

ADMINISTRATIVE PANEL DECISION

ACROSS LOGISTICS S.L. v. Forest Maurie

Case No. D2024-0031

1. The Parties

The Complainant is ACROSS LOGISTICS S.L., Spain, represented by March Trade Mark, S.L., Spain.

The Respondent is Forest Maurie, United States of America (“United States”).

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 5, 2024. On January 5, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 (Across Shipping, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 8, 2024, providing the registrant and contact information disclosed by the Registrar, and requesting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on January 15, 2024.

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 January 16, 2024. In accordance with the Rules, paragraph 5, the due date for Response was February 5, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 6, 2024.

The Center appointed Jeremy Speres as the sole Panelist in this matter on February 9, 2024. 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 is a Spanish company providing transport and other logistics services. It has traded as “Across Logistics” since its formation in 2007 and maintains a website at “www.acrosslogistics.com”, a domain name which it has owned since 2007.

The Complainant’s ACROSS LOGISTICS mark is registered in numerous jurisdictions, including International Trademark Registration No. 1281328 ACROSS LOGISTICS and device, designating, amongst others, the Respondent’s country of the United States, in classes 35 and 39 with a registration date of September 23, 2015.

The disputed domain name was registered on October 25, 2023, and currently resolves to a website indicating that “Hosting has expired”. The Complainant’s evidence establishes that the disputed domain name previously resolved to a website entitled “Across Shipping”, ostensibly for a shipping and logistics company based in Washington, D.C., United States.

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 disputed domain name has been registered and used in bad faith in order to take advantage of the Complainant’s reputation for the Respondent’s commercial gain through a potential employment scam.

B. Respondent

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

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 of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“[WIPO Overview 3.0](#)”), section 1.7.

The 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. The entirety of the mark, minus the design element, is reproduced within the disputed domain name. To the extent that the design element of the Complainants’ mark is incapable of representation in domain names, this element is generally disregarded for purposes of assessing identity or confusing similarity. [WIPO Overview 3.0](#), section 1.10. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), 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 recognised that proving 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 3.0](#), 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.

Panels have held that the use of a domain name for illegal activity, here likely employment fraud, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1. For the reasons discussed in relation to bad faith below, it is likely that the disputed domain name was registered in order to perpetuate an employment scam.

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.

The Complainant’s rights in its ACROSS LOGISTICS mark, flowing from its usage of the mark over time, have been recognised by a prior UDRP panel. See *Across Logistics S.L v. Domain ID Shield Service Co. Limited. / Fedoryaka Dmitrij*, WIPO Case No. [D2015-2097](#). The Panel’s own independent Internet searches confirm that the Complainant’s mark enjoys a reputation, at least within its industry of logistics. UDRP panels have consistently found that the registration of a domain name that is confusingly similar to a well-known trademark (as in this case) can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), sections 3.1.4 and 3.2.1.

The disputed domain name incorporates the entirety of the Complainant’s reputed mark, coupled with the geographic term “usa”. The Complainant’s services are used in the United States. The disputed domain name has also been used for a business that ostensibly competes with the Complainant. These are clear indicators of targeting. [WIPO Overview 3.0](#), section 3.2.1.

The Respondent registered a domain name incorporating “acrosslogistics” for a business ostensibly named “Across Shipping”. The Respondent’s company is also, according to its website, “Across Shipping, LLC” (although no records can be found indicating that such a company has ever been registered in the United States). If the Respondent’s business and its registered company were in fact named “Across Shipping”, why would it choose a domain name consisting of “acrosslogistics”? The obvious and more consistent domain name - <acrossshippingusa.com> - does not appear to have been registered and was available to the Respondent. Taken together with the other factors supporting a finding of bad faith, this dissonance suggests an intention to take advantage of the Complainant’s reputation.

The Panel’s independent Internet searches revealed various reports of users being defrauded through employment scams perpetrated through the disputed domain name, which clearly constitutes bad faith use. [WIPO Overview 3.0](#), section 3.4.

The Panel draws an adverse inference from the Respondent's failure to take part in the present proceeding where an explanation is certainly called for. [WIPO Overview 3.0](#) at section 4.3.

Taken together, these factors all point to the disputed domain name having been registered and used to take advantage of the Complainant's reputation for the purpose of fraud, clearly evidencing bad faith under paragraph 4(b)(iv) of the Policy.

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, <acrosslogisticsusa.com>, be transferred to the Complainant.

/Jeremy Speres/

Jeremy Speres

Sole Panelist

Date: February 26, 2024