

ADMINISTRATIVE PANEL DECISION

Archstone Capital Inc. v. Asma York
Case No. D2026-2461

1. The Parties

The Complainant is Archstone Capital Inc., United States of America ("United States"), represented by Holland & Knight LLP, United States.

The Respondent is Asma York, United States.

2. The Domain Name and Registrar

The disputed domain name <archstonecapinc.com> is registered with Register.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 5, 2026. On June 8, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 8, 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 ("Perfect Privacy, LLC") and contact information in the Complaint. The Center sent an email communication to the Complainant on June 9, 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 amendment to the Complaint on June 15, 2026.

The Center verified that the Complaint together with the amendment to 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 June 16, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 6, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 7, 2026.

The Center appointed William F. Hamilton as the sole panelist in this matter on July 9, 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 Archstone Capital Inc., a Florida corporation that has provided business management services under the ARCHSTONE CAPITAL INC. service mark (the “Mark”) since at least as early as October 2, 2014. The Complainant has also used variations of the Mark, including ARCHSTONE CAPITAL in standard characters and ARCHSTONE CAPITAL INC. in a stylized design incorporating a navy blue and gray color scheme. The Complainant holds Florida Service Mark Registration No. T26000000319 for ARCHSTONE CAPITAL INC., registered on March 25, 2026, reflecting a date of first use anywhere of October 2, 2014 (Annex C to the Complaint).

The Complainant is the registrant of the domain name <archstonecapitalinc.com>, registered on September 24, 2014, through which the Complainant has offered its services since at least as early as 2021 (Annex D to the Complaint).

The disputed domain name was registered on October 9, 2025 (Annex A to the Complaint). The disputed domain name resolves to a website that reproduces the Complainant’s ARCHSTONE CAPITAL name and displays a similar design mark, including the same navy blue and gray color scheme, and lists the Complainant’s corporate address with a typographical error in the suite number (Annex E to the Complaint).

The Respondent’s website also includes a contact form, under the heading “Let’s work together,” soliciting visitors’ name, email address, and phone number (Annex E to the Complaint).

The Respondent has used the disputed domain name to create an email address “[...]@archstonecapinc.com”, which mimics the email address of the Complainant’s principal, “[...]@archstonecapitalinc.com”. Using this email address, the Respondent contacted Net2Phone, a cloud-based calling service provider, posing as the Complainant’s principal, and caused Net2Phone to set up a call-in number for consumers seeking the Complainant’s services.

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 contends that the disputed domain name is identical or confusingly similar to the Mark. The Complainant submits that the disputed domain name reproduces the dominant feature of the Mark, differing only by the omission of the letters “ital” from “capital”, and that this truncation does nothing to prevent confusion and instead reflects a deliberate typosquatting strategy designed to capture consumers who mistype or misremember the Complainant’s own domain name.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant submits that it has never authorized the Respondent to use the Mark, that the Respondent registered the disputed domain name more than a decade after the Complainant’s first use of the Mark, and that the Respondent cannot demonstrate any substantial reputation in the disputed domain name independent of the Complainant. The Complainant further submits that the Respondent’s use of the disputed domain name to impersonate the Complainant, including through a copycat website and fraudulent email addresses, cannot constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use, as the use of a domain name for impersonation and fraud can never confer rights or legitimate interests on a respondent.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant submits that the Respondent registered the disputed domain name with actual knowledge of the Complainant’s rights, as evidenced by the Respondent’s replication of the Complainant’s corporate name, address, and a similar design mark on the resultant website. The Complainant further submits that

the Respondent has intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Mark, and that the Respondent's creation of a fraudulent email address to impersonate the Complainant's principal in dealings with a third-party service provider is further evidence of bad faith registration and use.

