Decision for dispute CAC-UDRP-107563

Case number	CAC-UDRP-107563
Time of filing	2025-05-12 16:48:22
Domain names	speedy-mobile-auto-glass.com

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization	Belron International Limited

Complainant representative

Organization	HSS IPM GmbH

Respondent

Name	Rudranth McDowall

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

Among others, the Complainant owns the following registered trademarks:

Canadian Registered Trademark Number TMA122222 for the mark SPEEDY AUTO GLASS, registered on May 19, 1961;

Canadian Registered Trademark Number TMA309481 for the mark SPEEDY AUTO GLASS and Design, registered on December 20, 1985;

Canadian Registered Trademark Number TMA339541 for the mark SPEEDY and Design, registered on April 22, 1988;

Canadian Registered Trademark Number TMA339918 for the mark SPEEDY and Design, registered on May 6, 1988;

Canadian Registered Trademark Number TMA448212 for the mark SPEEDY GLASS, registered on September 29, 1995;

Canadian Registered Trademark Number TMA777589 for the mark SPEEDY GLASS and Design, registered on September 20, 2010.

FACTUAL BACKGROUND

The Complainant is part of the Belron Group which is engaged in the business of vehicle glass repair and replacement, present in over 40 countries across six continents, with a complement of around 30,000 employees in 2024.

The Complainant is the owner of registered trademarks for the mark SPEEDY AUTO GLASS, the mark SPEEDY GLASS, and the mark SPEEDY, as noted in the Identification of Rights section above. The earliest such mark dates from 1961. Belron Canada Inc., which the Panel presumes to be an affiliate of the Complainant, is also the listed registrant of the domain name <speedyglass.ca>, registered since November 9, 2000, which is used for the Complainant's official website for its auto glass replacement service in Canada. According to the said official website, the Complainant has offered its services in Canada since 1949.

The corresponding record shows that the disputed domain name was registered on January 8, 2025. Nothing is known of the Respondent except for the fact that it has an address in Canada.

When first observed by the Complainant, the disputed domain name was being used for a business website appearing to offer auto glass replacement services to the "GTA And Surrounding Area" with a map suggesting that this referred to the greater Toronto and surrounding area of Canada, although the said site provided neither any contact details for this business, excepting a web contact form, nor any business address on its contact page.

The Complainant provided evidence indicating that the DNS for the disputed domain name has been configured with an MX record, suggesting that it may be capable of receiving e-mails addressed to the disputed domain name.

When the Panel observed the website associated with the disputed domain name on June 11, 2025, it had been changed to forward to a website at the domain name <xautoglass.com>, which domain name had been registered on June 3, 2025. However, the said website retained the title "Speedy Mobile Auto Glass" in its coding, used the copyright notice "© 2025 Speedy Mobile Auto Glass" in its footer, offered the same services, and referenced a geographical area of over 50 cities in southern Ontario, in other words, part of a Canadian province. The said website provided neither contact information for this business, excepting a web contact form, nor any business address on its contact page.

The change in configuration of the disputed domain name to forward to a different website, and the registration of an alternative domain name for that website, appears from the timing to have been a reaction to the notification of the Complaint, which took place on May 19, 2025.

PARTIES CONTENTIONS

Complainant:

The Complainant has longstanding rights in the SPEEDY, SPEEDY AUTO GLASS, and SPEEDY GLASS trademarks, used extensively in Canada for over six decades, where the Respondent is located. The said marks have acquired significant consumer recognition through their continuous use, marketing and domain ownership (e.g., <speedyglass.ca>, registered in 2000).

The disputed domain name wholly incorporates the Complainant's trademarks, merely adding a related term "mobile" and hyphens, which does not prevent confusion.

The term "mobile" included within the disputed domain name is contextually relevant to the Complainant's services, increasing the likelihood of consumer association. The addition of the gTLD ".com" is irrelevant to the similarity analysis.

The Respondent has no affiliation or authorization from the Complainant and is not commonly known by the disputed domain name. The disputed domain name resolves to a questionable website purporting to offer identical vehicle glass repair and replacement services in the greater Toronto area, suggesting an intentional attempt to mislead consumers.

The content of the website includes the use of the Complainant's mark, further increasing the confusion and supporting an inference of bad faith.

The Respondent's website suggests a deliberate attempt to trade on the Complainant's reputation, with unauthorized use of trademarks and potential phishing activities aimed at collecting personal information via a contact form.

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

The Complainant has demonstrated to the Panel's satisfaction that it has UDRP-relevant rights in the marks SPEEDY, SPEEDY GLASS and SPEEDY AUTO GLASS by virtue of the registered trademarks listed above. To the extent that some of these marks are figurative in nature, the textual elements are readily severable from the graphical elements (on this topic, see the WIPO Overview 3.0, section 1.10) such that the textual elements may be compared to the disputed domain name.

