



**CANADIAN INTERNATIONAL INTERNET DISPUTE RESOLUTION CENTRE**  
**DOMAIN NAME DISPUTE**  
**ADMINISTRATIVE PANEL**  
**DECISION**

CIIDRC case number:	24333-UDRP	Decision date: January 28, 2025
Domain Name:	<b>traffixgrp.com</b>	
Panel:	<b>Gerald M. Levine, Esq.</b>	
Complainant:	<b>Traffix Group Inc.</b>	
Respondent:	<b>Rob James</b>	

### 1. PROCEDURAL HISTORY

The procedural history of this case was set out in a letter from the Canadian International Internet Dispute Resolution Centre to the Panel:

1. On December 2, 2024, the Complainant filed a Complaint pursuant to the UDRP and the UDRP Rules via online platform. The required fee was paid on December 4, 2024.
2. On December 6, 2024, CIIDRC transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name, and on December 13, 2024, the Registrar responded advising of the identity of the Respondent and providing the above contact details. In addition, the Registrar confirmed that the disputed domain name was placed in a Registrar LOCK.
3. On December 17, 2024, CIIDRC confirmed compliance of the Complaint and commencement of the dispute resolution process.
4. On December 17, 2024, pursuant to UDRP Rule 4 and Supplemental Rule 5, CIIDRC notified the Respondent of this administrative proceeding and forwarded a Notice of Complaint to the Respondent.
5. The deadline for submitting a Response was set for January 6, 2025.
6. The Respondent has failed to file its response.
7. The Complainant in this administrative proceeding has elected for a Panel consisting of a single-member. The required Panel fee deposit was received on January 17, 2025.

8. In accordance with Rule 5 (d), CIIDRC hereby appoints you, **Gerald M. Levine, Esq.**, as a single-member Panel in the above-referenced matter.

The Disputed Domain Name <traffixgrp.com> was registered on January 29, 2024.

This matter is conducted pursuant to the Uniform Domain Name Dispute Resolution Policy (the Policy) and the Rules for Uniform Domain Name Dispute Resolution Policy (the Rules) of the Internet Corporation for Assigned Names and Numbers (ICANN).

## **2. FACTS ALLEGED BY THE PARTIES**

The Complainant Traffix Group Inc. states that it is a leading third-party logistics provider serving the North American transportation industry since 1979, Headquartered in Milton, ON, Canada, with a US head office in Chicago. It is found on the Internet at <www.traffix.com>. It offers a comprehensive suite of customizable services, including truckload, flatbed, intermodal, drayage, expedited, LTL, specialized government services, and managed transportation.

The Complainant states further that with a supporting team of over 750 experienced logistics professionals across offices in Canada, the USA, and Mexico it utilizes cutting edge proprietary technology to maximize the value of clients' freight spend, provide tailored solutions, and swiftly adapt to shifts in supply and demand. The Complainant is deeply committed to delivering high-standard products and services to its customers and to the general public, and therefore has invested financial resources to develop its business and branding. The Complainant now boasts a fleet of tractors and trailers visible throughout North America, along with various warehouses in both Canada and the United States, all using the "TRAFFIX" branding.

The Complainant further states that it has consistently used its trademark "TRAFFIX" since September 1, 1979, to conduct its business and offer its goods and services to various customers. The Complainant's trademark TRAFFIX, which has been registered in multiple jurisdictions, is well-known in the transportation logistics industry and enjoys wide customer recognition.

## **3. CONTENTIONS OF THE PARTIES**

- **Complainant**

The Complainant contends that the Disputed Domain Name is confusingly similar to the Complainant's domain name and virtually identical to its business name. Further, that It has been used in an ongoing fraud attempt from January 19, 2024, until it was suspended indefinitely on January 31, 2024. The Disputed Domain Name was used to conduct an email phishing campaign, impersonating the Complainant, and urging the Complainant's customers to send funds, properly owed to the Complainant, to the Respondent. The scam involved direct communication with the Complainant's customers, during which the Respondent impersonated the Complainant and deceitfully claimed there were problems with the Complainant's payment system. While

posing as the Complainant, the Respondent solicited information on any pending invoices from the targeted clients and guided them to deposit funds into a fraudulent bank account controlled by the Respondent.

