

ADMINISTRATIVE PANEL DECISION

Amdocs Development Ltd. and Amdocs Software Systems Ltd. v. Nick
Lamba

Case No. D2023-2573

1. The Parties

The Complainant is Amdocs Development Ltd. Cyprus and Amdocs Software Systems Ltd., Ireland, both represented by Liad Whatstein & Co., Israel.

The Respondent is Nick Lamba, India.

2. The Domain Name and Registrar

The disputed domain name <amdocs-systems.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 14, 2023. On June 15, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 15, 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 (Registration Private, Domains By Proxy) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 26, 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 July 2, 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 Respondent of the Complaint, and the proceedings commenced on July 18, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 7, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 16, 2023.

The Center appointed Federica Togo as the sole panelist in this matter on September 5, 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.

As noted above, the Complaint was filed by both Amdocs Development Ltd. and Amdocs Software Systems Ltd. both of which belong to the Amdocs Group. Amdocs Development Ltd. is responsible for managing all intellectual property owned within the group. As set forth in section 4.11.1 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"): "In assessing whether a complaint filed by multiple complainants may be brought against a single respondent, panels look at whether (i) the complainants have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants in a similar fashion, and (ii) it would be equitable and procedurally efficient to permit the consolidation." Further, previous panels have permitted multiple complainants where, as in the case at issue, one of the complainants holds and/or manages the intellectual property of the other complainant, see, e.g., *Swiss Life AG and Swiss Life Intellectual Property Management AG v. Atilla Alkan, arac kiralama*, WIPO Case No. [D2023-0311](#). Therefore, the Panel finds that the Complainants have a specific common grievance against the Respondent and accept the joint Complaint. Both companies are referred hereinafter as the Complainant.

4. Factual Background

The Complainant is the registered owner of several trademarks worldwide for AMDOCS, e.g., European Union trademark registration no. 015184252 AMDOCS, registered on July 13, 2016 for goods and services in classes 9, 35 and 42; International Registration No. 1302596 AMDOCS registered on April 11, 2016 amongst others for goods and services in classes 9, 35 and 42 and designating Switzerland, Israel, Mexico and India, where the Respondent is located.

The disputed domain name was registered on December 7, 2022 and resolved to a parking page displaying Pay-Per-Click ("PPC") links. Furthermore, the undisputed evidence provided by the Complainant proves that the disputed domain name was used to impersonate the Complainant's employees in counterfeit visa applications.

5. Parties' Contentions

A. Complainant

It results from the Complainant's undisputed allegations that it develops and markets software solutions in various fields. The Complainant employs approximately 25,000 employees worldwide and serves the leading players in the communications and media industries, spanning throughout 85 countries. The Complainant's cloud-native, open and dynamic portfolio of digital solutions, platforms and services brings greater choice, faster time to market and flexibility, to better meet the evolving needs of its customers as they drive growth, transform and take their business to the cloud.

It uses the domain name <amdocs.com> for its official website for promoting its products and services.

The Complainant contends that its trademark AMDOCS is distinctive and well-known.

The Complainant further contends that the disputed domain name is identical to the Complainant's well-known registered mark and name. The suffixes are ignored for the purpose of assessing confusing similarity between the disputed domain name and the Complainant's mark.

The Complainant further contends that the Respondent has no rights or legitimate interests in the disputed domain name. According to the Complainant, there is no evidence of use of the disputed domain name by the Respondent in connection with a *bona fide* offering of goods or services; the Respondent is not commonly known by the disputed domain name; and the Respondent is not making a legitimate non-commercial or fair use of the disputed domain name. The Respondent has no trademark for the word "AMDOCS" for any goods and services. Furthermore, the Respondent has no other connection whatsoever to the mark AMDOCS. There is no legitimate business reason for the Respondent to register or hold the disputed domain name in his name. The disputed domain name redirects consumers to a landing page which offers sponsored links to products and services which are in direct competition with respective products and services offered by the Complainant.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. According to the Complainant, the disputed domain name has been used in Smishing & Phishing activity, used to impersonate the Complainant's employees in counterfeit visa applications, by misleading people to believe that the disputed domain name is owned, endorsed or associated with the Complainant. Moreover, the disputed domain name redirects consumers to a landing page which offers sponsored links to products and services which are in direct competition with respective products and services offered by the Complainant. The disputed domain name is clearly used by the Respondent in an attempt to attract consumers by misleading them to believe that the disputed domain name is owned, endorsed or associated with the Complainant. By using the disputed domain name, the Respondent intentionally attempted to perform a malicious activity or at least to attract for commercial gain Internet users to the Respondent's website or other online location by creating a likelihood of confusion with the Complainant's house mark, and name as to the source, sponsorship, affiliation, or endorsement of the Respondent's website.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs this Panel to "decide a 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". Paragraph 4(a) of the Policy requires a complainant to prove each of the following three elements in order to obtain an order that the disputed domain name be transferred or cancelled:

- (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 Panel will therefore proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied.

