

## **ADMINISTRATIVE PANEL DECISION**

Smith Design Group / Dale E. Smith v. Randy Marrone  
Case No. D2026-2013

### **1. The Parties**

Complainant is Smith Design Group / Dale E. Smith, United States of America ("United States"), internally represented.

Respondent is Randy Marrone, United States.

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

The disputed domain name <smithdesigngroup.com> (the "Domain Name") is registered with NameCheap, Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 9, 2026. On May 12, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On May 12, 2026, the Registrar transmitted by email to the Center its verification response confirming that Respondent is listed as the registrant and providing the contact details. The Center sent an email to Complainant on May 21, 2026, requesting that Complainant submit an amendment to the Complaint. Complainant filed amended Complaints on May 28, 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 Respondent of the Complaint, and the proceedings commenced on May 29, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 18, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on June 19, 2026.

On June 2, 2026, Complainant made an unsolicited Supplemental Filing. In its discretion, based on the reasons laid out below, the Panel has declined to consider this filing.

The Center appointed Robert A. Badgley as the sole panelist in this matter on June 23, 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**

Complainant is an architectural firm founded in 1998 in the State of Nevada. Complainant asserts that it has used SMITH DESIGN GROUP to identify and distinguish its services since 1998.

The Domain Name was registered by Complainant on January 15, 1998. For years, the Domain Name has been used to host Complainant's commercial website and to provide email addresses for Complainant's principal and employees.

According to Complainant, Respondent is "a former independent IT contractor who performed website design and hosting services for the Complainant".

Complainant alleges:

"The domain was originally registered through Network Solutions, where the Complainant, Dale E. Smith, was the named registrant. On or about September 24, 2021, the domain was transferred from Network Solutions to Namecheap, Inc. by the Respondent, acting as the Complainant's IT contractor, and was placed in the Respondent's personal Namecheap account."

Annexed to the Complaint are various documents corroborating the allegation that Respondent was engaged as Complainant's IT contractor for certain limited purposes.

Complainant asserts that, in 2025, Respondent became unresponsive to various communications from Complainant, and that the website to which the Domain Name resolved became inactive and the email addresses accessible via the Domain Name became inoperable. Specifically, Complainant alleges:

"Beginning in approximately early 2025, the Respondent became completely unresponsive to all communications from the Complainant. Despite repeated attempts over a period of more than one year, the Complainant has been unable to reach the Respondent by any means. Concurrently, the Respondent's hosting infrastructure, including the nameservers at marrone-ns.com, crashed and ceased to function."

Complainant asserts further:

"The Respondent has been completely unresponsive for over one year to all communications from the Complainant. The Respondent also failed to respond to direct outreach from the Registrar, Namecheap, Inc., as confirmed in writing by Namecheap on April 30, 2026."

Respondent has not disputed any of the foregoing allegations.

#### **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.

Regarding bad faith registration, Complainant in particular clarified that it was not aware that the transfer of the Domain Name from Network Solutions to the Registrar would change the “registrant-of-record status from the business owner to the contractor”. Complainant maintains it would never have consented to or authorized such action.

## **B. Respondent**

Respondent did not reply to Complainant’s contentions.

## **6. Discussion and Findings**

### **6.1. Complainant’s Supplemental Filing**

On June 2, 2026, Complainant made an unsolicited Supplemental Filing. Paragraph 10 of the UDRP Rules vests the Panel with the authority to determine the admissibility, relevance, materiality and weight of the evidence, and also to conduct the proceedings with due expedition. The Panel has reviewed the contents of the Supplemental Filing made by Complainant, and finds that it does not materially add to or detract to or detract from the case record as it pertains to the application of the three elements of the Policy. The Panel accordingly declines to accept the unsolicited Supplemental Filing.

### **6.2. Substantive Issues**

Paragraph 4(a) of the Policy lists the three elements which Complainant must satisfy with respect to the Domain Name:

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

#### **A. Identical or Confusingly Similar**

The Panel concludes, on this undisputed record, Complainant has common law rights in the mark SMITH DESIGN GROUP through use demonstrated in the record. The Panel also finds that the Domain Name is identical to that mark.

The Panel concludes that the Domain Name is identical to Complainant’s common law mark SMITH DESIGN GROUP.

Complainant has established Policy paragraph 4(a)(i).

#### **B. Rights or Legitimate Interests**

Pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

- (i) before any notice to you [Respondent] of the dispute, your 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) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Domain Name, even if you have acquired no trademark or service mark rights; or

(iii) you [Respondent] are 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.

The Panel concludes that Respondent lacks rights or legitimate interests in respect of the Domain Name. Respondent has not come forward in this proceeding, or in response to pre-Complaint efforts by Complainant, to explain itself or articulate any possible bona fides vis-à-vis the Domain Name.

On this undisputed record, the Panel concludes that Respondent was retained by Complainant as an agent to perform certain discrete IT functions and that Respondent had no right to transfer ownership of the Domain Name to its own account for any legitimate reason other than as agent for its principal, Complainant, but that even administrative control purposes would not justify changing the registered name holder.

The Panel concludes that Complainant has established Policy paragraph 4(a)(ii).

### **C. Registered and Used in Bad Faith**

Paragraph 4(b) of the Policy provides that the following circumstances, “in particular but without limitation”, are evidence of the registration and use of the Domain Name in “bad faith”:

- (i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Name; or
- (ii) that Respondent has 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 Respondent has engaged in a pattern of such conduct; or
- (iii) that Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or
- (iv) that by using the Domain Name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent’s website or other online location, by creating a likelihood of confusion with Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of Respondent’s website or location or of a product or service on Respondent’s website or location.

On balance, the Panel concludes, under the Policy and the record presented here, that Respondent has registered and used the Domain Name in bad faith. The Panel incorporates its discussion above in the “Rights or Legitimate Interests” section.

As noted in the previous section, in view of the available uncontested record that Respondent never had the right to own this Domain Name in its own right. Respondent obviously had Complainant and its brand in mind when taking control of by changing the registered name holder details of the Domain Name.

On the record presented, it appears that Respondent at some point simply dropped out of its professional world and left Complainant in a precarious position, with Complainant unable to rely on the website and email addresses it had used for more than a quarter century to carry on its business.

The record here appears to reflect an extreme instance of “passive holding” of a Domain Name, which, under well-established UDRP precedent, can be consistent with a finding of bad faith use under the Policy. The Panel so finds here.

Complainant has established Policy paragraph 4(a)(iii).

## **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 <smithdesignngroup.com> be transferred to Complainant.

*/Robert A. Badgley/*

**Robert A. Badgley**

Sole Panelist

Date: July 3, 2026