

ADMINISTRATIVE PANEL DECISION

Universal Services of America, LP d/b/a Allied Universal v. PremiumDomains ForSale, Tropic Management Systems Ltd.

Case No. D2023-3617

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 PremiumDomains ForSale, Tropic Management Systems Ltd., Cayman Islands, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <allieduniversaltraining.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 August 29, 2023. On August 29, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 31, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to Complainant on September 6, 2023, 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 September 7, 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 Respondent of the Complaint, and the proceedings commenced on September 8, 2023. In accordance with the Rules, paragraph 5, the due date for Response was September 28, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on October 11, 2023.

The Center appointed Stephanie G. Hartung as the sole panelist in this matter on October 23, 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

Complainant is a company organized under the laws of the United States that is active in the security services industry.

Complainant has provided evidence that it is the registered owner of various trademarks relating to its brand ALLIED UNIVERSAL, *inter alia*, the following:

- word mark ALLIED UNIVERSAL, United States Patent and Trademark Office (USPTO), registration number: 5,136,006, registration date: February 7, 2017, status: active;
- word mark ALLIED UNIVERSAL SECURITY SERVICES, USPTO, registration number: 5,136,112, registration date: February 7, 2017, status: active.

Respondent, according to the disclosed Whois information for the disputed domain name, is an organization of the Cayman Islands, United Kingdom, which registered the disputed domain name on November 19, 2022. By the time of the rendering of this Decision, the disputed domain name redirects to a website at "www.suggestive.com" which displays a vast variety of articles from different categories (e.g. entertainment, health, news, sports, travel etc.). Complainant, however, has demonstrated that at some point before the filing of the Complaint, the disputed domain name redirected to a website at "www.chaturbate.com", offering adult content videos for commercial gain.

Complainant requests that the disputed domain name be transferred to Complainant.

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.

Notably, Complainant contends that it is the world's largest security services company operating in at least 90 countries across the globe with a workforce of approximately 800,000 employees worldwide, and that its ALLIED UNIVERSAL trademark meanwhile enjoys goodwill globally. Also, Complainant submits that the disputed domain name is confusingly similar to Complainant's ALLIED UNIVERSAL trademark, as it incorporates the identical elements of such trademark, only added by the descriptive term "training". Moreover, Complainant asserts that Respondent has no rights or legitimate interests in respect of the disputed domain name since (1) Respondent is not affiliated with Complainant, is not commonly known as "Allied Universal" and has not been authorized, licensed, or endorsed to use Complainant's ALLIEDUNIVERSAL trademark in the disputed domain name, and (2) absent any evidence that Respondent registered the disputed domain name to advance legitimate interests or for the *bona fide* offering of legitimate goods or services, Respondent in registering the disputed domain name obviously attempted to syphon off Complainant's goodwill in its ALLIED UNIVERSAL trademark. Finally, Complainant argues that

Respondent has registered and is using the disputed domain name in bad faith since (1) given the degree of distinctiveness and reputation of Complainant's ALLIED UNIVERSAL trademark, Respondent clearly had Complainant in mind when registering the disputed domain name, and (2) using the latter, which is confusingly similar to Complainant's ALLIED UNIVERSAL trademark, to display pornographic content for commercial gain, is harming Complainant's reputation, and (3) a consideration of the totality of factors to this case leads to implausibility of any good faith to which Respondent registered or would use the disputed domain name.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, Complainant carries the burden of proving:

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

Respondent's default in the case at hand does not automatically result in a decision in favor of Complainant, however, paragraph 5(f) of the Rules provides that if Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute solely based upon the Complaint. Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from Respondent's failure to submit a Response as it considers appropriate.

A. Identical or Confusingly Similar

First, 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 ALLIED UNIVERSAL trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

Based on the available record, the Panel finds Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

Moreover, the Panel finds the entirety of Complainant's ALLIED UNIVERSAL trademark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical or confusingly similar to this trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. While the addition of other terms (here, the term "training") may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and Complainant's ALLIED UNIVERSAL trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Based on the available record, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Second, 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.

While the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the 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.

In particular, Respondent has neither been granted a license nor has it been otherwise authorized by Complainant to use its ALLIED UNIVERSAL trademark, either as a domain name or in any other way. Also, there is no reason to believe that Respondent’s name somehow corresponds with the disputed domain name, and Respondent does not appear to have any trademark rights associated with the terms “allied”, “universal” and/or “training” on its own. Finally, the disputed domain name, which is confusingly similar to Complainant’s ALLIED UNIVERSAL trademark enjoying goodwill globally, redirected at some point in the past to a commercially active website at “www.chaturbate.com”, offering adult content videos for commercial gain. Such use of the disputed domain name, which obviously aims at somehow profiting from the reputation connected to Complainant’s ALLIED UNIVERSAL trademark, neither qualifies as *bona fide* nor as legitimate noncommercial or fair use within the meaning of paragraph 4(c) of the Policy.

Based on the available record, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Third, 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.

The facts in this case allow to conclude that Respondent was well aware of Complainant’s rights in the ALLIED UNIVERSAL trademark when registering the disputed domain name and that the latter is clearly targeting Complainant. Not only enjoys Complainant’s ALLIED UNIVERSAL trademark goodwill globally. Also, the terms “allied”, “universal” and “training” – as they are reflected in the disputed domain name – lack any direct or indirect connection to pornographic content as it had been temporarily put in place by Respondent on the website under the disputed domain name. Finally, the Panel recognized that the content on the website under the disputed domain name again changed after the Complaint had been notified to Respondent, and that the new content had no specific connection to the terms “allied”, “universal” and/or “training”. Such circumstances are clear enough indications for this Panel that – absent any other indication as to why Respondent needed to rely on Complainant’s well-reputed ALLIED UNIVERSAL trademark as it is fully reflected in the disputed domain name – Respondent obviously aimed at somehow taking unfair advantage of Complainant’s ALLIED UNIVERSAL trademark, and, more concretely, intentionally attempted to attract, for commercial gain, Internet users to its own website by creating a likelihood of confusion with Complainant’s ALLIED UNIVERSAL trademark as to the source, sponsorship, affiliation or endorsement of Respondent’s website, and so serve as evidence of registration and use of the disputed domain name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

Based on the available record, the Panel finds the third element of the Policy has been established.

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, <allieduniversaltraining.com>, be transferred to Complainant.

/Stephanie G. Hartung/

Stephanie G. Hartung

Sole Panelist

Date: October 31, 2023