

ADMINISTRATIVE PANEL DECISION

Tractian Technologies Inc. v. john fourways
Case No. D2026-3603

1. The Parties

Complainant is Tractian Technologies Inc., United States of America ("United States"), internally represented.

Respondent is john fourways, United States.

2. The Domain Name and Registrar

The Disputed Domain Name <tractioncareers.com> is registered with NameSilo, LLC (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 (PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to Complainant on August 14, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on August 17, 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 Respondent of the Complaint, and the proceedings commenced on August 18, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 7, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on September 14, 2026.

The Center appointed Richard W. Page as the sole panelist in this matter on September 16, 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

Complainant, a corporation organized and existing under the laws of the State of Georgia, United States, is an asset health monitor company detecting equipment failures with sensors and AI analysis built for shop floors.

Complainant is the owner of the following trademark registrations for the TRACTIAN Mark:

United States Registration No. 6771363, for TRACTIAN, registered on June 28, 2022, in international classes 09 and 42;

Brazilian National Institute of Intellectual Property Registration No. 926606000, for TRACTIAN, registered on July 25, 2023, in international class 42, and Registration No. 929328027, for TRACTIAN, registered on July 9, 2024, in international class 9; and

Mexican Institute of Industrial Property Registration No. 2667668, for TRACTIAN, registered on March 1, 2024, and Registration No. 2670922, for TRACTIAN, registered on March 7, 2024, both in international class 42.

Complainant is also the owner of the domain name <traction.com> on which it hosts its official website and platform for its industrial monitoring and maintenance software solutions.

The Disputed Domain Name was registered on July 13, 2026. It is enrolled in mail exchange ("MX") allowing for the sending and receiving of email and has been used in a fraudulent phishing and employment scam.

5. Parties' Contentions

A. Complainant

Complainant contends that the Disputed Domain Name incorporates the entirety of the TRACTIAN Mark with the addition of the word "careers" - thereby making the Disputed Domain Name confusingly similar to the TRACTIAN Mark under the Policy.

Complainant further contends that it was contacted by an individual who had received what appeared to be a recruitment communication purportedly sent on behalf of Complainant. The individual contacted Complainant's recruitment team to verify the legitimacy of the alleged hiring process. Upon conducting an internal investigation, Complainant confirmed that no vacancy corresponding to the position described by the individual had been opened, no recruitment process matching the communication was underway, and no candidate profile or application existed in Complainant's recruitment systems under the individual's name. Further investigation confirmed that Respondent had registered and was using the Disputed Domain Name to masquerade as Complainant by sending fraudulent recruitment emails from addresses including <[...]@tractioncareers.com> and <[...]@tractioncareers.com> as part of an active phishing and employment scam targeting unsuspecting job applicants.

Complainant submits that it has never authorized, licensed, sponsored, or otherwise permitted Respondent to use the TRACTIAN Mark, whether alone or in combination with the word "careers," nor has Complainant ever granted Respondent permission to represent itself as affiliated with, or acting on behalf of, Complainant.

Complainant further submits that Respondent has never been commonly known by the Disputed Domain Name.

Complainant further submits that given its fraudulent phishing and employment scam, the actions of Respondent are neither bona fide nor legitimate under the Policy.

Complainant alleges that the actions of Respondent also satisfy the requirements of paragraph 4(b)(iv) of the Policy and therefore constitute bad faith under the Policy.

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Disputed Domain Name.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs the Panel as to the principles the Panel is to use in determining the dispute: "A Panel shall decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules, and any rules and principles of law that it deems applicable."

Even though Respondent has failed to file a Response or to contest Complainant's assertions, the Panel will review the evidence proffered by Complainant to verify that the three essential elements of the claims are met. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.3.

Paragraph 4(a) of the Policy directs that Complainant must prove each of the following three elements:

- i) that the Disputed Domain Name registered by Respondent is identical or confusingly similar to the TRACTIAN Mark in which Complainant has rights; and
- ii) that Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and
- iii) that the Disputed Domain Name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The registration of the TRACTIAN Mark, prima facie satisfies the threshold requirement of Complainant having trademark rights for purposes of standing to file a UDRP case.

Complainant has shown rights in respect of the TRACTIAN Mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

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 TRACTIAN Mark and the Disputed Domain Name. [WIPO Overview 3.1](#), section 1.7.

The entirety of the TRACTIAN Mark is reproduced within the Disputed Domain Name. Accordingly, the Disputed Domain Name is confusingly similar to the TRACTIAN Mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms (here, "careers") may bear on assessment of the second and third elements, the Panel finds the addition of such word does not prevent a finding of confusing similarity between the Disputed Domain Name and the TRACTIAN Mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

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 Respondent may demonstrate rights or legitimate interests in the Disputed Domain Name.

Paragraph 4(c) of the Policy allows three nonexclusive methods for the Panel to conclude that Respondent has rights or a legitimate interest in the Disputed Domain Name:

- (i) before any notice to you [Respondent] of the dispute, your use of, or demonstrable preparations to use, the Disputed Domain Name or a name corresponding to the Disputed Domain Name in connection with a bona fide offering of goods or services; or
- (ii) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Disputed Domain Name, even if you have acquired no trademark or service mark rights; or
- (iii) you [Respondent] are making a legitimate noncommercial or fair use of the Disputed Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the TRACTIAN Mark.

Although the overall burden of proof in UDRP proceedings is on Complainant, panels have recognized that proving that Respondent lacks rights or legitimate interests in the Disputed Domain Name may result in the difficult task of “proving a negative,” requiring information that is often primarily within the knowledge or control of Respondent. As such, where Complainant makes out a prima facie case that Respondent lacks rights or legitimate interests, the burden of production on this element shifts to Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the Disputed Domain Name (although the burden of proof always remains on Complainant). If Respondent fails to come forward with such relevant evidence, Complainant is deemed to have satisfied the second element. [WIPO Overview 3.1](#), section 2.1.

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Disputed Domain Name. Respondent has not rebutted 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 the Disputed Domain Name for illegitimate activity, here claimed as a phishing and fraudulent employment scam, 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 the Disputed Domain Name in bad faith.

Paragraph 4(b) of the Policy sets forth four nonexclusive criteria for Complainant to show bad faith registration and use of the Disputed Domain Name:

- (i) circumstances indicating that you [Respondent] have registered or you have acquired the Disputed Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Disputed Domain Name registration to Complainant who is the owner of the TRACTIAN Mark or to a competitor of Complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the Disputed Domain Name; or

(ii) you [Respondent] have registered the Disputed Domain Name in order to prevent the owner of the TRACTIAN Mark from reflecting the TRACTIAN Mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you [Respondent] have registered the Disputed Domain Name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the Disputed Domain Name, you [Respondent] have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion with the TRACTIAN Mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your website or location.

The Panel finds that the actions of Respondent satisfy the requirements of paragraph 4(b)(iv) of the Policy.

In addition, Panels have held that the use of the Disputed Domain Name for illegitimate activity, here claimed a phishing and fraudulent employment scam, constitutes bad faith. [WIPO Overview 3.1](#), section 3.4. Having reviewed the record, the Panel finds Respondent's registration and use of the Disputed Domain Name constitutes bad faith under the Policy.

The Panel finds that 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 <tractioncareers.com> be transferred to Complainant.

/Richard W. Page/

Richard W. Page

Sole Panelist

Date: September 24, 2026