

ADMINISTRATIVE PANEL DECISION

LKQ Corporation v. King Murphy
Case No. D2022-3623

1. The Parties

The Complainant is LKQ Corporation, United States of America (“United States”), represented by Irwin IP LLC, United States.

The Respondent is King Murphy, United States.

2. The Domain Name and Registrar

The disputed domain name <lkq-corp.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 September 29, 2022. On September 30, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 1, 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 October 25, 2022. In accordance with the Rules, paragraph 5, the due date for Response was November 14, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 16, 2022.

The Center appointed, Evan D. Brown, as the sole panelist in this matter on November 24, 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 provider of alternative and specialty parts to repair and accessorize automobiles and other vehicles. It owns the trademark LKQ which it has registered in the United States (e.g., Reg. No. 4,221,221, registered on July 24, 2012).

According to the Whois records, the disputed domain name was registered on May 21, 2021. The Respondent has used the disputed domain name to set up at least one email address used to imitate the Complainant (posing as a purported employee of the Complainant), apparently in efforts to commit financial fraud. The Complainant submitted evidence that an email account under the disputed domain name was used to communicate with a customer of the Complainant.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is identical or confusingly similar to the Complainant's trademark; that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and that the disputed domain name was registered and is being used in bad faith.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (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. The Panel finds that all three of these elements have been met in this case.

A. Identical or Confusingly Similar

This first element under the Policy functions primarily as a standing requirement. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7. This element requires the Panel to consider two issues: first, whether the Complainant has rights in a relevant mark; and second, whether the disputed domain name is identical or confusingly similar to that mark.

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. See *Advance Magazine Publishers Inc., Les Publications Conde Nast S.A. v. Voguechen*, WIPO Case No. [D2014-0657](#). The Complainant has demonstrated its rights in the LKQ mark by providing evidence of its trademark registrations.

The disputed domain name incorporates the LKQ mark in its entirety with the word "corp" which does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's LKQ mark. See [WIPO Overview 3.0](#), section 1.8. The LKQ mark remains sufficiently recognizable for a showing of confusing similarity under the Policy.

The Panel finds that the Complainant has established this first element under the Policy.

B. Rights or Legitimate Interests

The Panel evaluates this element of the Policy by first looking to see whether the Complainant has made a *prima facie* showing that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. If the Complainant makes that showing, the burden of production of demonstrating rights or legitimate interests shifts to the Respondent (with the burden of proof always remaining with the Complainant). See [WIPO Overview 3.0](#), section 2.1; *AXA SA v. Huade Wang*, WIPO Case No. [D2022-1289](#).

On this point, the Complainant asserts, among other things, that the Respondent has not used the disputed domain name in connection with any *bona fide* offering of goods or services. Instead, the Complainant asserts that the Respondent has used the disputed domain name to send one or more email messages in an attempt to impersonate the Complainant and thereby engage in fraudulent conduct.

The Panel finds that the Complainant has made the required *prima facie* showing. The Respondent has not presented evidence to overcome this *prima facie* showing. And nothing in the record otherwise tilts the balance in the Respondent's favor. Accordingly, the Panel finds that the Complainant has established this second element under the Policy.

C. Registered and Used in Bad Faith

The Policy requires a complainant to establish that the disputed domain name was registered and is being used in bad faith. On these facts, it is clear that the Respondent targeted the Complainant when it registered the disputed domain name. It set out to use the disputed domain name to imitate the Complainant, going so far as to use the Complainant's physical address in the email signature, and to contact at least one of the Complainant's customers and engage in a lengthy communication thread. These actions show bad faith registration. And using the disputed domain name to send emails seeking to commit financial fraud is likewise a clear example of bad faith use. For these reasons, the Complainant has satisfied this third element under 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 <lkq-corp.com> be transferred to the Complainant.

/Evan D. Brown/

Evan D. Brown

Sole Panelist

Date: December 8, 2022