



CANADIAN INTERNATIONAL INTERNET DISPUTE RESOLUTION CENTRE

DOMAIN NAME DISPUTE

ADMINISTRATIVE PANEL

DECISION

CIIDRC case number:	22227-UDRP	Decision date: January 12, 2024
Domain Name:	traffictchllc.com	
Panel:	Zak Muscovitch	
Complainant:	Traffic Tech Inc.	
Complainant's Counsel:	Stefanie Kugler	
Respondent:	Brian Beardmore	
Respondent's Counsel:	No Response	

1. PROCEDURAL HISTORY

The procedural history of this case was set out in a letter dated January 10, 2024 from the Canadian International Internet Dispute Resolution Centre ("CIIDRC") to the Panel:

- a) On December 14, 2023, counsel for the Complainant filed a Complaint with the CIIDRC pursuant to the Uniform Dispute Resolution Policy (the "UDRP" or the "Policy") and the UDRP Rules (the "Rules") and in accordance with the CIIDRC Supplemental Rules (the "Supplemental Rules").
- b) On December 14, 2023, the CIIDRC notified the Registrar of the disputed domain, "traffictchllc.com" (the "Domain Name" or the "Disputed Domain Name") Squarespace Domains II LLC (the "Registrar"), and the Registrar was requested to identify the registrant of the Domain Name and to lock the Domain Name in accordance with Paragraph 1.1 of Appendix E to the Internet Corporation for Assigned Names and Numbers ("ICANN") Temporary Specification for gTLD Registration Data (the "Temp Spec").

- c) On December 15, 2023, the Registrar transmitted by email to the CIIDRC, its verification statement (“Verification Statement”) identifying the name and contact details for the registrant of the Domain Name and confirming that the Domain Name was locked in accordance with the Temp Spec.
- d) On December 19, 2023, the CIIDRC inter alia notified the Complainant and the Respondent (collectively, the “Parties”) that the Complaint was in compliance with the Rules and with the Supplemental Rules and that the UDRP had been commenced, with a deadline for the Respondent of January 8, 2024 for submission of a Response from the Respondent (the “Notice of Proceedings”). The Notice of Proceedings also included the Respondent’s name and contact details as provided by the Registrar in its
- e) No response was received from the Respondent by the deadline or since.
- f) The Complainant in this administrative proceeding elected a single-member Panel and the CIIDRC appointed the undersigned to serve as the Panelist in this matter. The undersigned submitted his Statement of Acceptance and Declaration of Impartiality. The CIIDRC set January 24, 2024 as the due date for the Panel’s decision in this matter.

Procedural Order

This proceeding was commenced against an unidentified Respondent which is permitted pursuant to the Temp Spec. The Notification of Proceedings inter alia notified the Complainant of the Respondent’s name and contact details as provided by the Registrar in its Verification Statement in accordance with the Temp Spec.

The Respondent was identified as “Brian Beardmore” with a Las Vegas, Nevada address. An email address was also provided by the Registrar.

The Panel issued a Procedural Order on January 11, 2024 (the “Procedural Order”). The Procedural Order invited the Complainant to provide any submissions and/or amendment of the Complaint with regard to the revelation of the identity of the Respondent. The Procedural Order also permitted the Respondent to respond to any such submission or amendment. On January 12, 2024, the Complainant advised that it did not intent to provide any further submission and accordingly, there is nothing further for the Respondent

to respond to in accordance with the Procedural Order and this matter proceeded against the Respondent identified by the Registrar, as noted above.

2. FACTS ALLEGED BY THE PARTIES

The Complainant states that it is a transportation logistics company that offers a variety of services such as customs brokerage services, customs clearance, warehouse facilities and transportation services. It was renamed "Traffic Tech Inc." in 1988. It has a variety of offices and branches, including in Seattle, Philadelphia, Raleigh, Kansas City, and various locations in China. It states that it operates in five countries and by 2015, over 2 million shipments were delivered. It also has substantial warehouse facilities including in California and throughout the United States.

The Complainant states that is the owner of various trademark registrations for TRAFFIC TECH, including in Canada, the United States, the UK, Argentina, Mexico, the EU, Switzerland, Turkey, and Belarus. For example, the Complainant is the owner of USPTO Registration No. 3,409,061 for TRAFFIC TECH in connection with freight brokerage services, registered April 8, 2008, and UK Trademark No. UK00003674972 for TRAFFIC TECH, in connection with inter alia, freight and transportation services and customs clearance services, effective July 29, 2021.

The Complainant states that is the registrant of various TRAFFIC TECH domain names, such as TrafficTech.com and TrafficTech.ca.

The Complainant alleges that the Respondent is using the Disputed Domain Name in order to fraudulently redirect payments to itself by impersonating the Complainant. Although there is no website active in association with the Disputed Domain Name, the Complainant alleges that the Respondent is somehow compromising the Complainant's customer's email accounts or computers as part of the scheme to intercept customer emails and fraudulently redirect payment. No details are provided by the Complainant as to how this is occurring.