In perpetrating this fraudulent scheme, the creators of <traffixgrp.com> stole content and images directly from the Complainant's website (www.traffix.com) and posed as executives of the Complainant on LinkedIn and ZoomInfo. In response to the phishing campaign and fraud attempts, the Complainant took proactive measures by reaching out to customers, banking institutions, its legal counsel, and the applicable domain name registrars to have the fraudulent domain name suspended. The Complainant communicated directly with its customers to inform them of the activities, verify that they had not initiated the fund requests received from the Respondent, and assure them that the incidents were being formally addressed. Additionally, the Complainant informed Stanley Morgan and JP Morgan of the fraudulent bank account in use. Although the Complainant was diligent in mitigating potential damages, the Respondent's actions nevertheless directly impacted the Complainant's reputation.

Although the Complainant was quick to notify the applicable domain name registrars of the activities being carried out by the Disputed Domain Name, the Respondent actively changed the domain registrar three times in response to any domain name suspensions in an attempt to persist with its phishing campaign and fraud. Throughout this process, the Respondent made consistent efforts to maintain the Disputed Domain Name, demonstrating ongoing actions to continue the fraudulent activity. The Complainant further communicated with each of these registrars to have the Disputed Domain Name suspended. This malicious activity not only infringed the Complainant's trademarks and copyrighted material but also posed a significant risk to the Complainant's clients. The scam could have caused substantial harm had it not been detected and addressed promptly. Specifically, the Respondent used the Complainant's trademark to impersonate the Complainant, both in the domain name and in phishing emails.

- **Respondent**

The Respondent has not appeared in this proceeding to dispute the evidence of record.

- **Remedy Sought**

The Complainant requests the Domain Name be transferred to it.

#### **4. DISCUSSION AND FINDINGS**

##### **4.1 Requirements**

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

1. the Domain Name is Identical or Confusingly Similar to a trademark or service mark in which the Complainant has rights:

2. the 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.

The Panel will consider each of these requirements in turn.

## 4.2 Analysis

By the Rules, paragraph 5(c)(i), respondent it is expected to "Respond specifically to the statements and allegations contained in the complaint and include any and all bases for the Respondent (domain name holder) to retain registration and use of the disputed domain name ..." Notwithstanding Respondent's default Complainant is not relieved from the burden of establishing its claim. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, 3.0, Sec. 4.3: "Noting the burden of proof on the complainant, a respondent's default (i.e., failure to submit a formal response) would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true." However, if a complainant's adduced evidence supports any element of the Policy, a respondent has an opportunity to contest the contention that it registered and is using the challenged domain name in bad faith.

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

Paragraph (a)(i) of the Policy requires a complainant to prove two elements. It must first demonstrate that it has a trademark right. If it does, it must then show that the Dispute Domain Name is either identical or confusingly similar to that mark. Here, the Complainant has shown that it has a trademark registration for the term TRAFFIX with the United States Patent and Trademark Office, registered December 11, 2018, Registration No. 5625787.

The next question is whether <trafficgrp.com> is identical or confusingly similar to Complainant's mark. Section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (the "WIPO Overview 3.0") states that "in cases where a domain name contains the whole of a trademark, or where at least one dominant feature of the relevant trademark is recognizable in the domain name, the domain name shall normally be considered confusingly similar to that trademark for the purposes of UDRP status."

