ADMINISTRATIVE PANEL DECISION

Allan Myers, Inc v. Dynadot Privacy Service, Dynadot, LLC
Case No. D2026-2970

1. The Parties

The Complainant is Allan Myers, Inc, United States of America ("United States"), represented by Cozen O'Connor, United States.

The Respondent is Dynadot Privacy Service, Dynadot, LLC, United States.

2. The Domain Name and Registrar

The disputed domain name <allanmeyers.com> is registered with Hosting Concepts B.V. d/b/a Registrar.eu. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 6, 2026. On July 7, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 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 (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 8, 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 July 10, 2026.

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 July 13, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 2, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 5, 2026.

The Center appointed Michelle Brownlee as the sole panelist in this matter on August 10, 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, which was founded in 1939, provides construction services. The Complainant is the owner of United States Registration Number 4,828,189 for the mark ALLAN MYERS, registered on October 6, 2015, in connection with "construction consultation; construction management; construction planning; consultation services for the construction of water and wastewater plants; construction of water and wastewater plants; laying and construction of pipelines; road and highway construction; road and highway paving services; bridge construction" in international class 37, claiming a first use in commerce of April 10, 2015.

The Complainant uses the domain name <allanmyers.com> in connection with a web site and company email addresses.

The disputed domain name was registered on April 20, 2026. It does not resolve to an active web site. The Complainant presented evidence that the disputed domain name was used to send email to a third-party that does business with the Complainant.

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.

Notably, the Complainant contends that it has demonstrated that the disputed domain name is confusingly similar to the Complainant's ALLAN MYERS mark, that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and that the Respondent registered and is using the disputed domain name in bad faith. In particular, the Complainant states that one of its employees received a phone call from an employee of a company that does business with the Complainant inquiring about a fraudulent order that was made from an email address using the disputed domain name. The Complainant presented evidence that the Respondent sent a purchase order that uses the Complainant's ALLAN MYERS trademark and mailing address at the top of the page together with email addresses that use the disputed domain name for the contact information. The Complainant argues that this evidence shows that the Respondent was deliberately attempting to create confusion with the Complainant for the purpose of a fraudulent scheme that would result in financial gain to the Respondent.

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 has shown rights in respect of the ALLAN MYERS service mark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7. The disputed domain name consists of an obvious misspelling of the Complainant's ALLAN MYERS mark, which is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. WIPO Overview 3.1, section 1.9.

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 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.

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.

Panels have held that the use of a domain name for illegal activity, here, claimed passing off as an employee of the Complainant for the purpose of making fraudulent purchases, can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1.

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.

In the present case, the Panel notes that the Respondent used the disputed domain name as part of an email address in furtherance of a fraudulent scheme to place an order with a third-party who was under the false belief that the order came from the Complainant. There is no question that the Respondent had fraudulent intention in placing the order since the order was placed with a purchase order that used the Complainant's trademark and mailing address. The Panel finds that the Complainant has demonstrated that the Respondent intentionally attempted to attract Internet users for the Respondent's commercial gain by creating a likelihood of confusion with the Complainant's mark pursuant to paragraph 4(b)(iv) of the Policy.

Panels have held that the use of a domain name for illegal activity, here, claimed passing off as an employee of the Complainant for the purpose of making fraudulent purchases, constitutes bad faith. WIPO Overview 3.1, section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <allanmeyers.com> be transferred to the Complainant.

/Michelle Brownlee/
Michelle Brownlee
Sole Panelist
Date: August 24, 2026