

ADMINISTRATIVE PANEL DECISION

Avero LLC v. Tracert Smith
Case No. D2026-1580

1. The Parties

Complainant is Avero LLC, United States of America (“United States”), self-represented.

Respondent is Tracert Smith, United States.

2. The Domain Name and Registrar

The disputed domain name <averoinc.org> (the “Domain Name”) is registered with Name.com, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 14, 2026. On April 15, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On April 15, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Redacted by RDAP server) and contact information in the Complaint. The Center sent an email communication to Complainant on April 16, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on the same date.

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”). However, the Complaint did not meet these requirements and the Center requested an amended Complaint on April 17, 2026. Complainant filed a second amended Complaint on April 17, 2026. The Center verified that the Complaint together with the amended Complaints satisfied the formal requirements of the Policy, the Rules, and the Supplemental Rules.

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified Respondent of the Complaint, and the proceedings commenced on April 20, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 10, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on May 12, 2026.

The Center appointed Kimberley Chen Nobles as the sole panelist in this matter on May 18, 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

Since 2004, Complainant has provided hospitality analytics software services under the AVERO mark. Complainant operates its business under the domain name <averoinc.com>, which has been Complainant's primary business domain name for over two decades.

Complainant owns registered trademarks for the AVERO mark, including:

- United States registered trademark number 78442435 for the AVERO word mark, registered on July 4, 2006; and
- United States registered trademark number 78442446 for the AVERO SLINGSHOT word mark, registered on January 24, 2006.

The Domain Name was registered on February 10, 2026, and resolved to an inactive site. However, it was configured with email capabilities to enable sending of phishing emails with fraudulent invoices to Complainant's customers.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

Notably, Complainant contends that (i) the Domain Name is identical or confusingly similar to Complainant's trademark; (ii) Respondent has no rights or legitimate interests in the Domain Name; and (iii) Respondent registered and is using the Domain Name in bad faith.

In particular, Complainant contends that it has trademark registrations and rights for AVERO and that Respondent registered and is using the Domain Name, with the intention to confuse Internet users looking for Complainant's bona fide and well-known services.

Complainant notes that it has no affiliation with Respondent, nor authorized Respondent to register or use a domain name which includes Complainant's trademark, and that Respondent has no rights or legitimate interests in the registration and use of the Domain Name. Rather, Complainant contends that Respondent has acted in bad faith in acquiring and setting up the Domain Name, when Respondent clearly knew of Complainant's rights. Specifically, Complainant argues that Respondent used the Domain Name to impersonate or pose as Complainant, so as to induce Complainant's client to direct future payments to a billing account under Respondent's control.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed Complainant must satisfy the Panel that:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name was registered and is being used in bad faith.

Section 4.3 of the WIPO Overview of WIPO Panel Views on Select UDRP Questions (“[WIPO Overview 3.1](#)”) states that failure to respond to complainant’s contentions would not by itself mean that the complainant is deemed to have prevailed; a respondent’s default is not necessarily an admission that the complainant’s claims are true.

Thus, although in this case Respondent has failed to respond to the Complaint, the burden remains with Complainant to establish the three elements of paragraph 4(a) of the Policy by a preponderance of the evidence.

A. Identical or Confusingly Similar

Complainant has provided evidence of its rights in the AVERO trademark, as noted above. Complainant has therefore proven that it has the requisite rights in the AVERO trademarks.

With Complainant’s rights in the AVERO trademark established, the remaining question under the first element of the Policy is whether the Domain Name, typically disregarding the Top-Level Domain in which it was registered (in this case, “.org”), is identical or confusingly similar to Complainant’s trademark.

Here, the Domain Name is confusingly similar to Complainant’s AVERO trademark. The addition of the term “inc” to the AVERO mark in the Domain Name does not prevent a finding of confusing similarity between the Domain Name and the AVERO trademark. [WIPO Overview 3.1](#), section 1.8.

Thus, the Panel finds that Complainant has satisfied the first element of the Policy.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, a complainant must make a prima facie showing that a respondent possesses no rights or legitimate interests in a domain name. [WIPO Overview 3.1](#), section 2.1. Once a complainant makes such a prima facie showing, the burden of production shifts to the respondent, though the burden of proof always remains on the complainant. If the respondent fails to come forward with relevant evidence showing rights or legitimate interests, the complainant will have sustained its burden under the second element of the UDRP.

