

ADMINISTRATIVE PANEL DECISION

Insured Aircraft Title Service, LLC v. Brain Jason, Felix Coker, Marcia Van, Mickey Stateler, Denise Baustert,
Case No. D2023-1567

1. The Parties

The Complainant is Insured Aircraft Title Service, LLC, United States of America (the “United States”), represented by Crowe & Dunlevy, P.C., United States.

The Respondents are Brain Jason, United Kingdom, Felix Coker, United States, Marcia Van, United States, Mickey Stateler, United States, Denise Baustert, United States.

2. The Domain Names and Registrar

The disputed domain names <insuredaircraft.com>, <insuredaircaift.com>, <insuredaircraift.com>, <insuredaircraft.com>, <insuredaircraift.com>, <insuredaircraift.com>, <insuredaircraift.com>, <insuredaircraift.com>, <insuredaircraift.com>, <insuredaircraift.com> (the “Domain Names”) are all registered with Web Commerce Communications Limited dba WebNic.cc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 4, 2023. On April 11, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On April 12, 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 (Felix Coker and Marcia Van) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 13, 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 April 18, 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 Respondents of the Complaint, and the proceedings commenced on April 25, 2023. In accordance with the Rules, paragraph 5,

the due date for Response was May 15, 2023. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on May 16, 2023.

The Center appointed Willem J. H. Leppink as the sole panelist in this matter on May 23, 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 following facts are undisputed.

The Complainant was founded in 1963 and is headquartered in Oklahoma City, Oklahoma, United States. The Complainant operates a business that provides escrow services and title and document recordation services to the aviation industry. As such, the Complainant is one of the world's largest aircraft title and escrow companies serving customers in many different countries throughout the world.

The Complainant is the owner of several trademark registrations, including, but not limited to the United States trademark registration I A T S INSURED AIRCRAFT TITLE SERVICE, INC. (word/device mark) with registration no. 4086419, registered on January 17, 2012, for services in classes 35 and 36 (hereinafter referred to as the "Trademark").

The Complainant's primary corporate website is hosted at <insuredaircraft.com>.

The Domain Names were all registered between February and July 2022. More specifically, the Domain Names were registered on the following dates: February 7, 2022, February 13, 2022, February 15, 2022, February 21, 2022, March 1, 2022, March 13, 2022, July 5, 2022, and July 7, 2022. The Domain Names do not resolve to any active websites but they have been used in relation to the same fraudulent impersonation scheme.

5. Parties' Contentions

A. Complainant

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

Notably, the Complainant contends that the Domain Names are confusingly similar to the Trademark in which the Complainant has longstanding rights. The Domain Names all clearly mimic the Trademark and/or the Complainant's domain name <insuredaircraft.com> and deliberately introduce a mistyping by removing a letter or adding an additional letter. The mistyping and/or typo squatting of the Trademark and/or the Complainant's domain name causes confusion amongst Internet users regarding the affiliation with or ownership by the Complainant.

The Respondent has no prior rights or legitimate interests in regard to the Domain Names. The Respondent is solely using the Domain Names for a financial crime and CEO impersonation scam. Through the emails sent from the email addresses linked to the Domain Names, the Respondent tries to divert transaction funds to its private bank accounts. According to established case law, as well as section 2.13.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), the use of a domain name for illegitimate activity, such as sending phishing emails, impersonation/passing off, or other types of fraud, can never confer rights or legitimate interests in a domain name upon a respondent.

The Domain Names have been registered and used in bad faith. The Respondent registered the Domain Names with prior knowledge of the Trademark and the Complainant's activities. As such, the Respondent clearly had the Trademark in mind when registering the Domain Names and specifically targeted the Complainant. All the more so, because the Respondent is essentially impersonating the Complainant as part of a CEO impersonation scam. Such use of the Domain Names is manifestly considered evidence of bad faith under the section 3.1.4 of the [WIPO Overview 3.0](#).

B. Respondents

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

6. Discussion and Findings

6.1 Preliminary Matter: Consolidation of Multiple Domain Names

The present proceeding involves the Complainant bringing a single Complaint relating to nine domain names against five respondents. The Complainant has made a request for consolidation and, in accordance with section 4.11 of the [WIPO Overview 3.0](#), thus bears the onus of establishing that such a consolidation is justified.

