ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

Osborn370, LLC v. JULIO President, president
Case No. D2026-3195

1. The Parties

The Complainant is Osborn370, LLC, United States of America (“United States”), internally represented.

The Respondent is JULIO President, president, Indonesia.

2. The Domain Name and Registrar

The disputed domain name <osborn370.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 July 10, 2026. On July 21, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 21, 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 (Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 23, 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 amended Complaints respectively on July 28, July 30, August 7, and August 15, 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 the Respondent of the Complaint, and the proceedings commenced on August 17, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 6, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 8, 2026.

The Center appointed Andrea Mondini as the sole panelist in this matter on September 11, 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 a Minnesota, United States-based entity affiliated with the real estate development company Schafer Richardson LLC. The Complainant owns a commercial building named “Osborn370” which is located in downtown St. Paul, Minnesota, Unites States and has used this name in connection with this building since at least 2017.

The disputed domain name was originally registered on February 15, 2017 by Schafer Richardson LLC and was used to post a website related to this commercial building.

On or about March 11, 2026, the Complainant was notified that the disputed domain name had inadvertently expired and had been released and placed into a public auction.

The disputed domain name was re-registered by the Respondent later.

The Respondent did not file a Response. Therefore, not much is known about the Respondent.

The disputed domain name resolves to a website prominently displaying the OSBORN370 name as well as information and images relating to the commercial building owned by 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 as follows:

The lapse of the Complainant’s previous registration of the disputed domain name resulted from an administrative oversight by the Complainant’s staff, and not from any decision to relinquish the disputed domain name. The Complainant made diligent efforts to recover the disputed domain name, notably by joining the auction, but was eventually outbid by the Respondent.

The Complainant has common law unregistered trademark rights in the mark OSBORN370. This mark has been continuously used to identify the Complainant’s commercial building, which is known as one of the most exclusive and best-run office buildings in downtown St. Paul, United States. The Complainant has leased hundreds of thousands of square feet of this property to customers and tenants, including well-known organizations such as the City of St. Paul, United States. All this demonstrates that the OSBORN370 mark has become distinctive of the Complainant and its services, thus satisfying the requirements for an unregistered common law mark under the Policy.

The disputed domain name is identical to the trademark in which the Complainant has rights, because it incorporates this trademark in its entirety, and the addition of the “.com” generic Top-Level Domain is to be disregarded when assessing confusing similarity.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent has not been authorized by the Complainant to use this trademark, is not commonly known by the disputed domain name, and there is no evidence of the Respondent’s use, or demonstrable preparation to use, the disputed domain name in connection with a bona fide offering of goods and services. The Respondent only recently acquired the disputed domain name through an auction and is holding it for resale purposes rather than for any legitimate use.

The disputed domain name was registered in bad faith because it is obvious that the Respondent targeted the Complainant when registering the disputed domain name. The Respondent is not making any independent genuine use of the disputed domain name but is holding it primarily for the purpose of selling it to the Complainant for valuable consideration in excess of documented out-of-pocket expenses.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, in order to succeed, a complainant must establish each of the following elements:

(i) the disputed domain name is identical or confusingly similar to the 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.

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 asserts unregistered common law trademark rights in the mark OSBORN370 for the purposes of the Policy.

To establish unregistered or common law trademark rights for purposes of the Policy, a complainant must show that its mark has become a distinctive identifier which consumers associate with the complainant's goods and/or services. The fact that a respondent is shown to have been targeting the complainant's mark (e.g., based on the manner in which the mark is used on the related website or impersonating documents or other instruments) may also support the complainant's assertion and evidence that its mark has achieved significance as a source identifier. The claimed mark must also be used as a source identifier of goods or services e.g., on a website or on products or packaging used in commerce, provided that the mark, as used, is linked to the goods or services that are being branded with the mark. WIPO Overview 3.1, section 1.3.

The Complainant has credibly shown that it has used the OSBORN370 mark since 2017 as its company name and on its website to identify a prominent commercial building located in downtown St. Paul, Minnesota, United States. The images posted on the Complainant's website show that the OSBORN370 mark is prominently displayed on the façade of this building. The Complainant's allegation that it achieved significant revenues by leasing this property to well-known organizations such as the City of St. Paul, United States is credible. The Respondent has not contested the Complainant's assertions. The Panel therefore finds, that the OSBORN370 mark has become distinctive of the Complainant and its services, thus satisfying the requirements for an unregistered common law mark under the Policy.

The Panel finds the entirety of the mark is reproduced within the disputed domain name.

The addition of the generic Top-Level Domain ("gTLD") ".com" in the disputed domain name is a standard registration requirement and as such may be disregarded under the confusing similarity test under the Policy, paragraph 4(a)(i). WIPO Overview 3.1, section 1.11.1.

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 for a complainant to prove 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.

Furthermore, the composition of the disputed domain name itself suggests a connection or implied affiliation between the Complainant's commercial building and the Respondent which in fact does not exist. WIPO Overview 3.1, section 2.5.1. This finding is further confirmed by the website posted by the Respondent thereunder.

Based on the available record, 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. WIPO Overview 3.1, section 3.2.1.

In the view of the Panel, noting that the Complainant's common law trademark rights predate the registration of the disputed domain name and considering that the Respondent has posted thereunder a website referring to the Complainant's commercial building, it is inconceivable that the Respondent could have registered the disputed domain name without knowledge of the Complainant and its commercial building. Moreover, when registering the disputed domain name, the Respondent tried to conceal its identity and used obviously false contact details. In the circumstances of this case, all this is evidence of registration in bad faith.

Moreover, the composition of the disputed domain name and the materials posted by the Respondent thereunder would cause Internet users to believe that the Respondent is somehow associated with the Complainant when, in fact, it is not. The Panel holds that by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its web site, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its web site in the sense of Policy, paragraph 4(b)(iv).

Based on the available record, the Panel finds that the Complainant has established the third element of the Policy with regard to the disputed domain name.

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 <osborn370.com> be transferred to the Complainant.

/Andrea Mondini/
Andrea Mondini
Sole Panelist
Date: September 16, 2026