

ADMINISTRATIVE PANEL DECISION

Telefonaktiebolaget LM Ericsson v. David Moen, Cash Bet Lottery Case No. D2023-0943

1. The Parties

The Complainant is Telefonaktiebolaget LM Ericsson, Sweden, represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is David Moen, Cash Bet Lottery, India.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 2, 2023. On March 2, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 2, 2023, 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 (See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 3, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on March 9, 2023.

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 the Respondent of the Complaint, and the proceedings commenced on March 10, 2023. In accordance with the Rules, paragraph 5, the due date for Response was March 30, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 31, 2023.

The Center appointed Mario Soerensen Garcia as the sole panelist in this matter on April 11, 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

The Complainant was founded in 1876, and is a world leading provider of communication technology and services around the world, with over 99,000 employees worldwide, across six continents.

The Complainant is the owner of numerous registrations for the mark ERICSSON around the world, including the following examples:

- United States of America trademark No. 1313196 for ERICSSON, registered on January 18, 1985;
- European Union trademark No. 000107003 for ERICSSON, registered on March 23, 1999.

The Complainant maintains a strong Internet presence, communicating with its customers through its primary domain name, <ericsson.com>, registered on July 25, 1989.

The disputed domain name was registered on November 10, 2021, and currently resolves to a blank page. The disputed domain name resolved to a website pretending to impersonate the Complainant by copying text about the 'Ericsson Wallet Platform' found on the Complainant's own website.

5. Parties' Contentions

A. Complainant

The Complainant says that the disputed domain name contains a purposeful misspelling of its trademark ERICSSON by omitting the repeated letter "s", along with the generic term "wallet".

According to the Complainant, since the dominant part of the disputed domain name differs from the Complainant's trademark by just one letter, it must be considered a prototypical example of typosquatting.

The Complainant adds that the term "wallet" is closely linked and associated with the Complainant's brand and trademark and only serves to underscore and increase the confusing similarity between the disputed domain name and the Complainant's trademark.

Also, the Complainant argues that the Respondent is not sponsored by or affiliated with the Complainant in any way and that it has not given the Respondent permission to use the Complainant's trademarks in any manner.

The Complainant mentions that the disputed domain name was registered with a privacy service and resolved to a website that sought to confuse unsuspecting users by copying text about the "Ericsson Wallet Platform" found at the Complainant's own website, which confirms that the Respondent is making neither a *bona fide* offering of goods or services nor a legitimate, noncommercial fair use of the disputed domain name.

Furthermore, the Complainant alleges that the Respondent has demonstrated a knowledge of and familiarity with the Complainant's brand and business since it has copied the Complainant's description of the "Ericsson Wallet Platform" from its website, which serves as evidence of bad faith registration and use. This behaviour, according to the Complainant, creates a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the disputed domain name, and the Respondent was using the fame of the Complainant's trademark to improperly increase traffic to the website connected to the disputed domain name for commercial gain.

Finally, the Complainant requests the transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

As per paragraph 4(a) of the Policy, the Complainant must prove that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The evidence presented in the Complaint demonstrates that the Complainant is the owner of numerous trademark registrations for ERICSSON around the world.

The disputed domain name indeed represents a misspelling of the Complainant's trademark ERICSSON with the omission of the repeated letter "s", which seems visually irrelevant when comparing the Complainant's trademark and the disputed domain name. The addition of the term "wallet" does not avoid a finding of confusing similarity between the disputed domain name and the Complainant's trademark.

Previous UDRP panels have consistently held that a domain name is identical or confusingly similar to a trademark for purposes of the Policy "when the domain name includes the trademark, or a confusingly similar approximation, regardless of the other terms in the domain name" (*Wal-Mart Stores, Inc. v. Richard MacLeod d/b/a For Sale*, WIPO Case No. [D2000-0662](#)).

It is the general view among UDRP panels that where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element of the UDRP. See section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

Therefore, the Panel finds that paragraph 4(a)(i) of the Policy has been proved by the Complainant, *i.e.*, the disputed domain name is confusingly similar to the Complainant's trademark.

B. Rights or Legitimate Interests

The Respondent has not submitted a response to the Complaint.

There is no evidence that the Respondent has any authorization to use the Complainant's trademark or to register any domain name containing the trademark ERICSSON.

There is no evidence that the Respondent is commonly known by the disputed domain name.

There is also no evidence that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name or that before any notice of the dispute the Respondent has made use of, or demonstrable preparations to use the disputed domain name or a name corresponding to the disputed domain name in connection with a *bona fide* offering of goods or services. Instead, the Complainant has

showed evidence that the disputed domain name has been used to confuse Internet users by reproducing texts about the Complainant's "Ericsson Wallet Platform" found at its official website.

The typo in the Complainant's trademark represented in the disputed domain name with the omission of the letter "s" is demonstrative of the Respondent's lack of rights or legitimate interests. Such typo illustrates the Respondent's intent to mislead unsuspecting Internet users, unaware of the typo in the disputed domain name and expecting to find the Complainant.

The Panel finds that the use of the disputed domain name, which incorporates the Complainant's trademark with a typo, does not correspond to a *bona fide* use of the disputed domain name under the Policy.

For the above reasons, the Panel finds that the condition of paragraph 4(a)(ii) of the Policy has been satisfied, *i.e.*, the Respondent has no rights or legitimate interests in the disputed domain name.

C. Registered and Used in Bad Faith

The well-known and reputed trademark ERICSSON is registered by the Complainant in several jurisdictions and has been used for a long time. Also, the Complainant uses and registered the domain name <ericsson.com>. All these registrations predate the registration date of the disputed domain name. Therefore, a domain name that reproduces/imitates such a mark is already suggestive of the registrant's bad faith.

It is clear to the Panel that the Respondent's intention with the misspelling of the Complainant's trademark was to create a likelihood of confusion among Internet users for any commercial gain. This confirms that the disputed domain name was registered and is being used in bad faith by the Respondent. The Panel notes that the disputed domain name used to resolve to a website pretending to impersonate the Complainant by copying text about the "Ericsson Wallet Platform" found on the Complainant's own website.

Furthermore, the Respondent used privacy protection when registering the disputed domain name, which reinforces the bad faith.

Moreover, the Respondent has chosen not to respond to the Complainant's allegations. According to the UDRP panel's decision in *The Argento Wine Company Limited v. Argento Beijing Trading Company*, WIPO Case No. [D2009-0610](#), "[t]he failure of the Respondent to respond to the Complaint further supports an inference of bad faith".

Therefore, this Panel finds that the Respondent has intentionally attempted to cause confusion with the Complainant's trademark by misleading Internet users to believe that the disputed domain name belongs to or is associated with the Complainant.

For the above reasons, the Panel finds that the condition of paragraph 4(a)(iii) of the Policy has been satisfied, *i.e.*, the disputed domain name has been registered and is being used in bad faith.

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 <ericsonwallet.com> be transferred to the Complainant.

/Mario Soerensen Garcia/

Mario Soerensen Garcia

Sole Panelist

Date: April 24, 2023