B. Respondent

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

6. Discussion and Findings

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 does not hold a trademark registration that was the product of substantive examination, but for purposes of the UDRP, trademark or service mark registration is not a prerequisite for a complainant to establish rights in a mark. [WIPO Overview 3.1](#), section 1.3. A complainant relying on unregistered or common law rights must show that the mark has become a distinctive identifier associated with the complainant or its goods and services, through evidence such as the length and nature of use of the mark, the degree of public recognition, and the extent of sales or advertising under the mark. [WIPO Overview 3.1](#), sections 1.1.4 and 1.3. Since at least October 2, 2014, the Complainant has used ARCHSTONE CAPITAL INC. and its variations in connection with business management services. The record shows that the Complainant has provided such services on a nationwide basis, has continuously operated a website at its own domain name since at least 2021, and has engaged in advertising activities promoting the Mark, including billboard advertising (Annexes D and J to the Complaint). The Complainant's Florida Service Mark Registration, while not the product of substantive examination, corroborates this history of use. On this record, the Panel finds the Complainant has established unregistered rights in ARCHSTONE CAPITAL INC. (the "unregistered Mark") for purposes of the Policy.

The entirety of the unregistered Mark, except for the letters "ital", is reproduced in the disputed domain name. This omission is a minor variation of the trademark that does not prevent a finding of confusing similarity; where a domain name differs from a mark only by the deletion of a small number of letters, the dominant feature of the mark remains recognizable, and the domain name is confusingly similar to the mark for purposes of the Policy. [WIPO Overview 3.1](#), sections 1.7.

The Panel finds the first element of the Policy has been established.

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 the 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. 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.

The Complainant has established a prima facie case. The Respondent is not authorized to use the Mark, is not commonly known by the disputed domain name, and registered the disputed domain name more than a decade after the Complainant's first use of the Mark. The composition of the disputed domain name, reproducing the dominant feature of the Mark with only a minor letter deletion, creates a risk of user confusion. 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.

Panels have held that the use of a domain name for impersonation or passing off can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1. Here, the Respondent has used the disputed domain name to operate a website that reproduces the Complainant's name and design mark and actively solicits visitors' personal information, and to create a fraudulent email address used to impersonate the Complainant's principal in dealings with a third-party service provider. Such use cannot constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use.

The Panel finds the second element of the Policy has been established.

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. 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, but other circumstances may 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.

The Respondent registered the disputed domain name more than a decade after the Complainant's first use of the Mark and more than a decade after the Complainant registered its own domain name <archstonecapitalinc.com>. The composition of the disputed domain name, differing from the Complainant's domain name only by the deletion of the letters "ital", together with the Respondent's replication of the Complainant's corporate name, corporate address, and a similar design mark on the resultant website, demonstrates that the Respondent registered the disputed domain name with actual knowledge of the Complainant's rights and with the intent to create confusion as to source or affiliation. [WIPO Overview 3.1](#), section 3.2.2.

By using the disputed domain name to operate a website that impersonates the Complainant, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Mark as to source, sponsorship, affiliation, or endorsement, within the meaning of paragraph 4(b)(iv) of the Policy. The Respondent has compounded this bad faith by using the disputed domain name to create a fraudulent email address impersonating the Complainant's principal, which the Respondent used to deceive a third-party service provider into establishing a call-in number for consumers seeking the Complainant's services. Panels have held that the use of a domain name to impersonate a complainant and its principals in this manner constitutes bad faith use and registration. [WIPO Overview 3.1](#), section 3.4.

The Respondent's operation of a functional contact form soliciting visitor information under the guise of the Complainant's identity is a further indicium of bad faith, as the use of a domain name to solicit personal information from unsuspecting visitors through impersonation is characteristic of phishing and cannot be reconciled with any good-faith use. [WIPO Overview 3.1](#), section 3.4.

The Panel finds that the Complainant has established the third element 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 disputed domain name <archstonecapinc.com> be transferred to the Complainant.

/William F. Hamilton/

William F. Hamilton

Sole Panelist

Date: July 22, 2026