

ADMINISTRATIVE PANEL DECISION

American Airlines, Inc. v. Amanda bailey
Case No. D2022-4773

1. The Parties

Complainant is American Airlines, Inc., United States of America (“United States”), represented by Greenberg Traurig, LLP, United States.

Respondent is Amanda bailey, United States.

2. The Domain Name and Registrar

The disputed domain name <americanairlineshr.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 13, 2022. On December 14, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 15, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name, which differed from the named Respondent (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to Complainant on December 22, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on December 22, 2022.

The Center verified that the Complaint together with the amended 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 Respondent of the Complaint, and the proceedings commenced on December 27, 2022. In accordance with the Rules, paragraph 5, the due date for Response was January 16, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on January 18, 2023.

The Center appointed Colin T. O'Brien as the sole panelist in this matter on January 24, 2023. 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

Complainant is one of the largest air carriers in the world and prior to the COVID pandemic Complainant and its affiliates served over 350 destinations in over 50 countries, with nearly 7,000 daily flights. For decades, it has used and continues to use its name "American Airlines" (abbreviated "American") and numerous trademarks and service marks including AA, AMERICAN, and AMERICAN AIRLINES, and others, both alone and in connection with other words and designs.

Complainant owns and operates the domain names <aa.com> and <americanairlines.com>, which redirects to <aa.com> where Complainant's primary website is hosted. Complainant's website not only features general information about Complainant and traveling, but also allows customers to book travel reservations around the world, view, change and cancel travel reservations, check in for flights, and view flight status additionally there is a section dedicated to providing information regarding various careers with Complainant as well as Complainant's job application process and human resources information.

Complainant owns multiple trademark registrations for its AMERICAN and AMERICAN AIRLINES marks with the United States Patent and Trademark Office ("USPTO"), many of which have achieved incontestable status, including:

AMERICAN AIRLINES Registration Number 514294, registered on August 23, 1949;
AMERICAN AIRLINES Registration Number 1845693, registered on July 19, 1994;
AMERICAN AIRLINES Registration Number 4939082, registered on April 19, 2016;
AMERICAN AIRLINES Registration Number 5279167, registered on September 5, 2017;
AMERICAN AIRLINES AADVANTAGE Registration Number 5360206, registered on December 19, 2017;
AMERICAN AIRLINES Registration Number 5592865, registered on October 30, 2018;
AMERICAN AIRLINES Registration Number 5573314, registered on October 2, 2018;
AMERICAN AIRLINES NEXOS Registration Number 3087712, registered on May 2, 2006;
AMERICAN AIRLINES ARENA Registration Number 3834037, registered on August 17, 2010;
AMERICAN AIRLINES TRAVEL CENTER Registration Number 2524571, registered on January 1, 2002.

Complainant has also obtained trademark registrations incorporating its AMERICAN AIRLINES mark in over 75 countries.

The disputed domain name was registered on November 3, 2022, and resolves to an "Index" page without active content.

5. Parties' Contentions

A. Complainant

Complainant owns valid federal trademark registrations for the AMERICAN and AMERICAN AIRLINES marks in the United States where Respondent is purportedly located.

The disputed domain name incorporates Complainant's AMERICAN AIRLINES mark in full, changing the mark only by adding the letters "hr" at the end, which is likely intended to be an abbreviation for "human resources" and thus, directly describes the recruitment and human resources aspect of Complainant's business and then the generic Top-Level Domain ("gTLD") ".com".

The addition of the letters “hr” to Complainant’s famous AMERICAN AIRLINES mark does not distinguish the disputed domain name but instead actually increases the likelihood of confusion based on the direct association of those words with the recruitment and human resources aspect of Complainant’s business.

Without Complainant’s authorization or consent, Respondent registered the disputed domain name which, as discussed above, misappropriates and is confusingly similar to Complainant’s AMERICAN and AMERICAN AIRLINES marks. Respondent is not commonly known by the disputed domain name, has not used or prepared to use the disputed domain name in connection with a *bona fide* offering of goods or services, and has not been authorized, licensed, or otherwise permitted by Complainant to register and/or use the disputed domain name.

There is no content posted on the disputed domain name and Complainant is not aware of any content ever having been posted on the disputed domain name. While there is no content posted on the disputed domain name, the disputed domain name is still being passively held by Respondent and contains the Complainant’s marks. Passive holding of a domain name containing a well-known trademark does not constitute a *bona fide* or legitimate business use.

