

ADMINISTRATIVE PANEL DECISION

Carvana, LLC v. Carolina Rodrigues, Fundacion Comercio Electronico
Case No. D2023-1274

1. The Parties

The Complainant is Carvana, LLC, United States of America (“United States”), internally represented.

The Respondent is Carolina Rodrigues, Fundacion Comercio Electronico, Panama.

2. The Domain Name and Registrar

The disputed domain name <carvanaautosales.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 March 23, 2023. On March 24, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 24, 2023, 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 (Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 27, 2023, 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 amendment to the Complaint on March 28, 2023.

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 the Respondent of the Complaint, and the proceedings commenced on March 28, 2023. In accordance with the Rules, paragraph 5, the due date for Response was April 17, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 18, 2023.

The Center appointed Fabrizio Bedarida as the sole panelist in this matter on April 20, 2023. 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 Complainant in this proceeding is Carvana, LLC, an Arizona limited liability company. Carvana, LLC and its licensees and related companies are hereinafter collectively referred to as the “Complainant”.

The Complainant is a leading e-commerce platform for buying and selling used cars. The Complainant is a Fortune 500 company that promotes and provides its online vehicle dealership services and online vehicle financing services throughout the United States under its CARVANA trademark and through its primary website, “www.carvana.com”, which hosts its e-commerce platform. In 2022 alone, the Complainant sold more than 412,296 vehicles to retail customers, with used vehicle sales revenue exceeding USD 10.3 billion.

The Complainant is, *inter alia*, the owner of:

- United States trademark registration number 4328785 for the CARVANA trademark, registered on April 30, 2013.
- United States trademark registration number 4971997 for the CARVANACARE trademark, registered on June 7, 2016.
- United States trademark registration number 6037292 for the CARVANA (device) trademark, registered on April 21, 2020.

The disputed domain name was registered on November 21, 2022.

The disputed domain name resolves to a page where sponsored links are displayed, some of them related to the Complainant’s field of business.

From the documents provided by the Complainant, it appears that the disputed domain name is used to redirect traffic to a variety of landing pages including to some of the Complainant’s direct competitors, like Volvo. At other times, the URL resolves to security alert pages that say “Google Chrome Security Check”, “Windows Defender Security Center”, and “Microsoft Security Services”.

The Complainant’s trademark registrations predate the registration of the disputed domain name.

5. Parties’ Contentions

A. Complainant

The Complainant contends that the disputed domain name is confusingly similar to the CARVANA trademark, that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and that the disputed domain name has been registered and is being used in bad faith.

The Complainant *inter alia* specifically claims that the Respondent is using the disputed domain name at issue for phishing scams.

B. Respondent

The Respondent did not formally reply to the Complainant’s contentions.

6. Discussion and Findings

In order for the Complainant to obtain the transfer of the disputed domain name, paragraphs 4(a)(i)-(iii) of the Policy require that the Complainant must demonstrate to the Panel that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

(iii) the disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has established rights in the CARVANA trademark. The only differences between the CARVANA trademark and the disputed domain name is the addition of the terms “auto” and “sales” at the end of the Complainant’s CARVANA trademark as well as the generic Top-Level Domain (“gTLD”) “.com”.

The gTLD suffix is generally disregarded under the test for confusing similarity for the purposes of the Policy, and the addition of the terms “auto” and “sales” to the Complainant’s trademark does not prevent a finding of confusing similarity under the first element of the UDRP.

Pursuant to section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”) which states: “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. The nature of such additional term(s) may however bear on assessment of the second and third elements.”

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

B. Rights or Legitimate Interests

This Panel finds that the Complainant has made a *prima facie* case that the Respondent does not have rights or legitimate interests in the disputed domain name. The Respondent has no connection or affiliation with the Complainant and the Complainant has not licensed or otherwise authorized the Respondent to use or register any domain name incorporating the Complainant’s trademark. The Respondent does not appear to engage in any legitimate non-commercial or fair use of the disputed domain name, nor any use in connection with a *bona fide* offering of goods or services. In addition, the Respondent does not appear to be commonly known by the disputed domain name or by a similar name. The Respondent has not formally replied to the Complainant’s contentions, claiming any rights or legitimate interests in the disputed domain name.

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

C. Registered and Used in Bad Faith

The Panel, on the basis of the evidence presented, finds that the disputed domain name was registered and has been used in bad faith.

The Panel is of the opinion that the Respondent was aware of the Complainant’s trademark registrations and rights to the CARVANA mark when it registered the disputed domain name.

In fact, the Complainant’s CARVANA trademark is a fanciful name with no meaning aside from referring to the Complainant’s goods and services. It has been registered and used for several years prior to the registration of the disputed domain name and is a renowned trademark, especially in the car sector. That being said, the Respondent’s addition of the descriptive terms “auto” and “sales” to the Complainant’s CARVANA trademark in the disputed domain name reflects the purposeful composition of a domain name to create a direct, misleading, inference to the Complainant.

In addition, it appears from the documents available that the disputed domain name is used to redirect Internet users to a variety of landing pages, where sponsored links, some of which relating to the Complainant’s field of business, are displayed, and at other times, the URL resolves to security alert pages that say “Google Chrome Security Check”, “Windows Defender Security Center”, and “Microsoft Security Services”. This use of the disputed domain name supports a finding of bad faith within the meaning of the Policy (in this sense see *Carvana, LLC v. Carolina Rodrigues, Fundacion Comercio Electronico*, WIPO Case No. [D2022-3379](#)).

In addition, the Panel has independently established, using public search tools, that the Respondent has been involved in numerous UDRP proceedings for having abusively registered domain names corresponding or confusingly similar to third parties' trademarks. In particular, the Respondent has in the past been found to have registered and used domain names confusingly similar to the Complainant's trademark in bad faith. Tellingly, the Complainant cites the following decisions where the Respondent targeted the Complainant's trademark: *Carvana, LLC v. Registration Private of Domains By Proxy, LLC / Carolina Rodrigues, Fundacion Comercio Electronico*, WIPO Case No. [D2020-2256](#); *Carvana, LLC v. Carolina Rodrigues, Fundacion 10 Comercio Electronico*, WIPO Case No. [D2022-4447](#); *Carvana, LLC v. Registration Private, Domains By Proxy, LLC / Carolina Rodrigues, Fundacion Comercio Electronico*, WIPO Case No. [D2020-1376](#); *Carvana, LLC v. Registration Private, Domains By Proxy, LLC / Carolina Rodrigues, Fundacion Comercio Electronico*, WIPO Case No. [D2020-2191](#); *Carvana, LLC v. Carolina Rodrigues, Fundacion Comercio Electronico*, WIPO Case No. [D2022-3526](#); *Carvana, LLC v. Carolina Rodrigues, Fundacion Comercio Electronico*, WIPO Case No. [D2022-3379](#).

This evidences a clear pattern of targeting trademarks, and in particular the Complainant's trademark.

Inference of bad faith can also be found in the failure to respond to the Complainant's contentions, and the Respondent's lack of any rights or legitimate interests in the disputed domain name.

Another factor supporting the conclusion of bad faith registration and use of the disputed domain name is the fact that the Respondent deliberately chose to conceal its identity through a privacy service.

Accordingly, the Panel finds, on the basis of the evidence presented, that the Respondent registered and is using the disputed domain names in bad faith.

Therefore, the 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, <carvanaautosales.com>, be transferred to the Complainant.

/Fabrizio Bedarida/

Fabrizio Bedarida

Sole Panelist

Date: April 27, 2023