Decision for dispute CAC-UDRP-107236

Case number	CAC-UDRP-107236
Time of filing	2025-04-01 10:20:53
Domain names	alphagraphicscareers.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Alphagraphics, Inc.

Complainant representative

Organization	Barzanò & Zanardo Milano S.p.A.

Respondent

Name	Henry Gomez

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant is the holder of different trademarks rights in different jurisdictions with regard to ALPHAGRAPHICS. By way of example:

- United States Patent and Trademark Office with registration n° 1408868, filed on May 30, 1985 and registered on September 9, 1986;
- United States Patent and Trademark Office with registration n° 1132841, filed on May 08, 1978 and registered on April 8, 1980.

FACTUAL BACKGROUND

The Complainant was founded in 1970 and in 2017 became part of the global group MBE Worldwide. In 2019 the MBE Worldwide, operating with the trademarks ALPHAGRAPHICS, POSTNET and MAIL BOXES ETC. reached over 2,600 Service Centers in 52 Countries, with € 918 Million of System Wide Sales.
ALPHAGRAPHICS is to be considered well-known for UDRP purposes.
The disputed domain name <alphagraphicscareers.com> was registered on February 16, 2025 and redirects to the registrar´s website.
The disputed domain name has been used, impersonating the Complainant, in the sending of an e-mail requesting data to a third party seeking employment.

PARTIES CONTENTIONS

THE COMPLAINANT

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

The Complainant alleges that by the addition of the non-distinctive element “carreers” does not affect the confusing similarity. Indeed, the term selected by the Respondent increases the likelihood of confusion and to induce Internet users to believe that there is an association between the disputed domain name and the Complainant.

The Complainant also affirms that none of the scenarios depicted in paragraph 4(c) of the Policy applies.

Further, the Complainant denies that the Respondent is an authorized dealer, agent, distributor, wholesaler or retailer of Alphagraphics Inc.

With regard to the third element of the Policy, the Complainant contends that the Respondent could not ignore the existence of the ALPHAGRAPHICS trademark at the time of the registration of the disputed domain name due to its well-known value. Thus, Respondent's purpose in registering the disputed domain name was probably to capitalize on the reputation of Complainant's trademark by diverting Internet users seeking information about this distinctive sign to its own website, where sponsored links are published

The Complainant further alleges that the disputed domain name is set up with MX records, meaning that email accounts have been created using @alphagraphicscareers.com. Indeed, as mentioned above in the background, the Complainant has provided evidence of the use of the disputed domain name in connection with a scam email.

THE RESPONDENT

No administratively compliant Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

1. Identical or Confusingly Similar

The Complainant has shown rights in respect of ALPHAGRAPHICS trademark for the purposes of the Policy. From a comparison

between the disputed domain name <alphagraphicscareers.com> and the Complainant´s trademark it seems clear to the Panel that the former contains sufficiently recognizable aspects of the relevant mark. The mere addition of the word “careers” does not provide distinctiveness. On the contrary, the term provides association with the Complainant and its trademarks and thus, confusion to the internet users.
The applicable Top Level Domain (‘TLD’) in a domain name is viewed as a standard registration requirement and as such is disregarded under the first element test.
The Panel finds the first element of the Policy has been established.

2. Rights or Legitimate Interest

Paragraph 4(c) of the Policy sets out non-exclusive examples in which the Respondent may establish rights or legitimate interests in the disputed domain name. However, while the burden of proof in UDRP proceedings rests on the complainant, panels have recognized that proving a respondent lack or rights or legitimate interests in a domain name may result in the often-impossible task of “proving a negative”. Accordingly, panels have established, since the inception of the UDRP, that it is sufficient to raise a prima facie case against the respondent and then the evidential burden of production shifts to the respondent. See CAC-UDRP-106452

The Panel finds that the circumstances referred in paragraph 4(c) do not apply for the Respondent or, even any other legitimate circumstance which may apply in favor of the Respondent.

Indeed, the composition of the disputed domain name supports a finding of impersonation which cannot grant rights or legitimate interests. Likewise, the use of a domain name for illegitimate activity here, claimed as applicable to this case, scam email impersonating the Complainant can never confer rights or legitimate interests on a respondent. WIPO Overview 3.0, section 2.13.1

By redirecting the disputed domain name to the Registrar´s website, the Panel cannot find legitimate interest based on the lack of relation between the parties and, the use of the Complainant´s mark in the disputed domain name. These circumstances support a finding of lack of rights or legitimate interest for the Respondent.

Besides, the silence of the Respondent, once received the Complaint, has prevented the Panel to assess if any circumstances may oppose the Complainant´s prima facie showing.

3. Register and Used in Bad Faith

Noting that bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant’s mark, the Panel now looks at the third requirement of the test.

The Panel finds that the Respondent knew or should have known about the Complainant and its trademarks due to its reputation when registering the disputed domain name. Sending a scam email to a third party, the Respondent demonstrates previous knowledge of the Complainant.

The Panel also looks at the WIPO Overview 3.0 section 3.1.1 for circumstances indicating bad faith registration, including how “…the nature of the domain name and the distinctiveness of trademark at issue, among other factors, are relevant to this inquiry”, and concludes that the disputed domain name falls within what is deemed to be considered bad faith registration.

UDRP panels have held that the use of a domain name for illegal activity here, claimed impersonation constitutes bad faith. WIPO Overview 3.0, section 3.4. Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds that the Complainant has established the third element of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **alphagraphicscareers.com**: Transferred

PANELLISTS

Name	**Manuel Moreno-Torres**

DATE OF PANEL DECISION 2025-05-06

Publish the Decision