Respondent has never operated any *bona fide* or legitimate business under the disputed domain name, and Respondent’s use of the disputed domain name does not constitute a legitimate non-commercial or fair use of the domain name. Instead, Respondent is preventing Complainant from registering or using the disputed domain name. Either way, Respondent’s use of the disputed domain name can hardly be called fair or legitimate.

Complainant has not authorized, licensed, or consented to Respondent’s registration and use of domain names incorporating Complainant’s marks, or any confusingly similar variation thereof. To Complainant’s knowledge, there are no prior trademark applications or registrations in the name of Respondent for any mark incorporating Complainant’s marks anywhere in the world.

Although the disputed domain name does not resolve to content, passive holding of the disputed domain name by Respondent demonstrates Respondent’s bad faith.

Because the disputed domain name does not publicly resolve to content but may allow authorized persons to view content, this does not preclude the possibility that the Registrant is in fact using the disputed domain name in bad faith with respect to those specifically authorized to view this content or in email addresses based on the disputed domain name. In fact, the disputed domain name has active MX records, indicating use for email which evidences a likelihood of additional bad-faith use of the disputed domain name to engage in fraudulent email or phishing communications.

The mere fact that Respondent has registered the disputed domain name which incorporates the famous AMERICAN and AMERICAN AIRLINES marks of the largest airline in the world is alone sufficient to give rise to an inference of bad faith.

B. Respondent

Respondent did not reply to Complainant’s contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

Complainant has demonstrated it owns registered trademark rights in the AMERICAN AIRLINES marks which are globally famous. The addition of the term “hr” does not prevent a finding of confusing similarity. See section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions Third Edition (“[WIPO Overview 3.0](#)”).

Accordingly, the disputed domain name is confusingly similar to a mark in which Complainant has rights.

B. Rights or Legitimate Interests

Complainant has presented a *prima facie* case that Respondent has no rights or legitimate interests in respect of the disputed domain name and has not been commonly known by the disputed domain name. The fact that Respondent obtained the disputed domain name decades after Complainant had begun using its globally famous AMERICAN AIRLINES marks indicates that Respondent sought to piggyback on the mark for illegitimate reasons.

After a complainant has made a *prima facie* case, the burden of production shifts to a respondent to present evidence demonstrating rights or legitimate interests in the domain name. See, e.g., *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#).

Here, Respondent has provided no evidence of any rights or legitimate interests in the disputed domain name. Moreover, the disputed domain name incorporates the Complainant's trademark in its entirety, along with the descriptive acronym "hr", potentially conveying to unsuspecting Internet users the false belief that any website connected to the disputed domain name is associated with the Complainant's human resources services. Such a risk of implied affiliation cannot constitute fair use. [WIPO Overview 3.0](#), section 2.5.1.

In the absence of any evidence rebutting Complainant's *prima facie* case indicating Respondent's lack of rights or legitimate interests in respect of the disputed domain name, the Panel finds that Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The disputed domain name was registered years after Complainant first registered and used its AMERICAN AIRLINES marks. The evidence provided by Complainant with respect to the extent of use and global fame of its AMERICAN AIRLINES marks combined with the absence of any evidence provided by Respondent to the contrary, is sufficient to satisfy the Panel that, at the time the disputed domain name was registered, Respondent undoubtedly knew of Complainant's widely-known AMERICAN AIRLINES marks, and knew it had no rights or legitimate interests in the disputed domain name.

Moreover, UDRP panels have consistently found that the mere registration of a domain name that is confusingly similar (particularly domain names incorporating the mark plus a descriptive term such as "hr") to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. See section 3.1.4 of the [WIPO Overview 3.0](#).

The Panel finds that the only plausible basis for registering and passively holding the disputed domain name is for illegitimate and bad faith purposes. In view of section 3.3 of the [WIPO Overview 3.0](#), given the above considerations and the Respondent's use of a privacy service to mask its details, the totality of the circumstances support a finding of bad faith, regardless of the current inactive state of the disputed domain name

Accordingly, the Panel finds that Complainant has satisfied 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 <americanairlineshr.com> be transferred to Complainant.

/Colin T. O'Brien/

Colin T. O'Brien

Sole Panelist

Date: February 7, 2023