

ADMINISTRATIVE PANEL DECISION

Lam Research Corporation v. Mike Rock
Case No. D2022-1032

1. The Parties

The Complainant is Lam Research Corporation, United States of America (“USA”), represented by Duy Thai Law Firm, USA.

The Respondent is Mike Rock, Nigeria.

2. The Domain Name and Registrar

The disputed domain name <lamresearchusa.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 25, 2022. On March 25, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 29, 2022, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on April 20, 2022. In accordance with the Rules, paragraph 5, the due date for Response was May 10, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 11, 2022.

The Center appointed Clive Duncan Thorne as the sole panelist in this matter on May 16, 2022. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is a Delaware corporation. It is a publicly traded company and a leading manufacturer of semiconductors with offices in the USA, Asia, Europe, and the Middle East. It has offered goods and services under the mark LAM RESEARCH since 1980. It has also offered goods and services under the domain name <lamresearch.com> since May 5, 2002. A copy of its homepage to which this domain name resolves is exhibited at Annex 7 to the Complaint.

As a result of prominently using, promoting, and advertising under the mark LAM RESEARCH for over 40 years the Complainant submits that the mark and domain name have become well recognized by consumers as designating the Complainant as the source of the goods and services sold under the mark. They have therefore become valuable assets for the Complainant.

The Complainant exhibits at Annexes 4, 5, and 6 to the Complaint copies of registration certificates of the following USA registered trade marks for the mark LAM RESEARCH;

Reg. No. 2,171,618 in International Class 7, registered on July 7, 1998;

Reg. No. 2,159,332 in International Class 9, registered on May 19, 1998; and,

Reg. No. 4,738,400 in International Class 25, registered on May 19, 2015.

The registrations are valid and subsisting. The goods and services for which they are used include processing machines for the manufacture and processing of computer hardware, computer software, computer components including semiconductors, integrated circuits, and flat panel displays.

The Complainant's evidence set out in Annexes 8 and 9 to the Complaint shows that the disputed domain name resolves to an unavailable page. Moreover, there is no evidence that the Respondent ever used a functioning website. However, the Complainant has evidenced in Annex 10 to the Complaint that the disputed domain name was used in connection to a fraudulent email scheme.

The disputed domain name was registered on March 2, 2022, which postdates the Complainant's above USA trade mark registrations.

In the absence of a Response the Panel finds that the above evidence adduced by the Complainant to be true.

5. Parties' Contentions

A. Complainant

The Complainant submits:

- i. it owns trade mark rights in the mark LAM RESEARCH, which predate the date of registration of the disputed domain name, and the disputed domain name is confusingly similar to the mark LAM RESEARCH;
- ii. the Respondent has no rights or legitimate interest in respect of the disputed domain name;
- iii. the Respondent registered and is using the disputed domain name in bad faith.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant submits that the disputed domain name is confusingly similar to the mark LAM RESEARCH because it consists of an exact reproduction of the mark LAM RESEARCH with the addition of “usa”, which is the common acronym for United States of America in which country the Complainant is domiciled. The addition of the term “usa” does not prevent a finding of confusing similarity between the mark LAM RESEARCH and the disputed domain name.

The Panel also takes into account on the basis of established authority that it should normally disregard the generic Top-Level-Domain “.com” in reaching a finding of confusing similarity.

The Panel therefore finds that the disputed domain name is confusingly similar to the Complainant’s mark LAMRESEARCH within paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Complainant points out that the Respondent registered the disputed domain name 24 years after the Complainant first registered LAM RESEARCH and long after it began using the mark. LAM RESEARCH is an “arbitrary” term which has no meaning outside its use to identify the Complainant as a source of its associated goods and services.

The Respondent is not a licensee or affiliate of the Complainant, nor is the Respondent otherwise authorized to use the Complainant’s LAM RESEARCH mark for any purpose.

There is no evidence that the Respondent is commonly known as the disputed domain name so that it has not established any rights or legitimate interests in the disputed domain name.

The Respondent relies upon the fact evidenced by Annexes 8 and 9 to the Complaint that the disputed domain name resolves to an unavailable page and there is no evidence that there ever was a functioning page.

It is well-established by previous UDRP panel decisions that the “mere registration” of a domain name does not of itself give rise to rights or legitimate interests in the domain name for the purpose of paragraph 4(a)(ii) of the Policy. There is no evidence that the Respondent has used or made preparations to use the disputed domain name in connection with a *bona fide* offering of goods or services, or a legitimate noncommercial or fair use.

Moreover, the Complainant provided evidence that the disputed domain name has been used in connection to a fraudulent email scheme. Such illegitimate activity can never confer rights or legitimate interests on the Respondent.

Accordingly having considered the Complainant’s submissions, and taking into account the absence of a Response, the Panel finds that the Respondent has no rights or legitimate interest in respect of the disputed domain name within paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Complainant submits on its evidence that both the registration and use of the disputed domain name by the Respondent was in bad faith within paragraph 4(a)(iii) of the Policy.

In relation to bad faith registration the Complainant relies upon the evidence that the mark LAM RESEARCH is widely known as a result of its international trading and that the Complainant’s registration of the mark predates the registration of the disputed domain name by 24 years. It submits that it is implausible that the

Respondent did not know of the Complainant's mark at the date of registration, particularly taking into account the evidence of later use of the Complainant's name and logo in association with fraudulent emails.

The Complainant adduces evidence to show that the disputed domain name has been used in attempts to deceive and defraud employees of the Complainant by impersonating an employee of the Complainant.

At Annex 10 to the Complaint the Complainant exhibits an email chain which shows that on March 2, 2022 one of its employees had been sent an email by someone impersonating that same employee to another employee and requesting to be put in touch with the Complainant's travel agency to facilitate the purchase of airline tickets. The email address used began with the name of the employee but came from an email address associated with the disputed domain name. The email also uses the Complainant's name and logo as well as the employee's name and title in its email signature line.

The Complainant confirms that its employee did not send the March 2, 2022 email and that the Complainant does not have any affiliation with the fraudulent email address.

The Complainant submits that this evidence shows that the Respondent is engaging in opportunistic bad faith conduct in violation of the Policy. Specifically it knew of the Complainant's reputation and sought to use the domain name to impersonate one of the Complainant's employees in connection with a phishing scam aimed at fraudulently obtaining vendor information and airline tickets.

The Complainant cites earlier panel decisions such as *Kraft Heinz Foods Company v Thomas Bedford, Thomas Bedford Ltd*, WIPO Case No. [D2018-1922](#) as authority that the use of an email address associated with the disputed domain name to send a phishing email for the purposes of dishonest activity is itself evidence that the disputed domain name was registered and used in bad faith.

Taking into account the Complainant's evidence set out in Annex 10, and in the absence of a Response, the Panel agrees with the Complainant's submissions and finds that the disputed domain name was registered and being used in bad faith within paragraph 4(a)(iii) of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <lamresearchusa.com> be transferred to the Complainant.

/Clive Duncan Thorne/

Clive Duncan Thorne

Sole Panelist

Date: May 30, 2022