ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Paccurate, Inc. v. Phillip Akhzar
Case No. DAI2026-0014

1. The Parties

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

Respondent is Phillip Akhzar, United States.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 1, 2026. On March 2, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 3, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to Complainant on March 3, 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 March 3, 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 March 16, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 5, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on April 8, 2026.

The Center appointed Scott R. Austin as the sole panelist in this matter on April 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.

4. Factual Background

The following facts appear from the Complaint (as amended) and its attached Annexes, which have not been contested by Respondent, and provide sufficient evidence to support:

Organized as a Delaware corporation and headquartered in Brooklyn, New York, Complainant provides software-as-a-service products using artificial intelligence in the logistics and shipping industry under the trademark PACCURATE (the "PACCURATE Mark").

Complainant is the owner of the following registration with the United States Patent and Trademark Office ("USPTO") for the PACCURATE Mark:

United States Registration No. 6,700,534, PACCURATE, registered April 12, 2022, for "Software as a service (SAAS) services featuring software using artificial intelligence for use in shipping operations and fulfillment planning, specifically for packing parcels or loading pallets and containers" in International Class 42.

In addition to its statutory trademark rights, Complainant also claims longstanding common law rights in the PACCURATE Mark by virtue of its continuous and exclusive use of the mark in commerce since at least 2015, including incorporating the PACCURATE Mark into its official domain name <paccurate.io>. The official domain name has provided extensive use and promotion of the mark for approximately ten years and is linked to Complainant's official PACCURATE Mark website ("Official Website") to promote and offer its products and services to its customers under the PACCURATE Mark.

On February 25, 2026, based on the website of a competitor of Complainant to which the disputed domain name redirected customers searching for Complainant's Official Website, Complainant sent a cease-and-desist letter to the CEO of what he believed was the business of Respondent, demanding Respondent stop using and cancel the <paccurate.io> disputed domain name. Respondent did not respond.

The WhoIs record shows the disputed domain name was registered on March 2, 2023, and Complainant states that as of the date of the filing of its Complaint, all attempts to access the domain name resulted in unauthorized redirection to Respondent's website, a known competitor of Complainant offering logistics and shipping industry software services in direct competition with Complainant's products as promoted on Complainant's Official Website.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name: that the disputed domain name is identical or confusingly similar to Complainant's PACCURATE Mark; that Respondent has no rights or legitimate interests in respect of the disputed domain name; and that the disputed domain name was registered and is being used in bad faith.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

There are no exceptional circumstances within paragraph 5(e) of the Rules to prevent this Panel from determining the present dispute based upon the Complaint (as amended), notwithstanding the failure of any person to lodge a substantive formal Response in compliance with the Rules. Under paragraph 14 of the Rules, where a party does not comply with any provision of the Rules, the Panel shall "draw such inferences therefrom as it considers appropriate".

Where no substantive Response is filed, however, Complainant must still make out its case in all respects under paragraph 4(a) of the Policy. To succeed, Complainant must demonstrate that the requirements for each of the elements listed in paragraph 4(a) of the Policy have been satisfied.

The Panel will address its findings on each of these elements in more detail below.

The standard of proof under the Policy is often expressed as the "balance of the probabilities" or "preponderance of the evidence" standard. Under this standard, an asserting party needs to establish that it is more likely than not that the claimed fact is true. See, WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.2.

A. Identical or Confusingly Similar

Ownership of a trademark registration is generally sufficient evidence that a complainant has the requisite rights in a mark for purposes of paragraph 4(a)(i) of the Policy. WIPO Overview 3.1, section 1.2.1. The Panel finds Complainant has demonstrated its rights because it has shown that it is the holder of a valid and subsisting trademark registration for the PACCURATE Mark, and in the United States, where Respondent is purportedly located. See *Advance Magazine Publishers Inc., Les Publications Conde Nast S.A. v. Voguechen*, WIPO Case No. D2014-0657.

With Complainant's rights in the PACCURATE Mark established, the remaining question under the first element of the Policy is whether the disputed domain name is identical or confusingly similar to Complainant's PACCURATE Mark.

Prior UDRP panels have held that the incorporation of the entirety of a trademark in a domain name is sufficient to establish identity or confusing similarity for purposes of the Policy. See WIPO Overview 3.1, sections 1.7 and 1.8 ("Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element"); see also *United Talent Agency, LLC v. Lianxin Zhou,* WIPO Case No. D2024-1160*;* and *Carrefour SA v. yuri eros, יינות ביתן בע"מ* , WIPO Case No. D2022-1277.

The disputed domain name incorporates Complainant's PACCURATE Mark in its entirety and adds only the country code top-level domain ("ccTLD") ".ai" at the end. The addition of the ccTLD ".ai" is irrelevant in determining whether the disputed domain name is confusingly similar. WIPO Overview 3.1, section 1.11. See also, *Philip Morris Products S.A. v. Stanislav Severin,* WIPO Case No. D2020-1546. This Panel finds confusing similarity between the disputed domain name and Complainant's PACCURATE Mark, which remains fully recognizable as incorporated in its entirety into the disputed domain name. WIPO Overview 3.1, section 1.7.

Accordingly, the Panel finds that Complainant has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Under the second element of the Policy, a complainant is first required to make out a prima facie case that the respondent lacks rights or legitimate interests in the disputed domain name. If a complainant makes that showing, the burden of production on this element shifts to the respondent to come forward with relevant

evidence of such rights or legitimate interests in the domain name. If the respondent fails to come forward with such evidence, a complainant is generally deemed to have satisfied the second element. WIPO Overview 3.1, section 2.1. See also, *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. D2008-1393.

