attempt to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with Complainant.

Respondent's Contentions

On December 8, 2012, Respondent registered the disputed domain name, <springwoodsrealty.com>. Respondent uses the term "Springwoods Realty" in connection with residential real estate brokerage services. The services of the respective marks are not closely related to each other and thus consumers will not likely be confused as to the source of those services. Further, the SPRINGWOODS VILLAGE mark describes a place, and the trademark owner cannot claim exclusive rights to the use of the term in its primary or descriptive sense. The term SPRINGWOODS VILLAGE is not an indicator of the source of the services identified in Complainant's trademark registration but as a specific place or residential development.

Respondent has rights and legitimate interests in the <springwoodsrealty.com> domain name. Respondent has been commonly known by the disputed domain since it register the disputed domain name on December 8, 2012. Respondent then obtained the dba's for "Springwoods Realty" in both Harris County and Montgomery County. Complainant changed its name to "Springwoods Realty Inc." on Dec. 31, 2014.

Respondent did not register the disputed domain name in bad faith. Respondent has, at no time, tried or continued to try to falsely pass itself off as Complainant or make any attempt to deceive prospective clients of Respondent's business as to the source of Respondent's services.

FINDINGS

(1) the domain name registered by Respondent is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
(2) 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.

DISCUSSION

Paragraph 15(a) of the Rules instructs this Panel to "decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

Paragraph 4(a) of the Policy requires that Complainant must prove each of the following three elements to obtain an order that a domain name should be cancelled or transferred:

(1) the domain name registered by Respondent is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
(2) 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.