ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Transwestern Commercial Services, L.L.C. v. Nana Yaw Oduro
Case No. D2026-1851

1. The Parties

The Complainant is Transwestern Commercial Services, L.L.C., United States of America ("U.S."), represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Nana Yaw Oduro, Ghana.

2. The Domain Name and Registrar

The disputed domain name <transwesterninvestments.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 29, 2026. On April 30, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 (Registration Private / Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 1, 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 the same day.

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 May 6, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 26, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 27, 2026.

The Center appointed Eric Macramalla as the sole panelist in this matter on June 5, 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

Founded in 1978 and headquartered in Houston, Texas, the Complainant is a privately held real estate firm providing a broad spectrum of services including property management, investment management, and development. It specializes in brokerage, leasing, property management, capital markets, and development services for clients in the real estate sector.

With 33 offices across the U.S., the Complainant's four companies, Transwestern Real Estate Services, Transwestern Investment Group, Transwestern Development Company and Transwestern Hospitality Group, unite a team of more than 2,200 members. Globally, the Complainant operates across multiple locations throughout North America, Europe, and Asia, offering commercial real estate solutions for various property types.

Transwestern Investment Group ("TIG") is the Complainant's independent real estate investment management firm that serves a broad range of investors through a diversified array of discretionary and non-discretionary investment vehicles. TIG's senior partners average more than 25 years of extensive experience building and managing real estate investment organizations. TIG has USD 8 billion in assets under management.

The Complainant maintains a primary website at "www.transwestern.com" and a TIG dedicated website at "www.transwesterninvest.com". According to Similarweb.com, "www.transwestern.com" had a total of 42,075 visitors in February 2026, ranking as the 635,170th most popular website in the world and 5,009th in the real estate industry.

In addition, Complainant's social media accounts have substantial followers. The Complainant's LinkedIn account has 51,000 followers, while its Facebook and Instagram accounts have over 9,000 followers and 4,000 followers, respectively.

The Complainant is the owner of the following trademark registrations comprised of TRANSWESTERN (the "TRANSWESTERN Trademarks"):

(a) TRANSWESTERN, Registration No. 3243831 filed for use in association with Classes 36, 37 and 42, and issued to registration on May 22, 2007.

(b) TRANSWESTERN, Registration No. 4473822 filed for use in association with Class 36, and issued to registration on January 28, 2014.

The disputed domain name was registered on August 1, 2025. At the time the Complaint was filed, and as of the date of this Decision, the disputed domain name resolves to a single-page website displaying the message "Launching Soon" and inviting Internet users to contact the Respondent. The website prominently features "transwesterninvestments.com" in its banner, and identifies "transwesterninvestments.com" as the Respondent's trade name.

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.

The Complainant has alleged that the disputed domain name is confusingly similar to the TRANSWESTERN Trademarks in which it has rights. The disputed domain name includes the entirety of the TRANSWESTERN Trademarks. The addition of the word "investments" does not negate a finding of confusion.

The Complainant further argued that the Respondent has no rights or legitimate interests in the disputed domain name as contemplated by paragraph 4(c) of the Policy. The Complainant has not authorized the Respondent to use TRANSWESTERN Trademarks and is not otherwise connected to the Respondent. The disputed domain name was registered long after the Complainant established rights in its marks and is being used in association with a website that is designed to confuse and mislead end users as to source or sponsorship. The Respondent's activities do not constitute a bona fide offering of goods or services, the Respondent is not commonly known by the disputed domain name, and that the Respondent is not making any legitimate noncommercial or fair use of the domain name.

The disputed domain name was registered and is used in bad faith as per paragraph 4(b)(iv). The Respondent is intentionally attempting to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with Complainant's trademarks as to the source or sponsorship.

B. Respondent

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

6. Discussion and Findings

As per paragraph 4(a) of the Policy, to succeed a complainant must establish 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 disputed domain name was registered and is being used in bad faith.

These elements are discussed in turn below. In considering these elements, paragraph 15(a) of the Rules provides that the Panel shall decide the Complaint on the basis of statements and documents submitted and in accordance with the Policy, the Rules and any other rules or principles of law that the Panel 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 Select UDRP Questions ("WIPO Overview 3.1"), section 1.7.

The Complainant has established rights in respect of a trademark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1. The Complainant is the owner of the TRANSWESTERN Trademarks.

The Panel finds the mark is recognizable within the disputed domain name. The disputed domain name incorporates the entirety of the TRANSWESTERN trademark. On that basis, the Respondent cannot avoid a finding of confusing similarity.

The Panel further notes that the addition of the term "investments" does not prevent a finding of confusing similarity for the purposes of the Policy. WIPO Overview 3.1, section 1.8.

The Panel therefore finds that the Complainant has established the first element of the Policy.

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.

Panels have held that the use of a domain name for illegitimate or illegal activities, including the sale of counterfeit goods, copycat sites and passing off cannot confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1.

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 Complainant has not authorized, licensed, or otherwise permitted, the Respondent to use the TRANSWESTERN Trademarks in any manner, including as part of a domain name. There is also no evidence that the Respondent is commonly known by the disputed domain name. Furthermore, there is no basis to conclude that the Respondent is making legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

There is also no evidence that the Respondent has used, or made demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services. To the contrary, the Panel finds that the Respondent is using the disputed domain name to pass itself off as the Complainant through the misappropriation of the Complainant's intellectual property, including its trademark and trade name. The Respondent's addition of the term "investments" to the disputed domain name appears calculated to reinforce a false association with the Complainant. Given that the Complainant offers investment management services, the inclusion of the word "investments" is plainly intended to suggest a connection with the Complainant when none exists.

In light of the foregoing, the Respondent's activities demonstrate a clear intention to actively mislead and deceive end users as to source or sponsorship. The Panel finds that such conduct undermines any claim of rights or a bona fide offering of goods or services.

The Panel therefore finds that the Complainant has established the second element of the Policy.

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.

While paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, other circumstances may also be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. WIPO Overview 3.1, section 3.2.1.

Panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. WIPO Overview 3.1, section 3.3.

Further, panels have consistently held that passing off constitutes bad faith. WIPO Overview 3.1, section 3.4.

In the present case, the Respondent has engaged in the misappropriation of the Complainant's trademark rights with a view to misleading and deceiving potential consumers as to source or sponsorship for commercial gain. The Respondent is using the TRANSWESTERN Trademarks and the "transwesterninvestments.com" trade name, while incorporating the word "investments" into the disputed domain name, all of which is designed to falsely suggest a connection to the Complainant.

The Panel also concludes that the Respondent had actual knowledge of the Complainant's trademark rights at the time of registering the disputed domain name. The inclusion of the word "investments" suggests that the Respondent was aware of the Complainant.

The Respondent's conduct also bears the hallmarks of passing off. While the website indicates that it is "launching soon", it nonetheless invites Internet users to contact the Respondent.

Under the circumstances, the Panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its 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 its website or location or of a product or service on its website or location (paragraph 4(b)(iv) of the Policy). The Panel also concludes that the Respondent's conduct bears the hallmarks of passing off and is clearly intended to create a false impression of association with the Complainant. Furthermore, the Respondent's passive holding of the disputed domain name supports a finding of bad faith as does the Respondent's actual knowledge of the Complainant's rights.

The Panel therefore finds that the Complainant has established the third element of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraph 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <transwesterninvestments.com> be transferred to the Complainant.

/Eric Macramalla/
Eric Macramalla
Sole Panelist
Date: June 18, 2026