

ADMINISTRATIVE PANEL DECISION

Lima One Capital v. Matthew Soto Jr, Matt Soto
Case No. D2024-2504

1. The Parties

Complainant is Lima One Capital, United States of America (“United States”), represented by Soteria LLC, United States.

Respondent is Matthew Soto Jr, Matt Soto, United States.

2. The Domain Name and Registrar

The disputed domain name <limaone.org> [hereinafter “Disputed Domain Name”] 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 June 19, 2024. On June 20, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On June 20, 2024, the Registrar transmitted by email to the Center its verification response confirming that Respondent is listed as the registrant and providing the contact details. The Center sent an email communication to Complainant on June 21, 2024 providing the registrant and contact information disclosed by the Registrar.

The Center verified that 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 July 9, 2024. In accordance with the Rules, paragraph 5, the due date for Response was July 29, 2024. Respondent did not submit any response but sent informal emails on July 9 and 19, 2024. On July 31, 2024, the Center notified the Parties that it will proceed to Panel Appointment.

The Center appointed Lawrence K. Nodine as the sole panelist in this matter on August 7, 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

Complainant is a lending company that focuses on real estate investors.

Complainant has used LIMA ONE (hereinafter the "Mark") as its trademark since 2011. The word "Lima" alone has several meanings. It is the name of several geographic locations, including the capital of Peru. In the United States, "lima beans" are well known. But the phrase "Lima One" has no apparent non-trademark meaning.

Complainant owns the domain name <limaone.com>. On the associated webpage, Complainant publishes information about its services.

Complainant owns United States Trademark Registration No. 4978940 (registered on June 14, 2016) for the Mark.

The Disputed Domain Name was registered on May 27, 2024. There is no active website associated with the Disputed Domain Name, although there are pay-per-click (PPC) links displayed on the site. There is a banner on the website that states that the Disputed Domain Name "is available on GoDaddy Auctions. Get this Domain."

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.

B. Respondent

Respondent submitted a formal response, but in an email to the Center he wrote:

"Although this domain in question is registered to me and my account, I have not officially activated the domain for my business purposes, therefore I have not violated any usage, copyright and/or laws as may be suggested in the complaint.

I fully intend to utilize this domain in the future for business and charitable purposes related to U.S. Military Veterans, and their Families.

However, based on the complaint filed, it's evident there is a 3rd party with a great desire to obtain/acquire this domain <limaone.org>.

Therefore, I made the difficult decision to put the domain up for public auction so the complaining party may purchase this domain in an open- market auction if they remain interested in owning this domain <limaone.org>."

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 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.

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 is reproduced within the Disputed Domain Name. Accordingly, the Disputed Domain Name is identical 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 Respondent may demonstrate rights or legitimate interests in a Disputed Domain Name.

Although the overall burden of proof in UDRP proceedings is on Complainant, panels have recognized 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 Respondent. As such, where a complainant makes out a prima facie case that Respondent lacks rights or legitimate interests, the burden of production on this element shifts to Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on Complainant). If Respondent fails to come forward with such relevant evidence, Complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Respondent says he intends "to utilize this domain in the future for business and charitable purposes related to U.S. Military Veterans, and their Families." Respondent offers no explanation of why the phrase "lima one" is relevant or appropriate for this purpose. Moreover, Respondent offers no evidence of demonstrable actions or plans to develop a website for this purpose. Respondent's unsupported claim is not sufficient to prove "demonstrable preparations to use" the Disputed Domain Name in connection with a bona fide offering of goods or services. Policy paragraph 4(c)(i). "If not independently verifiable by the panel, claimed examples of use or demonstrable preparations to use the domain name in connection with a bona fide offering of goods or services cannot be merely self-serving but should be inherently credible and supported by relevant pre-complaint evidence." [WIPO Overview 3.0](#), section 2.2.

Having reviewed the available 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.

The Panel finds that 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 Panel finds that Respondent registered the Disputed Domain Name in bad faith. The phrase “Lima One” has no apparent non-trademark meaning. Where, as here, Complainant’s trademark is distinctive and has no apparent dictionary meaning, it is fair to infer, in the absence of contrary evidence or explanation, that Respondent was likely aware of Complainant’s trademark when he registered the Disputed Domain Name. Respondent has not offered any benign explanation to justify his selection of “lima one.” The Panel finds that the most likely explanation for Respondent’s selection of the phrase “lima one” was an awareness of and an intention to target Complainant.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In his response, Respondent renounces his purported intention to develop a website to help military veterans, and then declares his intention sell the Disputed Domain Name to the highest bidder. The Panel finds that this was likely Respondent’s original intent and that the assertion of an intent to develop a website to help military veterans is not supported by any evidence of record. This is bad faith under Policy paragraph 4(b)(i).

The Panel finds that 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 <limaone.org> be transferred to Complainant.

/Lawrence K. Nodine/

Lawrence K. Nodine

Sole Panelist

Date: August 21, 2024