

ADMINISTRATIVE PANEL DECISION

Simms Showers LLP v. Terry Bozarth
Case No. D2026-3671

1. The Parties

Complainant is Simms Showers LLP, United States of America (“U.S.” or “United States”), internally represented.

Respondent is Terry Bozarth, U.S.

2. The Domain Name and Registrar

The disputed domain name <simmshowers.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 15, 2026. On August 17, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 18, 2026, the Registrar transmitted by email to the Center its verification response confirming that Respondent is listed as the registrant and providing the contact details. The Center sent an email communication to Complainant on August 20, 2026, providing additional information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on August 20, 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 24, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 13, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on September 15, 2026.

The Center appointed Timothy D. Casey as the sole panelist in this matter on September 21, 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 is a law firm principally located in the state of Maryland in the U.S. Complainant has continuously provided legal services under the SIMMS SHOWERS and SIMMS SHOWERS LLP names since 2004 and brands its website at “www.simmsshowers.com” with a design version of the SIMMS SHOWERS LLP name (collectively the “SIMMS SHOWERS Marks”). Various social media platforms, such as Facebook and LinkedIn, and various legal and business directories also show use of the SIMMS SHOWERS Marks associated with Complainant’s legal services.

The disputed domain name was registered on August 7, 2026. At the time of filing the Complaint, the disputed domain name did not resolve to an active website. The Panel notes that the contact address for Registrant does not correspond with a real address as there is no city by the name of Dickinson, Pennsylvania.

Complainant submitted evidence indicating that within days of registering the disputed domain name Respondent began carrying out a fraudulent email scheme that involved the impersonation of an employee of Complainant (the “Fraudulent Scheme”). The Fraudulent Scheme involved Respondent contacting potential victims in order to establish some type of business relationship with a travel agency. This led to the finance department of a travel agency in Brazil contacting Complainant to confirm certain information before establishing a corporate account.

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, Complainant contends that it has rights in the SIMMS SHOWERS Marks as noted herein. Complainant contends that the disputed domain name is confusingly similar to the SIMMS SHOWERS Marks because the disputed domain name merely omits an “s” in the SIMMS SHOWERS Marks, with the only other difference being the generic Top-Level Domain, which should be disregarded.

Complainant contends that Respondent has not been licensed, authorized or otherwise permitted to use the SIMMS SHOWERS Marks, to control the disputed domain, or to impersonate Complainant or its employees, or to communicate with third parties as though Respondent were affiliated with Complainant. Complainant contends Respondent is not commonly known by the SIMMS SHOWERS Marks nor is Respondent’s use of the disputed domain name to impersonate Complainant and engage in the Fraudulent Scheme making a bona fide offering of goods or services or a legitimate noncommercial or fair use.

Complainant contends that Respondent’s prompt use of the disputed domain name after registration to engage in the Fraudulent Scheme evidences Respondent’s actual knowledge of the SIMMS SHOWERS Marks and constitutes both bad faith registration and use. Complainant further notes inconsistencies in Respondent’s contact information in the registration.

B. Respondent

Respondent did not reply to 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 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 Panel finds the Complainant has established unregistered trademark or service mark rights for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.3.

While the name of a business does not necessarily establish common law trademark rights, the use of the same name to advertise the offering of goods or services, such as legal services, as evidenced herein, are sufficient to establish unregistered service mark rights under [WIPO Overview 3.1](#), section 1.3.

The Panel finds the SIMMS SHOWERS mark is recognizable within the disputed domain name and that the disputed domain name merely consists of an intentional misspelling variation of Complainant's service mark. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), sections 1.7, and 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 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 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 a domain name for illegitimate activity here, the claimed Fraudulent Scheme, 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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.1](#), section 3.2.1.

In the present case, the Panel notes that Respondent's use of disputed domain name shortly after registration in order to engage in the Fraudulent Scheme, coupled with the inconsistency of Respondent's contact information in the registration, evidence both registration and use in bad faith.

Panels have held that the use of a domain name for illegitimate activity here, the claimed Fraudulent Scheme, 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 <simmshowers.com> be transferred to Complainant.

/Timothy D. Casey/

Timothy D. Casey

Sole Panelist

Date: October 5, 2026