

## **ADMINISTRATIVE PANEL DECISION**

Jones Lang LaSalle IP, Inc. v. milo dave  
Case No. DCO2023-0038

### **1. The Parties**

Complainant is Jones Lang LaSalle IP, Inc., United States of America (“United States”), represented by CSC Digital Brand Services Group AB, Sweden.

Respondent is milo dave, United States.

### **2. The Domain Name and Registrar**

The disputed domain name <jll-uk.co> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 13, 2023. On April 13, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 13, 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 (Privacy Service provided by Withheld for Privacy) and contact information in the Complaint. The Center sent an email communication to Complainant on April 25, 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 28, 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 Respondent of the Complaint, and the proceedings commenced on May 1, 2023. In accordance with the Rules, paragraph 5, the due date for Response was May 21, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on May 26, 2023.

The Center appointed Jeffrey D. Steinhardt as sole panelist in this matter on June 9, 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's parent company Jones Lang LaSalle Incorporated is a major global real-estate services company, originally founded in the United Kingdom and listed as "JLL" on the New York Stock Exchange. Complainant owns numerous registrations in various countries for its JLL trademarks, including for example United Kingdom trademark registration No. 910603447, registered August 31, 2012 in International Classes 36, 37, and 42 and United States Trademark Registration No. 4,564,654 on July 8, 2014 in International Classes 35, 36, 37, and 42.

The disputed domain name was registered November 15, 2022 and resolves to a parking page displaying pay-per-click ("PPC") links to third-party websites, including several that promote real estate and commercial real estate-related services.

#### 5. Parties' Contentions

##### A. Complainant

Complainant Jones Lang LaSalle IP, Inc. alleges that it is wholly owned by Jones Lang LaSalle Incorporated. Complainant avers that it has registered and owns a large number of domain names that are based on the JLL mark, including <jll.co.uk>, and that it has a very substantial web presence.

Complainant avers that "Presumably, Respondent receives pay-per-click fees from the linked websites that are listed at the Disputed Domain Name's website" and that the advertising links route Internet users directly to several of Complainant's competitors.

Complainant also notes that the disputed domain name has been set up with mail exchange (MX) records and that therefore "it is likely that the [disputed] Domain Name may be actively used to facilitate fraudulent activity such as phishing, impersonating or passing off as the Complainant."

Complainant avers that it sent Respondent cease and desist letters to which it received no response.<sup>1</sup>

Summarizing its legal contentions, Complainant alleges that (1) the disputed domain name is confusingly similar to Complainant's JLL trademarks, (2) Respondent has no rights or legitimate interests in the disputed domain name, and (3) the disputed domain name was registered and is being used in bad faith, all in violation of the Policy.

On the foregoing basis, Complainant requests transfer of the disputed domain name.

##### B. Respondent

Respondent did not reply to Complainant's contentions.

#### 6. Discussion and Findings

For Complainant to prevail under the Policy, it must be established that (1) the disputed domain name is identical or confusingly similar to Complainant's JLL trademarks, (2) Respondent has no rights or legitimate interests in the disputed domain name, and (3) the disputed domain name was registered and is being used in bad faith. Policy, paragraph 4(a).

In the absence of a Response, the Panel may also accept as true reasonable factual allegations in the Complaint. See, e.g., *ThyssenKrupp USA, Inc. v. Richard Giardini*, WIPO Case No. [D2001-1425](#) (citing *Talk City, Inc. v. Michael Robertson*, WIPO Case No. [D2000-0009](#)).

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<sup>1</sup> A copy of Complainant's January 27, 2023, cease and desist letter is annexed to the Complaint.

## A. Identical or Confusingly Similar

The Panel agrees with Complainant's allegation that the disputed domain name is confusingly similar to Complainant's JLL mark.

UDRP panels commonly disregard country code Top-level Domains ("ccTLDs") in determining whether a disputed domain name is confusingly similar to a complainant's marks. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.11.1.

Omitting the ".co" ccTLD from the disputed domain name, the Panel notes that Complainant's entire JLL mark is included in the disputed domain name, adding only a hyphen and the letters "uk," commonly understood to be an abbreviation for "United Kingdom". The Panel finds that these additions to Complainant's mark do not prevent a finding of confusing similarity. See, e.g., [WIPO Overview 3.0](#), section 1.7 (where a domain name incorporates the entirety of a trademark, the domain name will normally be considered by UDRP panels to be confusingly similar); *id.*, section 1.8 ("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.").

