through legitimate market channels supports a finding of good faith. The Panel notes that the manner of acquisition is only one relevant consideration and does not insulate a respondent from a finding of bad faith where, as here, the totality of the circumstances demonstrates that the domain name was registered and used with knowledge of and intent to exploit the Complainant's trademark rights. See [WIPO Overview 3.1](#), section 3.2.2.

The third element of paragraph 4(a) of the Policy is satisfied.

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 <realestateblvd.com> be transferred to the Complainant.

/William F. Hamilton/

William F. Hamilton

Sole Panelist

Date: May 26, 2026