ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
NaviStone, Inc. v. tas tas, tasst
Case No. D2026-3601

1. The Parties

The Complainant is NaviStone, Inc., United States of America("United States" or "U.S."), represented by Brann & Isaacson, United States of America.

The Respondent is tas tas, tasst, United States.

2. The Domain Name and Registrar

The disputed domain name <navistone.org> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 12, 2026. On August 13, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 14, 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 (Unknown Registrant/ Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 14, 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 August 18, 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 August 27, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 16, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 24, 2026.

The Center appointed David H. Bernstein as the sole panelist in this matter on September 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.

As detailed further below, in its Complaint, the Complainant baldly asserted that the disputed domain name was being used for fraudulent emails. In support of this assertion, the Complainant submitted a declaration from its CFO that stated "NaviStone has received complaints and inquiries from customers who have received fraudulent emails from an email address connected to the navistone.org domain." Other than that one sentence in the declaration, the Complaint included no evidence or allegations of fact about the alleged fraudulent emails. The Complainant did not include copies of the emails or even any description of their contents. Accordingly, on October 9, 2026, the Panel issued a Procedural Order, pursuant to paragraphs 10 and 12 of the Rules, requesting the Complainant submit a supplemental submission (1) providing evidence of communications regarding the Respondent's claimed use of the disputed domain name for fraudulent purposes and (2) providing evidence regarding any MX records associated with the disputed domain name in order to help determine whether the disputed domain name was set up for sending and receiving emails.

The Complainant submitted a supplemental submission on October 15, 2026. The Respondent did not respond and therefore remained in default.

4. Factual Background

The Complainant is a marketing technology company headquartered in Cincinnati, Ohio. It is the developer of a marketing data and audience activation platform that collects information about visitors' browsing activity on client retailers' websites and uses that information to send those visitors direct-mail advertisements. The Complainant is the owner of the United States trademark registration for NAVISTONE (U.S. Trademark Registration No. 4,858,620, registered on November 24, 2015). The Complainant states that, since 2015, it has continuously used the NAVISTONE mark in connection with its platform-as-a-service services.

The Complainant currently does business through its website at "www.navistone.com", which incorporates the NAVISTONE mark. Its website contains information about the Complainant's products and services and a form through which prospective customers may submit inquiries.

The Respondent registered the disputed domain name on June 9, 2026. According to the Complaint, an August 11, 2026, search through the WHOIS database revealed limited information about the Respondent. Based on this information, the Complainant concluded that it was likely that the Respondent was using a registrant name-shielding privacy or proxy service. Registration Data provided by Namecheap, the Respondent's registrar, in response to the Registrar verification request identified tas tas as the Respondent's name, tasst as its organization, and Rochester, New York as its location.

At the time the Complaint was filed, and as of the time of this decision, the disputed domain name resolves to an error page stating, "This site can't be reached" and "navistone.org's server IP address could not be found."

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.

First, the Complainant contends that the disputed domain name is identical or confusingly similar to a trademark in which the Complainant claims to have rights. The Complainant asserts ownership of the U.S. trademark registration for the NAVISTONE mark. The Complainant also asserts that, since 2015, it has continuously used the NAVISTONE mark in connection with the sale and provision of its platform-as-a-service services. The Complainant contends that the disputed domain name is confusingly similar to the NAVISTONE mark because it incorporates the mark in its entirety.

Second, the Complainant contends that the Respondent has no rights or legitimate interest in the disputed domain name. The Complainant claims that it has never authorized the use of the NAVISTONE mark nor the registration of the disputed domain name and has no connection the Respondent. The Complainant also claims that its use of the NAVISTONE mark predates the Respondent's by more than a decade. The Complainant argues that, unlike cases involving a generic surname or phrase, the Respondent in the present case has appropriated a well-known, distinctive mark associated with the Complainant's services.

The Complainant further asserts that the Respondent has no legitimate interest in using the mark in the disputed domain name. Instead, the Complainant argues, the Respondent is using the NAVISTONE mark for the illegitimate purpose of defrauding NaviStone customers, as described further below.

Third, the Complainant contends that the Respondent registered and is using the disputed domain name in bad faith. According to the Complainant, the Respondent is using the disputed domain name to fraudulently obtain data and funds from NaviStone customers.

As noted above, in support of the claim that the disputed domain name was being used for fraudulent emails, the Complainant initially submitted only a bald assertion of such fraud, and a declaration of its CFO stating merely that: "NaviStone has received complaints and inquiries from customers who have received fraudulent emails from an email address connected to the navistone.org domain." In response to the Panel's request for evidence substantiating this claim, the Complainant subsequently submitted screenshots of two emails sent to one of NaviStone's customers. The first email, bearing the subject line, "New payment request from NaviStone, Inc. for $24908.00 – invoice 17794," contains an invoice for $24,908.00 with a direct payment button. Below the button, the email lists NaviStone's street and website addresses, a phone number, and the email address <[…] @navistone.com>. The second email, sent from <[…]@navistone.org> in reply to the first, informs the customer that NaviStone "transitioned to a new financial partner" and offers to send updated banking information to facilitate future payments. This email includes Navistone's website address, a different phone number, and the signoff signature of a Finance and Accounting contact at the Complainant.

