

ADMINISTRATIVE PANEL DECISION

Universal Services of America, LP d/b/a Allied Universal v. Carolina Rodrigues, Fundacion Comercio Electronico
Case No. D2022-4222

1. The Parties

Complainant is Universal Services of America, LP d/b/a Allied Universal, United States of America (“United States”), represented by Cozen O’Connor, United States.

Respondent is Carolina Rodrigues, Fundacion Comercio Electronico, Panama.

2. The Domain Name and Registrar

The disputed domain name <alliedsecuritycontracts.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 8, 2022. On November 8, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On November 9, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to Complainant on November 9, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on November 9, 2022.

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 Respondent of the Complaint, and the proceedings commenced on November 14, 2022. In accordance with the Rules, paragraph 5, the due date for Response was December 5, 2022. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on December 7, 2022.

The Center appointed Marina Perraki as the sole panelist in this matter on December 14, 2022. 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

Per Complaint, Complainant was established in 1957 and is the world's largest security services company. Complainant operates in at least 90 countries, with a workforce of approximately 800,000 employees globally. Complainant is the third largest employer in North America and the seventh largest employer in the world. Per Complaint, Complainant has used the marks ALLIED and ALLIED UNIVERSAL in connection with Complainant's security services.

Complainant is the owner of trademark registrations for ALLIED UNIVERSAL, including:

- United States trademark registration No. 5,136,006, ALLIED UNIVERSAL, filed on May 6, 2016 and registered on February 7, 2017, for services in International Classes 37, 41, 42, and 45; and
- United States trademark registration No. 5,136,112, ALLIED UNIVERSAL SECURITY SERVICES, filed on May 26, 2016 and registered on February 7, 2017, for services in International Classes 41, 42, and 45.

The Domain Name was registered on November 12, 2021 and at the time of filing of the Complaint, it redirected to multiple spam websites, including a spam website prompting visitors to call a phone number for "Windows Defender Security Center", a link farm website, and an unrelated retail site. Currently it redirects to a website in German language, selling fitness training equipment.

5. Parties' Contentions

A. Complainant

Complainant asserts that it has established all three elements required under paragraph 4(a) of the Policy for a transfer of the Domain Name.

B. Respondent

Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

Paragraph 4(a) of the Policy lists three elements, which Complainant must satisfy with respect to the Domain Name:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Domain Name incorporates a dominant part of Complainant's trademark, which is "allied". This is sufficient to establish confusing similarity.

The addition of the words “security” and “contracts” does not prevent a finding of confusing similarity, as the ALLIED main part of the trademark remains clearly recognizable within the Domain Name (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.8).

The generic Top-Level Domain (“gTLD”) “.com” is disregarded, as gTLDs typically do not form part of the comparison on the grounds that they are required for technical reasons (*Rexel Developpements SAS v. Zhan Yequn*, WIPO Case No. [D2017-0275](#); *Hay & Robertson International Licensing AG v. C. J. Lovik*, WIPO Case No. [D2002-0122](#)).

The Panel finds that the Domain Name is confusingly similar to Complainant’s ALLIED UNIVERSAL trademark.

Complainant has established Policy, paragraph 4(a)(i).

B. Rights or Legitimate Interests

Pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

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

The Panel concludes that Respondent lacks rights or legitimate interests in respect of the Domain Name.

Respondent has not submitted any response and has not claimed any such rights or legitimate interests with respect to the Domain Name. As per Complainant, Respondent was not authorized to register the Domain Name.

Respondent has not demonstrated any preparations to use, or has not used the Domain Name or a trademark corresponding to the Domain Name in connection with a *bona fide* offering of goods or services.

On the contrary, the Domain Name was used to direct to third party spam sites, or host Pay-Per-Click (“PPC”) parking pages, with links to various third-party websites, such as “Security Guard”, “Security Breach” and “Allied Security Jobs” which directly compete with Complainant’s business. The Panel finds that it is not unlikely that Respondent received PPC fees from the linked websites that were listed at the Domain Name’s websites and used the Domain Name for his own commercial gain. The use of a domain name to host a parked page comprising PPC links does not represent a *bona fide* offering where such links compete with Complainant’s trademark (*Archer-Daniels-Midland Company v. Wang De Bing*, WIPO Case No. [D2017-0363](#); *Virgin Enterprises Limited v. LINYANXIAO aka lin yanxiao*, WIPO Case No. [D2016-2302](#); *Donald J. Trump v. Mediaking LLC d/b/a Mediaking Corporation and Aaftek Domain Corp.*, WIPO Case No. [D2010-1404](#); [WIPO Overview 3.0](#), section 2.9).