The Panel is satisfied that such consolidation is justified, based on the evidence brought forward by the Complainant. The Complainant believes that the Domain Names are under common control, whereas all nine Domain Names have been used in relation to the same fraudulent impersonation scheme. This impersonation scheme requires unauthorized access to email correspondence relating to pending transactions involving the Complainant. Moreover, the Domain Names are clear cut cases of typo squatting whilst the emails all use a common approach and similar wording. As part of the common approach the Respondent falsely impersonates executive officers and/or employees working for the Complainant. In addition to this, the Complainant has also put forward that two respondents provided the same address. Moreover, three respondents use the same domains for their email address. Lastly, the Panel also considers that the Respondent has not taken the opportunity to rebut the allegations made by the Complainant.

In light of these considerations, and it particular that the Respondents are most likely the same person, the Panel will hereafter refer to them in singular as the "Respondent".

6.2 Substantive Matter

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the Domain Names. [WIPO Overview 3.0](#), section 1.7.

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the Trademark is recognizable within the Domain Names. Accordingly, the Domain Names are identical or confusingly similar to the Trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. The Domain Names all include a clear and intentional spelling mistake as the Respondent has either omitted a single letter in and/or added a single letter a specific Domain Name. In accordance with section 1.9 of the [WIPO Overview 3.0](#), a domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element.

In light of the foregoing, the Panel finds that the Domain Names are confusingly similar to the Trademark.

Based on the available record, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

While the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the record, the Panel finds the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the Domain Names. The Respondent has not rebutted the Complainant’s *prima facie* showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Domain Names.

The Panel considers that the record of this case reflects that:

- Before any notice to the Respondent of the dispute, the Respondent did not use, nor has it made demonstrable preparations to use, the Domain Names or a name corresponding to the Domain Names in connection with a *bona fide* offering of goods or services. Paragraph 4(c)(i) of the Policy, and [WIPO Overview 3.0](#), section 2.2.
- The Respondent (as an individual, business, or other organization) has not been commonly known by the Domain Names. Paragraph 4(c)(ii) of the Policy, and [WIPO Overview 3.0](#), section 2.3.
- The Respondent is not making a legitimate noncommercial or fair use of the Domain Names, without intent for commercial gain to misleadingly divert consumers or to tarnish the Trademark. Paragraph 4(c)(iii) of the Policy, and [WIPO Overview 3.0](#), section 2.4.
- The record contains no other factors demonstrating rights or legitimate interests of the Respondent in the Domain Names.

Panels have held that the use of a domain name for illegal activity (*e.g.*, the sale of counterfeit goods or illegal pharmaceuticals, phishing, distributing malware, unauthorized account access/hacking, impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Respondent is using the Domain Names for a CEO impersonation scam. The email messages sent from the email addresses linked to the Domain Names make mention of the Complainant’s company name, the Trademark, the name of the Complainant’s employees and postal addresses used by the Complainant.

The Panel also takes into account that the Respondent has not taken the opportunity to rebut the allegations made by the Complainant. Therefore, the Panel considers this to be a clear cut case of impersonation. Evidently, such use of the Domain Names can never confer rights or legitimate interests in the Domain Names upon The Respondent.

Based on the available record, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular but without limitation, that if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel once again notes that the Respondent is using the Domain Names as part of a CEO impersonation scam. The Complainant submitted extensive evidence of such fact, whereas it provided various screenshots of fraudulent emails sent from email addresses associated with the Domain Names. The emails all clearly impersonate the Complainant and/or (executive) employees of the Complainant. Seeing that impersonation and/or fraud is considered a *per se* illegitimate activity, such behavior is, in accordance with section 3.1.4 of the [WIPO Overview 3.0](#), manifestly considered evidence of bad faith.

The Panel furthermore considers that the record of this case reflects that:

- Panels have held that the use of a domain name for illegal activity (*e.g.*, the sale of counterfeit goods or illegal pharmaceuticals, phishing, distributing malware, unauthorized account access/hacking, impersonation/passing off, or other types of fraud) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Having reviewed the record, the Panel finds the Respondent's registration and use of the Domain Names constitutes bad faith under the Policy.

Based on the available record, the Panel finds the third element of the Policy has been established.

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>, <insuredaircaift.com>, <insuredaircrafft.com>, <insuredaircraft.com>, <insuredaircraift.com>, <insuredaircrafft.com>, <insuredairrcrafft.com>, <insuredairrcraift.com>, <insuredairrcrafft.com>, <insuredairrcraift.com>, <insuredairrcrafft.com>, be transferred to the Complainant.

/Willem J. H. Leppink/

Willem J. H. Leppink

Sole Panelist

Date: May 31, 2023