Decision for dispute CAC-UDRP-108210

Case number	CAC-UDRP-108210
Time of filing	2025-12-08 08:43:43
Domain names	newdealadvlsers.com

Case administrator

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

Complainant

Organization	NEW DEAL ADVISORS

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	shinemoneybox shine

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 <newdealadvlsers.com>.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of Italian trade mark registration No. 2025000118312 for the word mark NEW DEAL ADVISORS, filed on July 23, 2025.

The Complainant also holds the domain name <newdealadvisors.com>, registered on September 21, 2011.

FACTUAL BACKGROUND

The Complainant, New Deal Advisors, is an independent firm based in Italy, established in 2012 and operating in the field of transaction and M&A services, forensic services, transformation, debt structuring, and valuation.

The disputed domain name <newdealadvlsers.com> was registered on November 24, 2025. It redirects to a parking page and, according to the evidence submitted, has MX (mail exchange) servers configured.

PARTIES CONTENTIONS

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

COMPLAINANT:

- The disputed domain name is confusingly similar to the protected mark

The Complainant asserts that it holds valid rights in the trademark NEW DEAL ADVISORS, supported by Italian trademark registration no. 2025000118312, filed on 23 July 2025.

According to the Complainant, the disputed domain name <newdealadvlsers.com> is confusingly similar to its trademark and corresponding domain name <newdealadvisors.com>. The Complainant points out that the sole difference is the substitution of the letter “I” with “L” in the word “advisors” — a typographical alteration that, in its view, constitutes typosquatting, i.e., the deliberate registration of a misspelled version of a trademark in order to exploit user error and cause confusion.

In support of this position, the Complainant refers to the decision in WIPO Case No. D2020-3457, ArcelorMittal v. Name Redacted, where the Panel found that a two-letter deviation from the trademark constituted a prototypical example of typosquatting and did not prevent a finding of confusing similarity.

The Complainant further submits that the addition of the generic Top-Level Domain “.com” does not affect the assessment of similarity.

Based on the above, the Complainant contends that the disputed domain name is confusingly similar to the protected trademark NEW DEAL ADVISORS.

- The Respondent lacks rights or legitimate interests in the disputed domain name

The Complainant contends that the Respondent lacks any rights or legitimate interests in the disputed domain name. In line with established UDRP practice, including the WIPO Case No. D2003-0455, Croatia Airlines v. Modern Empire Internet Ltd., the Complainant affirms that it has made a prima facie showing, shifting the burden to the Respondent to demonstrate such rights or legitimate interests.

According to the Complainant, the Respondent is neither affiliated with nor authorized by the Complainant to use its trademark. The Complainant states that it has no business relationship with the Respondent and that the Respondent is not commonly known by the disputed domain name, as reflected in the Whois data.

The Complainant further argues that the disputed domain name constitutes a typosquatted version of its trademark. Relying on precedent such as Forum Case No. 1597465, The Hackett Group v. Brian Herns, the Complainant submits that typosquatting is a recognized indicator of a lack of rights or legitimate interests under the Policy.

Finally, the Complainant notes that the domain resolves to a parking page, and that there is no evidence of any demonstrable preparations to use the disputed domain name in a legitimate manner.

On this basis, the Complainant concludes that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

- The disputed domain name has been registered and is being used in bad faith

The Complainant submits that the disputed domain name was registered and is being used in bad faith, primarily on the basis that it constitutes a deliberate misspelling of the Complainant’s trademark — a practice commonly referred to as typosquatting. In support of this position, the Complainant refers to prior UDRP decisions, such as Forum Case No. FA 877979, Microsoft Corporation v. Domain Registration Philippines, where similar intentional misspellings were found to indicate bad faith under paragraph 4(a)(iii) of the Policy.

The Complainant further contends that the Respondent must have been aware of the Complainant’s existence and activities at the time of registration, pointing to the results of a standard Internet search for “NEW DEAL ADVISORS”, which return pages related exclusively to the Complainant. It therefore considers it reasonable to infer that the Respondent registered the disputed domain name with knowledge of the Complainant’s mark and with the intention to exploit its reputation.

Additionally, the Complainant highlights that the disputed domain name has been configured with MX records, indicating a technical setup for e-mail use. While there is no active website at the disputed domain name, the Complainant argues that the existence of active mail exchange settings raises a risk of malicious use, such as phishing or impersonation, citing CAC Case No. 102827, JCDECAUX SA v. Handi Hariyono, where similar concerns were found persuasive in establishing bad faith.

