ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Surface Mount Solutions v. Shevtsov Vladimir Aleksandrovich
Case No. D2026-3944

1. The Parties

The Complainant is Surface Mount Solutions, United States of America, internally represented.

The Respondent is Shevtsov Vladimir Aleksandrovich, Russian Federation.

2. The Domain Name and Registrar

The disputed domain name <surfacemountsolutions.org> 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 September 3, 2026. On September 3, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 4, 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 (Domain Admin, Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 7, 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 September 9, 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 September 15, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 5, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 9, 2026.

The Center appointed Jeremy Speres as the sole panelist in this matter on October 13, 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.

On October 22, 2026, the Panel issued Procedural Order No. 1 inviting the Complainant to submit various annexures referred to in the Complaint that were not filed along with it, and to clarify why the Complainant had communicated with the Center using an email address not tied to the official domain name of the Complainant. The Complainant was given until October 27, 2026, to respond, and the Respondent until November 1, 2026, to comment. The Complainant responded on October 22, 23, and 26, 2026, and the Respondent on October 26, 2026.

4. Factual Background

The Complainant has, since at least 2001, traded under the SURFACE MOUNT SOLUTIONS mark in connection with printed circuit board ("PCB") assembly, electronics manufacturing, rework, inspection, and related services.

The Complainant's website is hosted at its domain name <surfacemountsolutions.com>, which was registered in 2000.

The Complainant does not hold a registered trademark and relies on unregistered trademark rights. Internet Archive captures of the Complainant's website, provided by the Complainant in reply to Procedural Order No. 1, show that it was in use under the SURFACE MOUNT SOLUTIONS name from at least April 2001, offering PCB assembly services with an online quote facility. By September 2019 the website displayed the SMS logo, the tagline "Reliable PCB Assembly Since 1998" and an "Instant Quote" page.

The Respondent is an individual located in the Russian Federation.

The disputed domain name was registered on December 13, 2021. The Complainant's screenshot dated August 6, 2026, shows that the disputed domain name resolved to a website headed "Surface Mount Solutions Instant Quote". That website displayed the Complainant's SMS logo and the tagline "High Quality PCB Assembly", and offered a PCB assembly instant-quote form. It gave the Complainant's Santa Clara street address as its contact address.

When the Panel originally visited the disputed domain name on October 19, 2026[1], the disputed domain name resolved to a hosting provider parking page stating: "This domain is not linked to any directory on the server!" Subsequently, after Procedural Order No. 1 was issued, the disputed domain name began resolving to a Russian-language website for a business called "Металлпроффасад", offering metal facade products.

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 the Respondent used the disputed domain name for a copy of the Complainant's earlier website, intending to deceive its customers into submitting confidential electronics designs, some of which it says are important to the United States military.

[1] In accordance with its powers articulated inter alia in paragraphs 10 and 12 of the Rules, the Panel is entitled to conduct limited independent research into matters of public record. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.8.

B. Respondent

The Respondent did not file a formal Response. In reply to Procedural Order No. 1, the Respondent contended, notably, that:

- it denies both bad faith registration and use and that it copied the Complainant's website;
- it manufactures and sells metal facade panels in the Russian Federation and uses the disputed domain name for that business; and
- the Complainant's screenshots do not reflect its website and show no URL, so they cannot reliably be tied to the disputed domain name.

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 3.1, section 1.7.

The Complainant's evidence regarding common law rights is limited to historical screenshots of its own website. Apart from this, none of the usual types of evidence for proving common law rights has been supplied. WIPO Overview 3.1, section 1.3.

Nevertheless, in light of the evidence of targeting discussed below, the Panel has independently run basic Internet searches for the Complainant's SURFACE MOUNT SOLUTIONS mark and has established that the Complainant's mark appears to enjoy at least some goodwill within its industry, flowing from its use of its mark since at least 2001. The Internet Archive captures show continuous use of SURFACE MOUNT SOLUTIONS as the name of the Complainant's business and website from at least 2001, and the Complainant's domain name <surfacemountsolutions.com> was registered in 2000.

As discussed below, the Respondent has targeted the Complainant. 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 support a complainant's assertion and evidence that its mark has achieved significance as a source identifier. WIPO Overview 3.1, section 1.3.

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.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

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.

The Respondent seeks to rely on its use of the disputed domain name for the Russian-language site selling metal facades to support rights or legitimate interests. That website was not present when the Panel visited the disputed domain name on October 19, 2026, long after the Complaint was filed. The Respondent has also not presented any evidence of any past use of the disputed domain name for that purpose. As discussed further below, such use appears to be a pretext adopted after receiving notice of the present dispute.

As discussed below in relation to bad faith, the evidence is such that the disputed domain name previously resolved to a website that was a replica of the Complainant's older website, including the Complainant's distinctive SMS logo. Panels have held that the use of a domain name for illegitimate activity, here a copycat site, 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. For the following reasons, the Panel finds that it is more likely than not that the Respondent registered and has used the disputed domain name to take advantage of confusion with the Complainant's mark for the Respondent's commercial gain, falling squarely within paragraph 4(b)(iv) of the Policy.

The Complainant submitted a screenshot dated August 6, 2026, which shows that the disputed domain name resolved to a website that imitated the Complainant's erstwhile website, as set out in the Factual Background section above. The Respondent disputes this screenshot by pointing out that it did not display a visible URL that would reliably establish which specific online resource was depicted. Nevertheless, the Panel independently viewed historical screenshots for the disputed domain name using the DomainTools service, which corroborates the Complainant's screenshot. In the circumstances, the disputed domain name has been used to impersonate the Complainant's business, which is a clear indicator of targeting. WIPO Overview 3.1, section 3.4.

The Respondent does not explain why it chose an English-language domain name composition for a Russian-language website. That website also doesn't feature the words "surface mount solutions" anywhere after the Panel used a machine translation to English. This dissonance between the composition of the disputed domain name and its content points to abusive intent.

The Respondent's conduct after notice of the Complaint in swiftly adopting a very basic and not altogether convincing website points towards an attempt at retroactively fabricating a legitimate interest.

The disputed domain name is identical to the name under which the Complainant had traded for some two decades before the disputed domain name was registered in 2021. The Respondent has offered no plausible explanation for choosing it, and the only evidenced use of the disputed domain name before notice of this dispute was to impersonate the Complainant. Bad faith targeting is therefore more likely than not.

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 <surfacemountsolutions.org> be transferred to the Complainant.

/Jeremy Speres/
Jeremy Speres
Sole Panelist
Date: November 6, 2026