Based on the record, the Panel finds Complainant has established, prima facie, that Respondent lacks rights or legitimate interests in the disputed domain name. First, Complainant asserts that it has never assigned, sold, or transferred any rights in any of its PACCURATE Marks to Respondent. Second, Complainant asserts it has not granted Respondent permission to use or register its PACCURATE Mark as a domain name or otherwise in any manner. Complainant also contends that Respondent is not commonly known by the disputed domain name because Respondent, "Phillip Akhzar", clearly bears no resemblance to the term "paccurate", the PACCURATE Mark, or the disputed domain name. The Panel finds that Respondent is not commonly known by the disputed domain name for purposes of the Policy.

Complainant contends that Respondent has not used the disputed domain name in connection with a bona fide offering of goods and services because it is used solely to redirect users to Complainant's Official Website without Complainant's authorization. Prior UDRP panels have held that such unauthorized redirection to a website controlled by Respondent selling services directly in competition with Complainant's official website "does not amount to a legitimate noncommercial or fair use, as it necessarily involves some degree of deception or intent to mislead, and does not constitute use in connection with any bona fide offering of goods or services". See, e.g., *JJA v. Super Privacy Service LTD c/o Dynadot /Milen Radumilo,* WIPO Case No. D2021-2124*; Ann Summers Limited v. Domains By Proxy, LLC / Mingchun Chen,* WIPO Case No. D2018-0625.

The Panel finds Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services, so as to confer rights or legitimate interests in it in accordance with paragraph 4(c)(i) of the Policy and that the composition of the disputed domain name being confusingly similar to Complainant's mark fosters an implied affiliation with Complainant. WIPO Overview 3.1, section 2.5.1.

These facts establish Complainant's prima facie showing. Respondent has not provided any basis on which that showing may be overcome. Complainant has successfully met its burden under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Finally, Complainant must prove, by a preponderance of the evidence, that the disputed domain name has been registered and used in bad faith under paragraph 4(a)(iii) of the Policy. See, e.g., *Hallmark Licensing, LLC v. EWebMall, Inc.*, WIPO Case No. D2015-2202.

Paragraph 4(b) of the Policy sets out a non-exhaustive list of circumstances that point to bad faith conduct on the part of a respondent. The panel may, however, consider the totality of the circumstances when analyzing bad faith under Policy, paragraph 4(a)(iii) and may make a finding of bad faith that is not limited to the enumerated factors in Policy, paragraph 4(b). See *Do the Hustle, LLC v. Tropic Web*, WIPO Case No. D2000-0624.

First, Complainant contends, and this Panel has found in Section 6A above from the record submitted and its own independent investigation as permitted under the Policy, that the PACCURATE Mark is widely recognized. Based on the uncontested record, considering that the PACCURATE Mark is registered, recognized, and advertised in the United States, where Respondent, a recognized competitor of Complainant is purportedly located, as well as the fact that Complainant's earliest trademark registration predates the disputed domain name by almost ten nine years, and the disputed domain name incorporates the PACCURATE Mark in its entirety, the Panel finds Respondent has no credible argument that he is unaware of the PACCURATE Mark. See, e.g., *Alstom v. Domain Investments LLC*, WIPO Case No. D2008-0287; see also *Accor S.A. v. Kristen Hoerl*, WIPO Case No. D2007-1722.

A consensus of prior UDRP panels have found that the mere registration of a domain name that is identical or confusingly similar to a famous or widely known trademark by an unaffiliated entity can by itself create a presumption of bad faith. See WIPO Overview 3.1, section 3.1.4.

Complainant contends Respondent undoubtedly had actual knowledge of Complainant's rights in its PACCURATE Marks prior to registering the disputed domain name. Moreover, the fact that the disputed domain name redirects to Respondent's website that competes directly with Complainant's own Official Website reinforces the conclusion that Respondent was aware of Complainant and its PACCURATE Marks prior to registering and using the disputed domain name.

Similarly, prior UDRP panels have found that the redirection from a disputed domain name to the complainant's website indicated an awareness of the complainant and its mark. *See, e.g., Carrefour v. WhoisGuard, Inc., WhoisGuard Protected / Robert Jurek, Katrin Kafut, Purchasing clerk, Starship Tapes & Records,* WIPO Case No. D2017-2533.

Prior UDRP panels have also found that where, as here, it would be implausible to believe that Respondent selected and was using the disputed domain name for any other purpose than to trade on Complainant's trademark rights and reputation, it establishes a fact pattern that repeatedly has been held to constitute bad faith registration. See *Houghton Mifflin Co. v. Weathermen, Inc.*, WIPO Case No. D2001-0211; see also *Philip Morris Incorporated v. Alex Tsypkin*, WIPO Case No. D2002-0946. The Panel finds, therefore, that Respondent had actual knowledge of the PACCURATE Mark and that Respondent has targeted Complainant's PACCURATE Mark in registering the disputed domain name in bad faith. See *Tudor Games, Inc. v. Domain Host master, Customer ID No. 09382953107339 dba Whois Privacy Services Pty Ltd / Domain Administrator, Vertical Axis Inc.*, WIPO Case No. D2014-1754.

Having reviewed the record, which shows the disputed domain name redirects to Respondent's clearly competing website selling logistics software services directly in competition with Complainant's preexisting Official Website, the Panel finds such use of the disputed domain name supports a finding of bad faith registration and use under the circumstances of this proceeding. WIPO Overview 3.1, section 3.1.4.

The Panel finds Complainant's arguments and evidence persuasive and has received no arguments or evidence from Respondent to the contrary. Considering all the circumstances, the Panel concludes that Respondent has registered and used the disputed domain name in bad faith and finds Complainant has satisfied paragraph 4(a)(iii) 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 <paccurate.ai> be transferred to Complainant.

/Scott R. Austin/
Scott R. Austin
Sole Panelist
Date: April 19, 2026