Furthermore, there is no evidence on record giving rise to any rights or legitimate interests in the Domain Name on the part of Respondent within the meaning of paragraphs 4(c)(ii) and 4(c)(iii) of the Policy.

The Panel finds that these circumstances do not confer upon Respondent any rights or legitimate interests in respect of the Domain Name.

Complainant has established Policy, paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy provides that the following circumstances, “in particular but without limitation”, are evidence of the registration and use of the Domain Names in “bad faith”:

- (i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Name; or
- (ii) that Respondent has registered the Domain Name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding Domain Name, provided that Respondent has engaged in a pattern of such conduct; or
- (iii) that Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or
- (iv) that by using the Domain Name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent’s website or other online location, by creating a likelihood of confusion with Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of Respondent’s website or location or of a product or service on Respondent’s website or location.

The Panel concludes that Respondent has registered and used the Domain Name in bad faith.

Because the ALLIED UNIVERSAL mark had been used and registered by Complainant before the Domain Name registration, the Panel finds it more likely than not that Respondent had Complainant’s mark in mind when registering the Domain Name (*Tudor Games, Inc. v. Domain Hostmaster*, Customer ID No. 09382953107339 dba *Whois Privacy Services Pty Ltd / Domain Administrator, Vertical Axis Inc.*, WIPO Case No. [D2014-1754](#); *Parfums Christian Dior v. Javier Garcia Quintas and Christiandior.net*, WIPO Case No. [D2000-0226](#)). The Panel notes that Complainant owns trademark registrations for ALLIED UNIVERSAL, and ALLIED UNIVERSAL SECURITY SERVICES, being the terms “allied” and “security” reproduced in the Domain Name. In addition, Complainant has used its marks in connection with Complainant’s security services. The Panel finds that the use of the term “security” combined with ALLIED affirms Respondent’s targeting of Complainant.

Furthermore, the Panel notes that Respondent has been the respondent in other UDRP cases of Complainant for the same trademark, namely *Universal Services of America, LP d/b/a Allied Universal v. Privacy service provided by Withheld for Privacy ehf / Carolina Rodrigues, Fundacion Comercio Electronico*, WIPO Case No. [D2022-0789](#) and *Allied Universal v. Carolina Rodrigues, Fundacion Comercio Electronico*, WIPO Case No. [D2019-0156](#). Both of the above cases resulted in decisions against Respondent. Therefore, Respondent knew very well Complainant’s marks and prior rights and registered the Domain Name in bad faith.

As regards bad faith use, the Domain Name redirected at times to websites displaying links to third party sites, which suggests that, presumably, Respondent received PPC fees from the linked websites that were listed thereon. It has been recognized that such use of another’s trademark to generate revenue from Internet advertising can constitute registration and use in bad faith (*McDonald’s Corporation v. ZusCom*, WIPO Case No. [D2007-1353](#); *Volkswagen Aktiengesellschaft v. Robert Brodi*, WIPO Case No. [D2015-0299](#); *SAP SE v. Domains by Proxy, LLC / Kamal Karmakar*, WIPO Case No. [D2016-2497](#); [WIPO Overview 3.0](#), section 3.5).

Other times it redirected to other spam sites and it currently redirects to a website in German language, selling fitness training equipment.

This, in view of the finding that Respondent has no right to or legitimate interest in the Domain Name, and in the circumstances of the case, affirms the bad faith (*Aygaz Anonim Sirketi v. Arthur Cain*, WIPO Case No. [D2014-1206](#); [WIPO Overview 3.0](#), section 3.1).

Under these circumstances and on this record, the Panel finds that Respondent has registered and used the Domain Name in bad faith.

Complainant has established Policy paragraph 4(a)(iii).

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 Domain Name, <alliedsecuritycontracts.com> be transferred to Complainant.

/Marina Perraki/

Marina Perraki

Sole Panelist

Date: December 28, 2022