The Panel therefore concludes that the first element of paragraph 4(a) of the Policy is satisfied.

## B. Rights or Legitimate Interests

The Panel also agrees with Complainant that Respondent has no rights or legitimate interests in respect of the disputed domain name.

Paragraph 4(c) of the Policy contains a non-exhaustive list of circumstances that may demonstrate when a respondent has rights or legitimate interests in the use of a domain name. The list includes: (1) the use of the domain name in connection with a *bona fide* offering of goods and services; (2) being commonly known by the domain name; or (3) the making of a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers.

Complainant must establish a *prima facie* case that Respondent lacks rights or legitimate interests. See e.g., *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#) (citing *De Agostini S.p.A. v. Marco Cialone*, WIPO Case No. [DTV2002-0005](#)). The absence of rights or legitimate interests is established if a *prima facie* case is established and Respondent does not rebut that *prima facie* case.

Complainant avers that Respondent is not affiliated with Complainant, has no authorization to use Complainant's trademarks, and that Respondent is not commonly known by the disputed domain name. The Panel accepts these undisputed allegations.

Complainant also alleges that the PPC advertising links displayed on the webpage to which the disputed domain name points direct Internet users to third-party commercial products in competition with products and services offered by Complainant under its marks. The Panel agrees with Complainant that it is reasonable to conclude that Respondent is receiving revenue from the use of the advertising links, and the Panel therefore finds that there is no *bona fide* use. In the circumstances of this case (including the use of the JLL mark and UK country code), the display of PPC advertising links on the website to which the disputed domain name routes also precludes the possibility that Respondent is making a legitimate noncommercial or fair use. E.g., [WIPO Overview 3.0](#), section 2.9.

The Panel rules that Complainant has established a *prima facie* case. Refraining from submitting a response, Respondent has brought to the Panel's attention no circumstances from which the Panel could infer that Respondent has rights or legitimate interests in respect of the disputed domain name.

Therefore, the Panel concludes that the second element of paragraph 4(a) of the Policy is established.

### C. Registered and Used in Bad Faith

The Panel finds that the third element of paragraph 4(a) of the Policy, bad faith registration and bad faith use, is also established.

The record shows that Respondent registered the disputed domain name well after Complainant registered its trademark rights. The composition of the disputed domain name, consisting of Complainant's trademark in conjunction with the reference to the country where Complainant initiated operations and continues to do business suggest that Respondent knew the Complainant's trademarks when registering the disputed domain name.

The advertising links to Complainant's competitors on the webpage to which the disputed domain name resolves show Respondent's bad faith and intention to target Complainant and capitalize on Complainant's marks by creating . See, e.g., [WIPO Overview 3.0](#), section 3.5 ("Particularly with respect to 'automatically' generated [PPC] links, panels have held that a respondent cannot disclaim responsibility for content appearing on the website associated with its domain name . . . . Neither the fact that such links are generated by a third party such as a registrar or auction platform (or their affiliate), nor the fact that the respondent itself may not have directly profited, would by itself prevent a finding of bad faith.").

The Panel finds that Respondent deliberately attempted to attract Internet users to its website for commercial gain, by creating a likelihood of confusion with Complainant's marks. This is evidence of bad faith registration and bad faith use. Policy paragraph 4(b)(iv).

Complainant also provides evidence that the disputed domain name is linked to active MX records. From this, the Panel infers that Respondent has used or intends to use the confusingly similar disputed domain name for email communications to disrupt Complainant's business. This also supports a finding of bad faith under Policy paragraph 4(b)(iii).

Respondent's failure to submit a response to the Complaint and Complainant's demand letters and the failure to provide accurate contact details as required by Respondent's agreement with the registrar are cumulative evidence of use in bad faith.<sup>2</sup> [WIPO Overview 3.0](#), Section 3.3; *Telstra Corp. Ltd. v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#).

The Panel holds therefore that Respondent registered and used the disputed domain name in bad faith, thus, establishing the third element under Paragraph 4(a) 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 <jll-uk.co> be transferred to Complainant.

*/Jeffrey D. Steinhardt/*

**Jeffrey D. Steinhardt**

Sole Panelist

Date: June 23, 2023

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<sup>2</sup> Courier notification of these proceedings to Respondent was not deliverable at the address that Respondent provided to the Registrar.