The Second-Level Domain of the disputed domain name is largely identical to the Complainant's SPEEDY AUTO GLASS trademark subject to the insertion of hyphens between the words and the addition of the word "mobile" between "speedy" and "auto".

Notwithstanding the insertion of the word "mobile" into the word order of the Complainant's mark in the disputed domain name, the Panel considers that the Complainant's SPEEDY AUTO GLASS mark is sufficiently recognizable in the disputed domain name based upon a straightforward side-by-side comparison. All features of the said mark are fully reproduced, and the additional inserted word does not alter the overall impression produced by the disputed domain name. The generic Top-Level Domain in respect of the disputed domain name, namely ".com", is typically disregarded for the purposes of the comparison exercise under the first element analysis of the Policy. Punctuation, such as hyphens used here as spacing elements in the disputed domain name, may also be disregarded in such comparison. In these circumstances, the Panel finds that the disputed domain name is confusingly similar to the Complainant's SPEEDY AUTO GLASS trademark.

With regard to the second element of the Policy, the Panel finds that the Complainant has established a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant asserts that it has no relationship with the Respondent and has not authorized it to use the Complainant's trademarks. The disputed domain name amounts to a confusingly similar variant of the Complainant's SPEEDY AUTO GLASS mark, and the website associated with the disputed domain name seems to be designed to appear like an official website of the Complainant's business, corresponding to the Complainant's SPEEDY AUTO GLASS mark. The Complainant notes that the said website is leveraging the reputation of its trademarks, and furthermore suggests that it may not be operated by a genuine business due to the fact that its links to social media platforms do not function. The Complainant also raises concerns that the disputed domain name may be used in connection with a phishing scheme, in that the website associated with the disputed domain name captures data from the public, who may believe it to be an official site of the Complainant's business, and the disputed domain name is also configured to receive e-mail, potentially suggesting deployment in such a scheme. The Complainant adds that there is no evidence that the Respondent is commonly known by the disputed domain name and notes that it is using the disputed domain name with intent for commercial gain in apparent competition with the Complainant.

The Respondent has not replied to the Complainant's allegations and evidence in this case, and has failed to set out any alleged rights or legitimate interests which it might have claimed in the disputed domain name. There are no submissions or evidence on the record which might serve to rebut the Complainant's prima facie case. Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

The evidence before the Panel shows that the Complainant's SPEEDY AUTO GLASS mark long pre-dates the date of registration of the disputed domain name. The said mark has been used in Canada for a lengthy period dating back at least to 1961, and is likely to have been known to the Respondent, not least because the Respondent purports to operate in the same line of business in the same location. The disputed domain name therefore appears to have been deliberately selected in order to imitate the Complainant's mark. In these circumstances, it is reasonable to infer that the disputed domain name was registered by the Respondent with knowledge of the Complainant and its rights, and with an intent to target these unfairly.

There is no evidence that the disputed domain name has actually been used to receive e-mails in connection with a phishing scheme, although it is clear that any sender of e-mails purportedly from the disputed domain name would be able to pass itself off as affiliated to the Complainant due to the confusing similarity between the disputed domain name and the Complainant's mark. Furthermore, the disputed domain name has itself been configured to receive e-mail communications, which in the context of a

phishing scheme might include replies by e-mail from confused consumers. The allegation that the disputed domain name is capable of being used in a phishing scheme is a serious one, and calls for an answer from the Respondent, which is not forthcoming here.

The use of the disputed domain name appears to have changed immediately after notification of the Complaint, suggesting that the Respondent is well aware that its prior use contravened the Policy. However, the forwarding of the disputed domain name to another domain name, itself associated with a website containing broadly similar content, does not alter the Panel's determination. The disputed domain name uses a sign which is recognizably a variation of the Complainant's trademark to direct consumers to what appears to be a business in competition with the Complainant's business. The use of a domain name that is confusingly similar to the Complainant's mark for this purpose could not be regarded as being a good faith activity.

The Panel finds on the balance of probabilities that the disputed domain name is being used to intentionally attempt to attract, for commercial gain, Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the website associated with the disputed domain name.

The Panel also accepts the Complainant's contention that there are some indications that the business described at the website associated with the disputed domain name is not a genuine business, and that the presence of an MX record in the related DNS may be indicative of a phishing scam. Any such use of the disputed domain name would be inconsistent with a good faith purpose.

In all of these circumstances, the Panel considers that the Complainant has made out a sufficient case of registration and use in bad faith. The Respondent has not filed a Response in this case and therefore has not addressed the Complainant's assertions of bad faith registration and use to any extent. No explanation has been presented by the Respondent that might have suggested that its actions regarding the disputed domain name were in good faith.

The Panel therefore finds that the disputed domain name has been registered and is being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **speedy-mobile-auto-glass.com**: Transferred

PANELLISTS

Name	**Andrew Lothian**

DATE OF PANEL DECISION 2025-06-12

Publish the Decision