B. Respondent

The Respondent did not reply to the Complainant's contentions.[1]

6. Discussion and Findings

To obtain transfer of the disputed domain name, Paragraph 4(a) of the Policy requires that the Complainant show each of the following three elements:

i. that the disputed domain name is identical or confusingly similar to a trademark or service mark in which it holds rights;
ii. that the Respondent has no rights or legitimate interests in the disputed domain name; and

[1] Given the absence of a Response, the Panel carefully reviewed the record to ensure that the Respondent received the opportunity for fair notice of this proceeding. See *Nicole Kidman v. John Zuccarini, d/b/a Cupcake Party*, WIPO Case No. D2000-1415. The Center sent notification of the Complaint to the Respondent by email and mail (a fax number was not available for the Respondent). Although one of the emails (to the postmaster address) bounced back as undeliverable, the email sent to the email address provided by the Registrar for the Respondent appears to have been delivered. The Panel finds that the Center discharged its obligation to provide fair notice to the Respondent as required by the Rules, paragraph 2(a).

iii. that the disputed domain name was registered and used in bad faith.

Notwithstanding the Respondent's default, the Complainant bears the burden to establish each element of the Policy. See WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.3.

For the reasons stated below, the Panel finds the Complainant has proven all three elements by a preponderance of the evidence.

A. Identical or Confusingly Similar

The first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity requires, first, that the Complainant show rights in a trademark or service mark, and then involves a reasoned but relatively straightforward comparison between the Complainant's mark and the disputed domain name. WIPO Overview 3.1, sections 1.1, 1.7.

Because the Complainant owns a U.S. trademark registration for the trademark NAVISTONE,[2] it has shown rights in respect to a trademark or service mark for the purposes of the Policy. See WIPO Overview 3.1, section 1.2.1 ("Where the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case.").

The Complainant has also shown that the disputed domain name is identical to the Complainant's mark for the purposes of the Policy because the entirety of the NAVISTONE mark is reproduced in the disputed domain name, <navistone.org>, without any addition other than the generic Top-Level Domain ("gTLD"). WIPO Overview 3.1, section 1.7. The addition of a gTLD, such as ".org," is generally viewed as a standard domain name registration requirement and does not preclude a finding of confusing similarity. *Id*., section 1.11.

The Panel finds that the Complainant has satisfied the first element of the Policy.

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, after a complainant makes out a prima facie case, 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.

Here, the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Complainant has used the NAVISTONE mark in connection with its services for more than a decade, while the Respondent registered the disputed domain name only in June

[2] The trademark registration certificate submitted by the Complainant identifies CohereOne, Inc. as the owner of the registration. However, a review of the USPTO's assignment records confirms that the mark was subsequently assigned from CohereOne, Inc. to the Complainant prior to the filing of this Complaint, and that the Complainant was the owner of the mark at all relevant times. See WIPO Overview 3.1, section 4.8 ("a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision, in particular to affirm or corroborate a party's contention").

of this year. The Complainant has no relationship with the Respondent and has not authorized the Respondent to use the disputed domain name. Nor is there any evidence that the Respondent is commonly known by the disputed domain name, has used or made any demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services, or is making a legitimate noncommercial or fair use of the disputed domain name. See WIPO Overview 3.1, section 2.1.

The Complainant also alleges that the Respondent lacks rights or legitimate interests because the Respondent is using the disputed domain name to defraud NaviStone customers. The Complainant is correct that the use of a domain name for illegitimate or illegal activity, including phishing, identity theft and other types of fraud, can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1. However, claims of illegal activity must be proven with competent evidence. Claims that are merely conclusory or are unsupported by evidence are generally insufficient to establish a respondent's lack of rights or legitimate interests. Id., section 2.13.2.

Initially, the Complaint failed to include adequate evidence to establish the alleged fraud. However, because preventing the fraudulent use of domain names for phishing and other illegal schemes is a key goal of the UDRP, the Panel gave the Complainant the opportunity to supplement its submissions. In response, the Complainant did provide evidence of the Respondent's fraudulent activity, which is enough to satisfy the Complainant's burden of showing that the disputed domain name was used for illegitimate or illegal purposes.

Because the Respondent has not responded to either of the Complainant's contentions, the Respondent has not rebutted this prima facie showing. The Panel finds that the Complainant has satisfied the second element of the Policy.

C. Registered and Used in Bad Faith

"Bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant's mark." WIPO Overview 3.1, section 3.1. The use of a domain name for fraudulent emails, phishing, and other illegal conduct is paradigmatic bad faith. Id., section 3.4. As with the second element of the Policy, claims of such conduct must be supported by credible evidence; even in cases of respondent default, conclusory or wholly unsupported allegations are insufficient to establish bad faith. Id., section 3.1.

The CFO declaration amounted to the sort of conclusory allegations that, by themselves, cannot establish that the Respondent engaged in illegitimate conduct. The Complainant's law firm representative has filed other UDRP complaints and should have known better; it should have included this evidence in the Complaint from the start. Regardless, the emails the Complainant submitted with its supplemental submission do establish that the Respondent is using the disputed domain name to mislead NaviStone customers and to try to defraud them into paying fake invoices. This evidence clearly establishes bad faith. WIPO Overview 3.1,, section 3.1 ("complaints alleging the types of conduct described in UDRP paragraph 4(b) should be supported by arguments and available evidence such as dated screenshots of the website to which the disputed domain name resolves or correspondence between the parties."). The Respondent's inclusion of the Complainant's legitimate information in these emails, including NaviStone's actual street and website addresses and the name of a Finance and Accounting contact, supports the finding that the Respondent sought to impersonate the Complainant. That finding is also reinforced by the Respondent's representation in the emails that the Complainant had transitioned to a new financial partner, as well as the Respondent's offer to provide updated banking information, apparently to induce NaviStone customers to redirect payments. Together, these circumstances demonstrate the Respondent's attempt to create and exploit any confusion as to its affiliation with the Complainant for its own fraudulent commercial gain. *Id.*, section 3.1 ("creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's… [on-line] location" constitutes bad faith).

The Panel finds that the Complainant has satisfied 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 <navistone.org> be transferred to the Complainant.

/David H. Bernstein/
David H. Bernstein
Sole Panelist
Date: October 26, 2026