

ADMINISTRATIVE PANEL DECISION

General Sheet Metal Works, Inc. v. James N Dasher
Case No. D2026-2602

1. The Parties

The Complainant is General Sheet Metal Works, Inc. dba General Stamping & Metalworks, United States of America ("United States"), internally represented.

The Respondent is James N Dasher, United States.

2. The Domain Name and Registrar

The disputed domain name <gsmwimc.com> is registered with Spaceship, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 15, 2026. On June 16, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 16, 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 19, 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 23, 2026, and a later amended Complaint on June 25, 2026.

The Center verified that the Complaint together with the amendment to the Complaint and 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 June 29, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 19, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 27, 2026.

The Center appointed Evan D. Brown as the sole panelist in this matter on July 29, 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 in the metalworking, stamping, and sheet metal fabrication business. It asserts ownership of the marks GENERAL STAMPING & METALWORKS, GENERAL SHEET METAL WORKS, and GSMWINC based on what it describes as continuous, long-term, and exclusive use of those marks. Though it does not own a registration for such marks, the Panel has confirmed via limited independent factual investigation using the “Wayback Machine” (which under paragraph 10 of the Rules and section 4.8 of the WIPO Overview of WIPO Panel Views on Select UDRP Questions (“[WIPO Overview 3.1](#)”) is appropriate) that the Complainant has had an online presence at its website found at the domain name <gsmwinc.com> using one more of these marks since at least as early as 2010.

According to the Whois information, the disputed domain name was registered on January 13, 2026. The Respondent has used the disputed domain name to send and receive emails while imitating the Complainant, going so far as to use the logo and contact information of the Complainant in the signature block. The Complainant submitted evidence that at least one such email message used the name of an apparent actual management-level employee of the Complainant. This message was sent to a vendor of the Complainant, directing the sending of invoices, presumably as part of fraudulent financial activity.

5. Parties’ Contentions

A. Complainant

The Complainant contends that the disputed domain name is identical or confusingly similar to the Complainant’s trademark, that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and that the disputed domain name was registered and is being used in bad faith.

B. Respondent

The Respondent did not respond to the Complainant’s contentions.

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been 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. The Panel finds that all three of these elements have been met in this case.

A. Identical or Confusingly Similar

The first element functions primarily as a standing requirement. [WIPO Overview 3.1](#), section 1.7. 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. *Id.*

The Complainant’s assertions and evidence concerning its rights in the GSMWINC mark are somewhat scant. Nevertheless, in the particular circumstances of this case, the Panel credits the Complainant’s assertion that it owns rights in the GSMWINC mark sufficient to establish standing under the Policy. This conclusion is reinforced by the Respondent’s own conduct. As noted in section 1.3 of the [WIPO Overview](#)

[3.1](#), in assessing claimed unregistered or common law trademark rights, evidence that a respondent has targeted the complainant's mark, including through impersonating documents or other instruments, may support the complainant's assertion and evidence that the mark has achieved significance as a source identifier. Here, the record contains direct evidence that the Respondent deliberately targeted the Complainant and the GSMWINC mark by using the disputed domain name to impersonate one of the Complainant's employees in communications with a vendor in an apparent attempt to perpetrate financial fraud. That conduct strongly corroborates the Complainant's assertion that the GSMWINC mark functions as an identifier of the Complainant and its business.

The same evidence also reinforces the Panel's conclusion that the disputed domain name is confusingly similar to the GSMWINC mark. The disputed domain name differs from the GSMWINC mark by only a single letter and thus represents an obvious intentional misspelling of the GSMWINC mark, which remains readily recognizable within the disputed domain name. See [WIPO Overview 3.1](#), section 1.9. Moreover, section 1.7 of the [WIPO Overview 3.1](#) recognizes that, in appropriate cases, the broader context, including fraudulent phishing emails trading off a complainant's reputation, may support a finding of confusing similarity. Section 1.15 of the [WIPO Overview 3.1](#) likewise provides that, even where a disputed domain name is not used for a website, a respondent's use of the domain name in an email impersonating the complainant may affirm a finding of confusing similarity. That is precisely what occurred here. The Respondent's use of the disputed domain name as part of an email address to impersonate an employee of the Complainant confirms that the Respondent itself selected and used the disputed domain name because of its similarity to the Complainant's GSMWINC mark.

Accordingly, considering both the close textual similarity between the disputed domain name and the GSMWINC mark and the Respondent's demonstrated targeting of the Complainant, the Panel finds that the Complainant has established the first element under the Policy.

B. Rights or Legitimate Interests

The Panel evaluates this element of the Policy by first considering whether the Complainant has made a prima facie showing that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. If the Complainant makes that showing, the burden of production shifts to the Respondent to demonstrate rights or legitimate interests, while the ultimate burden of proof remains with the Complainant. See [WIPO Overview 3.1](#), section 2.1.

The Complainant asserts that: (1) the Respondent has not been authorized, licensed, or otherwise permitted to use the GSMWINC mark or any confusingly similar variation of it; (2) there is no evidence that the Respondent is commonly known by the disputed domain name or by GSMWIMC or any similar designation; (3) the disputed domain name is a one-character variation of the Complainant's domain name and has no apparent independent meaning or commercial significance apart from its resemblance to the GSMWINC mark; and (4) the Respondent has not used the disputed domain name in connection with any bona fide offering of goods or services or for any legitimate noncommercial or fair use. Instead, the record shows that the Respondent used the disputed domain name to impersonate the Complainant in commercial communications in an apparent attempt to perpetrate financial fraud.

The Panel finds that the Complainant has made the required prima facie showing. The Respondent has not come forward with any evidence demonstrating rights or legitimate interests in the disputed domain name, and nothing in the record otherwise suggests a basis for such rights or legitimate interests.

Moreover, the Respondent's use of the disputed domain name for impersonation and apparent fraud independently precludes a finding of rights or legitimate interests. [WIPO Overview 3.1](#), section 2.13.1, provides that use of a domain name for illegal activity, including phishing, possible identity theft, impersonation, passing off, or other forms of fraud, can never confer rights or legitimate interests on a respondent. The Respondent's use here falls squarely within that principle.

Accordingly, the Panel finds that the Complainant has established the second element under the Policy.

C. Registered and Used in Bad Faith

The Policy requires the Complainant to establish that the disputed domain name was registered and is being used in bad faith.

The Complainant has provided evidence that the disputed domain name was used for fraudulent activity, namely, sending at least one phishing email message. On the uncontroverted evidence before the Panel, the disputed domain name was used to contact a vendor of the Complainant in connection with an apparent attempt to perpetrate financial fraud. In an attempt to mislead the recipient into believing that the communication was legitimate, the sender of the email posed as an employee of the Complainant.

[WIPO Overview 3.1](#), section 3.4, recognizes that use of a domain name for purposes other than hosting a website may constitute bad faith, including where the domain name is used to send deceptive emails, engage in phishing or identity theft, or solicit fraudulent payments from a complainant's actual or prospective customers. The Respondent's conduct here falls squarely within that principle.

The Panel therefore finds, on the uncontroverted evidence and on the balance of probabilities, that the disputed domain name was registered and is being used in bad faith for purposes of unlawful phishing and financial fraud. The Complainant has therefore also succeeded in satisfying this third and final 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 <gsmwimc.com> be transferred to the Complainant.

/Evan D. Brown/

Evan D. Brown

Sole Panelist

Date: August 12, 2026