From the record in this case, it is evident that Respondent was, and is, aware of Complainant and its AVERO trademark and does not have any rights or legitimate interests in the Domain Name. Complainant has confirmed that Respondent is not affiliated with Complainant, or otherwise authorized or licensed to use the AVERO trademark or to seek registration of any domain name incorporating this trademark. Respondent is also not known to be associated with the AVERO trademark and there is no evidence showing that Respondent has been commonly known by the Domain Name.

In addition, Respondent has not used the Domain Name in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use. Rather, the record shows that the Domain Name was configured to set up email communications capability on the same day the Domain Name was registered, which enabled Respondent to send fraudulent emails to Complainant’s customers, purporting to provide the client with new banking account information to which future payments may be directed, in an attempt to divert payments to an account under Respondent’s control. Complainant confirmed that this email was not

sent or authorized by Complainant and submits it was sent to impersonate Complainant to fraudulently obtain payment. The fraudulent invoices had the same format as Complainant's actual invoices, and include Complainant's logo, company name, address and customer-specific billing addresses, subscription amounts and contract terms.

UDRP panels have consistently held that use of a domain name for illegal activity — such as impersonation, phishing or passing off — can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

Accordingly, Complainant has provided evidence supporting its prima facie showing that Respondent lacks any rights or legitimate interests in the Domain Name. Respondent has failed to produce countervailing evidence of any rights or legitimate interests in the Domain Name. Thus, the Panel concludes that Respondent does not have any rights or legitimate interests in the Domain Name and Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds that Respondent's actions indicate that Respondent registered and is using the Domain Name in bad faith.

Paragraph 4(b) of the Policy provides a non-exhaustive list of circumstances indicating bad faith registration and use on the part of a respondent, namely:

“(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 website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your website or location.”

The Panel finds that Complainant has provided ample evidence to show that registration and use of the AVERO trademark predate the registration of the Domain Name. Complainant is also well established and known; indeed, the record shows that Complainant's AVERO trademark and related products and services are known and recognized for purposes of the Policy. Therefore, and also noting the use analysis below, Respondent was clearly aware of the AVERO trademark when it registered the Domain Name and actively targeted Complainant through sending of the phishing emails to Complainant's customers on the same day the Domain Name was created.

Moreover, the Domain Name's inclusion of Complainant's trademark AVERO in its entirety, further reflects the awareness that Respondent had of Complainant and its trademark at the time of registration. Complainant also owns and operates its website at the domain name <averoinc.com>. Such adoption of Complainant's trademarks at the time of registration of the Domain Name illustrates Respondent's effort to mislead Internet users looking for Complainant. In addition, there is no indication or evidence that Respondent is preparing to use the Domain Name for any other alternate legitimate purpose.

The Panel therefore finds that Respondent's awareness of Complainant's trademark rights at the time of registration suggests bad faith. [WIPO Overview 3.1](#), section 3.2.2.

Moreover, Respondent registered and is using the Domain Name to confuse and mislead consumers looking for bona fide and well-known AVERO products and services of Complainant. In particular, at the time of filing of the Complaint, the record shows that the Domain Name was configured to set up email communications capability, which enabled Respondent to send fraudulent emails to Complainant's customers, purporting to provide the client with new banking account information to which future payments may be directed, in an attempt to divert funds legitimately due to Complainant, to an account under Respondent's control. The record also shows additional customer reports of such phishing emails.

Complainant confirmed that this email was not sent or authorized by Complainant and submits it was sent to impersonate Complainant to fraudulently obtain payment, or obtain confidential financial information or trade secrets. Complainant notes that it has no affiliation with Respondent.

Panels have held that the use of a domain name for purposes other than to host a website may constitute bad faith. Such active uses can include a range of bad faith activity or scams such as sending email, phishing, identity theft, or malware distribution. Many such cases involve the respondent's use of the domain name to send deceptive emails, as here, to solicit payment of fraudulent invoices by the complainant's actual or prospective customers. [WIPO Overview 3.1](#), section 3.4.

Finally, the Panel also notes the failure of Respondent to submit a response, and Respondent's use of what appears to be false underlying contact information to register the Domain Name. The Panel thus considers such factors as strong further evidence of Respondent's registration and use of the Domain Name constitutes bad faith. In the present circumstances, considering the reputation of the AVERO trademark, the Panel finds that Respondent registered and is using the Domain Name in bad faith.

Therefore, the Panel finds that Complainant succeeds under the third element of paragraph 4(a) 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 Domain Name <averoinc.org> be transferred to Complainant.

/Kimberley Chen Nobles/

Kimberley Chen Nobles

Sole Panelist

Date: May 22, 2026