On the basis of these arguments, the Complainant concludes that the disputed domain name was registered and is being used in bad faith.

Accordingly, the Complainant requests that the disputed domain name be transferred to it.

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 UNIFORM DOMAIN NAME DISPUTE RESOLUTION POLICY (UDRP) of the Internet Corporation for Assigned Names and Numbers (ICANN) (the “Policy”) provides that complainant must prove each of the following to obtain transfer or cancellation of the domain name:

1. that respondent’s domain name is identical or confusingly similar to a trademark or service mark in which complainant has rights; and

2. that respondent has no rights or legitimate interests in respect of the domain name; and

3. the domain name has been registered and is being used in bad faith.

1) The disputed domain name is confusingly similar to a trademark in which the Complainant has rights

The Complainant has submitted evidence of a pending Italian trademark application for NEW DEAL ADVISORS (No. 2025000118312), filed in July 2025. While a pending trademark application alone does not establish rights under paragraph 4(a)(i) of the Policy (see WIPO Overview 3.0, section 1.1.4), UDRP panels have found that unregistered or common law rights may suffice where a complainant can demonstrate that its mark has become a distinctive identifier through use (see section 1.3 of the Overview).

Although the Complainant did not provide extensive documentary evidence of use, its website at <newdealadvisors.com> (registered in 2011) reflects professional activities and deal credentials dating back to 2013. In accordance with section 4.8 of the WIPO Overview 3.0, the Panel considers this limited online research appropriate and sufficient to support a finding of unregistered rights in the mark NEW DEAL ADVISORS.

The disputed domain name <newdealadvlsers.com> differs from the Complainant’s mark by a single character — the substitution of the letter “I” with the letter “L” — a minor typographical alteration that does not prevent a finding of confusing similarity. Such changes are characteristic of typosquatting, which is intended to mislead or divert Internet users. Panels have consistently found that such alterations do not avoid a finding of confusing similarity under paragraph 4(a)(i) of the Policy.

The addition of the generic Top-Level Domain “.com” is a standard registration requirement and is disregarded when assessing confusing similarity.

Accordingly, the Panel finds that the disputed domain name <newdealadvlsers.com> is confusingly similar to the Complainant's mark within the meaning of paragraph 4(a)(i) of the Policy.

2) The Respondent lacks rights or legitimate interests in the disputed domain name

Under paragraph 4(a)(ii) of the Policy, once a Complainant makes a prima facie showing that the Respondent lacks rights or legitimate interests in the disputed domain name, the burden shifts to the Respondent to demonstrate otherwise.

The Complainant has confirmed that it has no relationship with the Respondent and has not authorized, licensed, or otherwise permitted the Respondent to use its trademark. There is no evidence that the Respondent is commonly known by the disputed domain name, nor that it has made any bona fide offering of goods or services under it.

The disputed domain name resolves to a passive holding page, and the Complainant has shown that there is no demonstrable plan by the Respondent to use the domain for any legitimate purpose. The nature of the disputed domain name — a typographical variation of the Complainant's mark — further supports the inference that the Respondent lacks any right or legitimate interest.

In the absence of any Response or rebuttal, the Panel concludes that the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

3) The disputed domain name has been registered and is being used in bad faith

The Panel finds that the disputed domain name was registered with knowledge of the Complainant's mark, notwithstanding the recent registration date of the trademark itself. The Complainant has demonstrated prior use of the name "NEW DEAL ADVISORS" since 2012, supported by its domain registration from 2011. The likelihood that the Respondent independently arrived at an almost identical domain name, differing only by a single character, is implausible.

The misspelling of the trademark indicates an intentional effort to confuse or mislead Internet users. Typosquatting is a recognized form of bad faith registration and use under paragraph 4(a)(iii) of the Policy.

While the disputed domain name is not actively used for a functioning website, MX records are configured, suggesting potential use for deceptive e-mail activity. Prior panels have held that such passive holding, especially in conjunction with configured e-mail services and in the absence of a plausible legitimate purpose, supports a finding of bad faith (see Telstra Corporation Ltd. v. Nuclear Marshmallows, WIPO Case No. D2000-0003).

In light of the above, the Panel finds that the disputed domain name was registered and is being used in bad faith within the meaning of paragraph 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **newdealadvlsers.com**: Transferred

PANELLISTS

Name	**Barbora Donathová**

DATE OF PANEL DECISION 2026-01-07

Publish the Decision