To this point, panels have found that where a distinctive mark is entirely incorporated into a domain name, the domain name is considered confusingly similar due to the sufficient similarity between the mark and the domain name (*EAuto, L.L.C. v. Triple S. Auto Parts d/b/a Kung Fu Yea Enterprises, Inc.*, WIPO Case No. D2000-0047), regardless of other terms added to the domain name. *Wal-Mart Stores, Inc. v. Richard MacLeod d/b/a For Sale*, WIPO Case No. D2000-0662" (WIPO Domain Name Decision: D2008-0792). In the current case, not only does the Disputed Domain Name contain the entire "TRAFFIX" trademark it is virtually identical to the Complainant's business name "Traffix Group." *SoftCom Technology Consulting Inc. v. Olariu Romeo/Orv Fin Group S.L.*, WIPO Case No. D2008-0792 (the close proximity between the goods and services offered by the Complainant

and the Respondent indicates that the Respondent is taking advantage of the similarity between the Complainant's mark and the domain name and is doing so for commercial gain).

The Complainant maintains that the inclusion of the additional "GRP" element at end of the mark does not detract from the overall degree of resemblance between the domain names, nor does it prevent confusion. Where the disputed domain name includes the trademark, the addition of terms, including descriptive and meaningless terms, does not prevent the finding that the domain names are confusingly similar (WIPO Overview 3.0, section 1.8; *Carrefour SA v. Francois Jumel, WIPO Case No. D2022-4543*). "Grp" is commonly understood as an abbreviation of the term "group" and consequently, cannot be considered the distinctive or dominant portion of the Disputed Domain Name and would be easily undetectable to the unsuspecting customer. The dominant and distinctive aspect of the Disputed Domain Name remains "TRAFFIX".

Accordingly, Complainant satisfies the second element also and succeeds on the paragraph 4(a)(i) requirement.

#### **4.2.2 Rights or Legitimate Interests in respect of the Domain Name**

It is unnecessary to consider at any length whether Respondent has any rights or legitimate interests since the evidence establishes that it has neither for the reasons set forth in more detail in the next section analyzing the issues of bad faith registration and bad faith use. WIPO Overview, Sec. 2.5.1 states "Fundamentally, a respondent's use of a domain name will not be considered 'fair' if it falsely suggests affiliation with the trademark owner; the correlation between a domain name and the complainant's mark is often central to this inquiry."

As this is a case of impersonation and the registration for the purposes of scamming Complainant's customers alleged and demonstrated, there can be no fair use of the Disputed Domain Name sufficient to rebut Complainant's contentions and proof.

Accordingly, Complainant has satisfied Paragraph 4(a)(ii) of the Policy.

#### **4.2.3 Registration and Use of the Domain Name in Bad Faith**

The Policy at Paragraph 4(b) furnishes a non-exhaustive list of circumstances that "shall be evidence of the registration and use of a domain name in bad faith." The Panel finds that Circumstances 4(b)(i – iii) are not relevant to this discussion. Of the four circumstances, 4(b)(iv) in particular applies to the facts in this matter. It reads

[B]y using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to the respondent's website or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the site or location.

In this case, the Respondent conducted an email phishing scheme for commercial gain by attempting to impersonate the Complainant and confuse the Complainant's clients regarding the domain name's source and potential affiliation with the Complainant (*Sergeferrari Group v. Tresm Mate and Name Redacted*, WIPO Case No. D2023-4318; WIPO Overview 3.0, section 3.4). The Disputed Domain Name no longer resolves to an active website as it was suspended. Moreover, after being suspended numerous times by various platforms, the Respondent continued to register the Disputed Domain Name on new platforms and contact the Complainant's clients. Therefore, the Respondent was aware that the domain name was being suspended and continued their efforts regardless.

The undisputed evidence could not tell a simpler story. The Respondent registered and used the Disputed Domain Name to carry a fraudulent scheme to target Complainant and its customers by syphoning off payments due for services performed.

Accordingly, Complainant has satisfied Paragraph 4(a)(iii) of the Policy.

#### 4 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 Disputed Domain Name, <traffixgrp.com>, be transferred to Complainant:

Made as of the 28<sup>th</sup> day of January, 2025

SIGNATURE OF PANEL

*Gerald Levine*

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