

## **ADMINISTRATIVE PANEL DECISION**

Jones Lang LaSalle IP, Inc. v. James Apex  
Case No. D2022-4106

### **1. The Parties**

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

The Respondent is James Apex, France.

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

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

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 1, 2022. On November 1, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 1, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 2, 2022, 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 November 4, 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 the Respondent of the Complaint, and the proceedings commenced on November 9, 2022. In accordance with the Rules, paragraph 5, the due date for Response was November 29, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 6, 2022.

The Center appointed John Swinson as the sole panelist in this matter on December 16, 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 wholly owned subsidiary of Jones Lang LaSalle Incorporated and is an IP holding company for the JLL group of companies. Jones Lang LaSalle Incorporated is listed on the New York Stock Exchange and uses the ticker symbol "JLL". The JLL group of companies is a firm specializing in real estate.

The Complainant owns registered trademarks for JLL and JONES LANG LASALLE. An example of trademark registration is the United States Registration No. 4564654 for JLL with a registration date of July 8, 2014. These trademarks are well known in many countries.

According to the Complaint, the Complainant serves clients in over 80 countries, many of which are in the Asia-Pacific region where the Complainant's operations have yielded just over USD 3 billion in revenue at the end of 2020. The Complainant uses the subdomain <ap.jll.com> to provide email services for its employees based in the Asia-Pacific region.

The Respondent did not file a response, so little information is known about the Respondent. According to the Registrar's records, the Respondent has an address in Paris, France.

The disputed domain name was registered on May 12, 2022.

At one time, the disputed domain name resolved to a registrar-generated parking page that included pay-per-click ("PPC") links to the Complainant and to other property investment.

At the present time, the disputed domain name does not resolve to an active website.

#### **5. Parties' Contentions**

##### **A. Complainant**

In summary, the Complainant makes the following submissions:

The Complainant is the owner of rights in the trademark JLL and that the disputed domain name is confusingly similar to that trademark.

The Respondent lacks rights or legitimate interests in the disputed domain name because: (1) the Respondent is not sponsored by or affiliated with the Complainant; (2) the Complainant has not given permission to the Respondent to use its trademark in the disputed domain name or otherwise; (3) the Respondent is not commonly known by the disputed domain name, and; (4) the Respondent has not made any legitimate use of the disputed domain name.

The Respondent registered and is using the disputed domain name in bad faith because: (1) the Complainant's trademark is well known internationally, and the Respondent knew or should have known of the Complainant's trademark when the Respondent registered the disputed domain name; (2) there is no plausible reason for the Respondent to have registered the disputed domain name other than to take unfair advantage of the Complainant; (3) the Respondent failed to respond to cease and desist communications from the Complainant; (4) the Respondent has activated the mail exchange ("MX") records for the disputed domain name, thereby increasing the probability of the disputed domain name being used for email fraud purposes; (5) the foregoing combination of factors makes it more likely than not that the Respondent knew of and targeted the Complainant's trademark when the Respondent registered the disputed domain name.

## **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 enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

(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 onus of proving these elements is on the Complainant.

Paragraph 15(a) of the Rules directs the Panel to decide the Complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable.

### **A. Identical or Confusingly Similar**

Paragraph 4(a)(i) of the Policy provides that the Complainant must establish that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

The Complainant owns a trademark registration for JLL.

Previous UDRP panels have consistently held that the domain names are identical or confusingly similar to a trademark for purposes of the Policy when the domain name includes the trademark, or a confusingly similar approximation. See, for example, *Consumer Reports, Inc. v. Wu Yan, Common Results, Inc.*, WIPO Case No. [D2017-0371](#); and *Captain Fin Co. LLC v. Private Registration, NameBrightPrivacy.com / Adam Grunweg*, WIPO Case No. [D2021-3279](#).

The disputed domain name includes JLL in its entirety. The Panel concludes that the disputed domain name is confusingly similar to the Complainant's JLL trademark. See also *Jones Lang LaSalle IP, Inc. v. Registration Private, Domains By Proxy, LLC / Kent Simmons*, WIPO Case No. [D2018-1246](#) (concerning the domain name <arn-jll.com>).

The Complainant succeeds on the first element of the Policy.

### **B. Rights or Legitimate Interests**

The Complainant's allegations to support the Respondent's lack of rights or legitimate interests in the disputed domain name are outlined above in section 5A. The Panel finds that the Complainant has made a *prima facie* showing that the Respondent lacks rights or legitimate interests in the disputed domain name.

The disputed domain name was initially used for a PPC parking page, and is not currently being used in connection with an active website. In the circumstances present here, absence of use does not establish rights or legitimate interests in the disputed domain name.

The Complainant has rights in its trademark, which precedes the Respondent's registration of the disputed domain name.

The disputed domain name does not on its face otherwise suggest rights or legitimate interests.

There is no evidence that the Respondent is commonly known by the disputed domain name or that the disputed domain name has been used in any legitimate way – to the contrary, as discussed below, it is being used for possible illegal activity.

The Panel finds that the Complainant has established a *prima facie* case under the second element.

The Respondent had the opportunity to come forward and present evidence that he has rights or legitimate interests in the disputed domain name. He did not do so.

The Complainant succeeds on the second element of the Policy.

### **C. Registered and Used in Bad Faith**

Paragraph 4(a)(iii) of the Policy provides that the Complainant must establish that the Respondent registered and is subsequently using the disputed domain names in bad faith.

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the respondent in question has registered and is using the disputed domain name to take advantage of its significance as a trademark owned by the complainant. *Fifth Street Capital LLC v. Fluder (aka Pierre Olivier Fluder)*, WIPO Case No. [D2014-1747](#).

The Respondent's conduct demonstrates the Respondent's knowledge of the Complainant and its trademark.

The Panel comes to this conclusion because the Complainant's JLL trademark is well known and the disputed domain name matches the Complainant's email address for its staff in the Asia-Pacific region (<ap.jll.com>) with the first dot being replaced by a dash.

The Complainant has provided evidence that the MX records for the disputed domain name shows that the disputed domain name has been activated for email functionality. The Panel believes that there is a strong likelihood that the disputed domain name was registered to conduct email scams.

In summary, the disputed domain name is confusingly similar to the subdomain used by the Complainant for its employee email in the Asia-Pacific region. Confusingly similar email addresses are used in schemes to defraud through misrepresentation of identity. See, e.g., *Windrock Inc. v. WhoisGuard, Inc. / Aaron Scot*, WIPO Case No. [DCO2018-0016](#). The fact that there is no apparent reason on the record for the Respondent to have selected the distinctive disputed domain name suggests a material risk that the disputed domain name could be used by the Respondent or an unknown third party to engage in misrepresentation of identity involving the Complainant and/or its employees. Compare *Jones Lang LaSalle IP, Inc. v. Registration Private, Domains By Proxy, LLC / Kent Simmons*, WIPO Case No. [D2018-1246](#).

The disputed domain name was also initially used for a PPC parking page with links to the Complainant and to other property investment. This is also evidence of bad faith. See *Patrick Roehrman v. WhoisGuard Protected / hu huajin*, WIPO Case No. [D2020-3387](#).

The current inactive status of the disputed domain name does not prevent a finding of bad faith, given the Respondent's failure to participate in this proceeding and the lack of any credible good-faith explanation to which the disputed domain name could be put. See section 3.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

The Complainant succeeds on the third element 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 <ap-jll.com> be transferred to the Complainant.

*/John Swinson/*

**John Swinson**

Sole Panelist

Date: December 30, 2022