Nevertheless, the Complainant claims that the Respondent is impersonating the Complainant's personnel, including its sales agents, in order to communicate with its partners and customers about certain freight loads. The Complainant alleges that the Respondent has been sending emails which include the Complainant's employee's information and email signatures, and referencing the Complainant's actual website, namely TrafficTech.com, with the return email address being that which corresponds to the

Disputed Domain Name, i.e. instead of a return email of @TrafficTech.com, it is "TrafficTechLLC.com". The Complainant alleges that the Respondent has even duplicated the Complainant's Carrier Confirmation form in order to redirect payments away from the Complainant and fraudulently to the Respondent, and has provided an example of this. The Complainant alleges and the evidence shows, that the Respondent's Carrier Confirmation is essentially identical to the Complainant's, including the Complainant's actual address and website, with the only change being to the email addresses, i.e. "@traffictech.com" is changed to "@traffictechllc.com", and that these minor differences would be nearly undetectable to unsuspecting customers and partners of the Complainant. The Complainant emphasizes the substantial damage that this is causing or may potentially cause in terms of the Complainant's finances and reputation. The Complainant provided an example of one of the fraudulent emails impersonating the Complainant which appears to be from the Complainant but with an @TrafficTechLL address corresponding to the Disputed Domain Name.

According to both the Registrar's Verification Statement and the Whois details provided by the Complainant as an exhibit to its Complaint, the Domain Name appears to have been registered on December 1, 2023.

The Complainant contends that the Disputed Domain Name is confusingly similar to its trademark, that the Respondent has no rights or legitimate interest in the Domain Name, and that the Domain Name was registered and used in bad faith, contrary to the Policy.

As noted above, despite being sent the Complaint in accordance with the Rules, the Respondent has not responded to the Complaint.

3. DISCUSSION AND FINDINGS

3.1 Requirements

In accordance with Paragraph 4 of the Policy, the onus is on the Complainant to prove:

1. That the Domain Name is Identical or Confusingly Similar to a trademark or service mark in which the Complainant has rights:
2. That the Registrant has no rights or legitimate interests in the Domain Name; and
3. That the Domain Name has been registered and being used in bad faith.

The Panel will consider each of these requirements in turn.

4.2.1 That the Domain Name is Identical or Confusingly Similar to a Mark in which the Complainant has Rights

The Complainant has furnished evidence that it is the owner of several trademarks for TRAFFIC TECH. The Disputed Domain Name merely adds “llc” to the Complainant’s trademark. The term, “llc” is generally understood to be the common abbreviation of “limited liability company” and as such is a non-distinctive addition to TRAFFIC TECH, which is the predominant and distinctive aspect of the Domain Name. The fact that a domain name wholly incorporates a complainant’s registered mark, particularly where the mark is highly distinctive, is generally sufficient to establish identity or confusing similarity for purposes of the Policy (See: [Six Continent Hotels, Inc. v. The Omnicorp](#), WIPO Case No. D2005-1249). In this case, the Panel accepts that TRAFFIC TECH is a sufficiently distinctive term and that the addition of the merely descriptive term, “llc” is insufficient to remove the Disputed Domain Name from the realm of confusing similarity (See for example; [Westfield Corp. v. Hobbs](#), D2000-0227 (WIPO May 18, 2000) (westfieldshopping.com)). The Panel accordingly finds that the Disputed Domain Name is confusingly similar to the Complainant’s TRAFFIC TECH trademark.

4.2.2 That the Respondent has No Rights or Legitimate Interest in the Domain Name

It is well established that the Complainant must first make a *prima facie* case that the Respondent lacks rights and legitimate interests in the Disputed Domain Name and then the burden shifts to the Respondent to show that it does in fact have rights or legitimate interest in the domain name (see for example [Hanna-Barbera Prods., Inc. v. Entm’t Commentaries](#), FA 741828 (Nat. Arb. Forum Aug. 18, 2006) (holding that the complainant must first make a *prima facie* case that the respondent lacks rights and legitimate interests in the disputed domain name under UDRP Paragraph 4(a)(ii) before the burden shifts to the respondent to show that it does have rights or legitimate interests in a domain name).

The Complainant notes that there is no active website associated with the Domain Name and that it is being used for fraudulent impersonation of the Complainant. The Complainant also alleges that there is no evidence that the Respondent is commonly known by the Domain Name and that the Respondent is not making legitimate non-commercial or fair use of it.

Although the evidence submitted by the Complainant to support the allegation of fraudulent usage is limited to a single email and a single Carrier/Supplier Confirmation without much in the way of further explanation or evidence as to the Complainant’s broader allegations, this instance alone is sufficient for the Panelist to find that the Complainant has made out a *prima facie* case. The Respondent has not rebutted any of the Complainant’s allegations and in particular has failed to explain how it is that he could possibly have a legitimate interest in the Domain Name when he is clearly using it in connection with fake emails to the Complainant’s customers and with fake Carrier/Supplier Confirmations in what could only be construed as

what the Complainant claims, namely a fraud based upon impersonation of the Complainant for the purposes of misdirecting the Complainant's customers. Nevertheless, in any future Complaint, the Complainant would be well advised to provide additional information, context, explanation, and examples in support of the allegations so that the Panel can more fully appreciate the circumstances.

4.2.3 That the Respondent has Registered and Used the Domain Name in Bad Faith

The Complainant alleges that the email and Carrier/Supplier Confirmation Form submitted as evidence by the Complainant demonstrates that the Domain Name was clearly registered and used for the purposes of disrupting the Complainant's business and to intentionally attempt to fraudulently redirect payments from the Complainant's customers to the Respondent by impersonating the Complainant. From the evidence submitted by the Complainant and in the absence of any exculpatory explanation or evidence from the Respondent, it appears to the Panel that this is indeed the case. The Panel therefore finds that the Respondent both registered and used the Domain Name in bad faith, to target the Complainant in what appears to be a fraudulent scheme.

DECISION and ORDER

For the above reasons, in accordance with Paragraph 4 of the Policy, Paragraph 15 of the Rules, and Rule 10 of the Supplemental Rules, the Panel orders that the Domain Name be transferred to the Complainant.

Made as of January 12, 2024

SIGNATURE OF PANEL

"Zak Muscovitch"

