

Insured Aircraft Title Service, LLC v. Tim Fritzel, Mark Andrew, Steve Baker,
Fatia Audu, Matt Weis, Eve Johnson, Wael Ahmad, Faizal Ahmed, Wilfred
Benson, Debby Rise, Scott Lavin, Shaps, Timothy Daniel, David Hernadez,
Insuredcraft, Pamela Jefferson, Brown Bobby, Vera Jones, Jordan Torres,
Peter Obi
Case No. D2023-1474

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 4, 2023. On April 5, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On April 5, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Names which differed from the named Respondent (Unknown/Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email to Complainant on April 11, 2023,

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 April 14, 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 Respondents of the Complaint, and the proceedings commenced on April 20, 2023. In accordance with the Rules, paragraph 5, the due date for Response was May 10, 2023. Respondents did not submit any response. Accordingly, the Center notified Respondents' default on May 22, 2023.

The Center appointed Robert A. Badgley as the sole panelist in this matter on May 26, 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, Insured Aircraft Title Service, LLC ("IATS"), alleges:

"Founded in 1963, IATS has provided worldwide escrow services and title and document recordation services to the entire aviation industry. [...] IATS has grown to become one of the world's largest aircraft title and escrow companies with clients on every inhabited continent."

Complainant holds a registration for the trademark INSURED AIRCRAFT TITLE SERVICE, INC. (and design), registered on January 17, 2012 with the United States Patent and Trademark Office, Reg. No. 4,086,419, with a January 1, 1970 date of first use in commerce.

Complainant's primary website is located at the domain name <insuredaircraft.com>.

The Domain Names were registered on various dates between March 27, 2022 and March 28, 2023, all with the same Registrar. The Domain Names do not resolve to active websites.

Instead, each of the Domain Names has been used to create fake emails purporting to originate from Complainant officers and employees. According to Complainant:

"The disputed domain names are each intended to draw confusion with Complainant's federally registered trademark. The domain names are examples of typo-squatting and are intentionally confusingly similar to Complainant's federally registered trademark."

Annexed to the Complaint are examples of each Domain Name being used to impersonate an officer or employee of Complainant via a fake email sent to a client of Complainant. In these fake emails, which list Complainant's street address and include Complainant's trademark in its stylized form, Respondents claim that Complainant needs the client to provide updated information, including financial information.

Complainant contends that, given the fact that all 19 Domain Names were registered within a 12-month period with the same Registrar, and all 19 have been used to create fraudulent emails, often with identical language in the emails, all 19 Domain Names were registered by the same person or, at a minimum, are under common control.

Respondent (whether Respondent is one person or multiple persons) has not disputed any of the foregoing

allegations by Complainant, including the allegation that all 19 Domain Names involved in this proceeding were registered by the same person and/or are under common control.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the three elements required under the Policy for a transfer of the Domain Names.

B. Respondents

Respondents did not reply to Complainant's contentions.

6. Discussion and Findings

6.1 Consolidation Issue

Under section 4.11.2 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), "a panel may consolidate in a single proceeding a complaint filed against multiple respondents, based primarily on whether: (i) the domain names or corresponding websites are subject to common control, and (ii) the consolidation would be fair and equitable to all parties".

Guided by these principles, the Panel here concludes that consolidation in the instant case is appropriate. First, Respondents have not come forward to dispute the allegation that the 19 Domain Names are under common ownership and/or common control, nor to assert that there would be any prejudice to his case if the 19 Domain Names here were consolidated in a single proceeding.

Second, as discussed above, the fact that each Domain Name constitutes a slight typographical error for the term "insured aircraft", the similar use to which each of the 19 Domain Names was put (creating fake emails, often using identical verbiage), and the use of the same Registrar for all of the Domain Names, are all factors weighing in favor of the finding that the 19 Domain Names are more likely than not under common control.

On the undisputed record and the plausible arguments raised by Complainant, the Panel concludes that consolidation here is appropriate. The Panel will refer to "Respondent" in the singular.

6.2 Merits

Paragraph 4(a) of the Policy lists the three elements which Complainant must satisfy with respect to each of the Domain Names:

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

A. Identical or Confusingly Similar

The Panel finds that Complainant has rights in the trademark INSURED AIRCRAFT TITLE SERVICE, INC. through registration demonstrated in the record.

The Panel also finds that each of the 19 Domain Names is confusingly similar to that mark. Each Domain Name is comprised of a slight misspelling of INSURED AIRCRAFT, which is the dominant portion of Complainant's mark.

Complainant has established Policy paragraph 4(a)(i).

B. Rights or Legitimate Interests

For each of the Domain Names, pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

- (i) before any notice to you [Respondent] of the dispute, your use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a *bona fide* offering of goods or services; or
- (ii) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Domain Name, even if you have acquired no trademark or service mark rights; or
- (iii) you [Respondent] are making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel concludes that Respondent lacks rights or legitimate interests in respect of the Domain Names. On this undisputed record, there is ample evidence that Respondent has used the Domain Names to pursue a fraudulent scheme targeting Complainant's clients. This use of the Domain Names is patently illegitimate.

Complainant has established Policy paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

For each of the Domain Names, paragraph 4(b) of the Policy provides that the following circumstances, "in particular but without limitation", are evidence of the registration and use of the Domain Name in "bad faith":

- (i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Name; or
- (ii) that Respondent has registered the Domain Name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or
- (iii) that Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or
- (iv) that by using the Domain Name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent's website or other online location, by creating a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation, or endorsement of Respondent's website or location or of a product or service on Respondent's website or location.

The Panel finds that Respondent has registered and used each of the Domain Names in bad faith. The Panel incorporates its discussion above in the "Rights or Legitimate Interests" section. Respondent's attempts to impersonate Complainant's actual officers and employees make it clear that Respondent was

well aware of Complainant and its mark. Respondent's fraudulent use of the Domain Names is bad faith use within the meaning of the above-quoted Policy paragraph 4(b)(iv).

Complainant has established Policy paragraph 4(a)(iii).

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 Domain Names, <insuredaircraft.com>, <insuredairccriaft.com>, <insuredaircracft.com>, <insuredaircraftt.com>, <insuredaircranft.com>, <insuredaircraftf.com>, <insuredaircreaft.com>, <insuredaircraift.com>, <insuredairircraft.com>, <insuredairrcraft.com>, <insuredairrciraft.com>, <insuredairrcrafts.com>, <insuredarcraft.com>, <insuredarrcraft.com>, <insuredaircraft.com>, <insuredraircraft.com>, <insuresaircraft.com>, and <insurreaircraft.com>, be transferred to Complainant.

/Robert A. Badgley/

Robert A. Badgley

Sole Panelist

Date: June 9, 2023