

ADMINISTRATIVE PANEL DECISION

Bridgewell Resources v. Linda Guzman
Case No. D2024-3100

1. The Parties

Complainant is Bridgewell Resources, United States of America (“U.S.”), represented by Soteria LLC, U.S.

Respondent is Linda Guzman, U.S.

2. The Domain Name and Registrar

The disputed domain name <bridgewellres.com> is registered with Hostinger Operations, UAB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 29, 2024. On July 30, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 31, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name that differed from the named Respondent (Domain Admin) and contact information in the Complaint. The Center sent an email communication to Complainant on July 31, 2024 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 July 31, 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 Respondent of the Complaint, and the proceedings commenced on August 6, 2024. In accordance with the Rules, paragraph 5, the due date for Response was August 26, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on August 28, 2024.

The Center appointed Jeffrey D. Steinhardt as sole panelist in this matter on September 4, 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 U.S. based, leading supplier of construction products, utility supplies, wood products, and logistics services to suppliers and customers across the globe.

Complainant owns U.S. Trademark Registration No. 5,166,422 for its BRIDGEWELL RESOURCES trademark, registered March 21, 2017 in classes 35 and 39.

Complainant owns the domain names <bridgewellresources.com> and <bridgewellres.com>.

The disputed domain name was registered on July 26, 2024 and does not route to an active webpage.

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.

Alleging that the disputed domain name is identical to Complainant's trademark, Complainant contends that the disputed domain name is likely malicious and harmful to Complainant's brand, as it gives the false impression that it is associated with a Bridgewell Resources-owned website. At the same time, Complainant contends that the additional "l" in the disputed domain name is "a common typo squatting technique leveraged by threat actors to conduct social engineering activities," which poses a substantial security threat to Complainant.

B. Respondent

Respondent did not reply to 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.

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.

While Complainant contends that the disputed domain name is "identical" to Complainant's BRIDGEWELL RESOURCES trademark, direct comparison shows that this averment is clearly incorrect. However, the disputed domain name nonetheless is very similar to Complainant's BRIDGEWELL RESOURCES mark, since the disputed domain name adds only the single character "l" in spelling the first term of the mark, and uses the common abbreviation "res" for "RESOURCES", the second term in Complainant's mark.

The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7, and 1.9 (intentional misspelling or typosquatting).

The Panel finds the first element of paragraph 4(a) 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 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 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.

The Panel accepts Complainant’s allegations that Respondent is not commonly known by the disputed domain name and that Respondent has no authorization or license to use Complainant’s trademark. The Panel also accepts Complainant’s undisputed allegations that because the disputed domain name does not resolve to an active web page, this does not indicate that Respondent is making a bona fide or fair use. The Panel also agrees that there is no evidence that Respondent has made demonstrable preparations for such use.

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 the second element of paragraph 4(a) 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.

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 the present case, the Panel notes that Respondent anonymously registered a disputed domain name that included a deliberate but minor misspelling of the first term in Complainant’s trademark, by adding the additional character “l” (<bridgewelllres.com>). In particular, the Panel notes the disputed domain name is almost identical to Complainant’s domain name <bridgewellres.com>. The Panel infers that Respondent was seeking in bad faith to create customer confusion, apparently planning at some future date to impersonate Complainant and its website. See, e.g., *Accenture Global Services Limited v. VistaPrint Technologies Ltd.*, WIPO Case No. [D2015-1922](#).

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness of Complainant’s trademark, and the composition of the disputed domain name. In the circumstances of this case, the Panel finds that the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

The Panel finds that Respondent’s provision of incomplete contact details in violation of its agreement with the Registrar and Respondent’s failure to respond to the Complaint in this proceeding are further demonstrations of Respondent’s bad faith.

The third element of Policy paragraph 4(a) is satisfied.

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 <bridgewellres.com> be transferred to Complainant.

/Jeffrey D. Steinhardt/

Jeffrey D. Steinhardt

Sole Panelist

Date: September 17, 2024