A. Identical or Confusingly Similar

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

It results from the evidence provided, that the Complainant is the registered owner of trademark registration for AMDOCS as indicated in the Factual Background of this Decision.

Prior UDRP panels have found that a disputed domain name is confusingly similar to a complainant's trademark where the disputed domain name incorporates the complainant's trademark in its entirety (see [WIPO Overview 3.0](#) at section 1.7).

This Panel shares this view and notes that the Complainant's registered trademark AMDOCS is fully included in the disputed domain name, followed by the descriptive term "systems" (and hyphen). Furthermore, it is the view of this Panel that the addition of the term "systems" (and hyphen) in the disputed domain name cannot prevent a finding of confusing similarity between the disputed domain name and the Complainant's trademark since the Complainant's trademark is clearly recognizable in the disputed domain name (see [WIPO Overview 3.0](#) at section 1.8).

Finally, the generic Top-Level Domain ("gTLD") ".com" of the disputed domain name may be disregarded under the first element confusing similarity test (see [WIPO Overview 3.0](#) at section 1.11.1).

In the light of the above, the Panel finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

Pursuant to paragraph 4(a)(ii) of the Policy, the Complainant must further establish that the 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 which, if found by the Panel to be proved, shall demonstrate the Respondent's rights or legitimate interests to the disputed domain name. In the Panel's view, based on the undisputed allegations stated above, the Complainant has made a *prima facie* case that none of these circumstances are found in the case at hand and, therefore, that the Respondent lacks rights or legitimate interests in the disputed domain name.

According to the Complaint, which has remained unchallenged, the Complainant has no relationship in any way with the Respondent and did, in particular, not authorize the Respondent's use of the trademark AMDOCS or the registration of the disputed domain name.

Furthermore, the Panel notes that there is no evidence showing that the Respondent might have been commonly known by the disputed domain name in the sense of paragraph 4(c)(ii) of the Policy.

Moreover, the Panel notes that the disputed domain name is clearly constituted with the Complainant's registered trademark AMDOCS and the term "systems", which clearly refers to the Complainant's core business, tending to suggest sponsorship or endorsement by the Complainant. Therefore, the disputed domain name carries a risk of implied affiliation. See [WIPO Overview 3.0](#) at section 2.5.1.

In fact, it results from the undisputed evidence before the Panel that the disputed domain name resolves to a parking website comprising PPC links that compete with or capitalize on the reputation and goodwill of the Complainant's trademark or otherwise mislead Internet users. Prior UDRP panels have found that the use of a domain name to host a parked page comprising PPC links does not represent *bona fide* offering of goods or services, where such links compete with or capitalize on the reputation and goodwill of the complainant's mark or otherwise mislead Internet users (see [WIPO Overview 3.0](#) at section 2.9, with further references). This Panel shares this view. Therefore, such use can neither be considered as *bona fide* offering of goods or services nor a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

It is acknowledged that once the Panel finds a *prima facie* case is made by a complainant, the burden of production under the second element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the disputed domain name (see [WIPO Overview 3.0](#) at section 2.1). Since the Complainant has put forward a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name and the Respondent in the case at hand failed to come

forward with any relevant allegations or evidence, this Panel finds, in the circumstances of this case, that the Respondent has no rights or legitimate interests in the disputed domain name.

The Panel finds that the Complainant has therefore satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

According to paragraph 4(a)(iii) of the Policy, the Complainant must, lastly, establish that the disputed domain name has been registered and is being used in bad faith. The Policy indicates that certain circumstances specified in its paragraph 4(b) may, “in particular but without limitation”, be evidence of the disputed domain name’s registration and use in bad faith. One of these circumstances is that the respondent by using the disputed domain name, has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location (paragraph 4(b)(iv) of the Policy).

It is the view of this Panel that these circumstances are met in the case at hand. The Complainant’s trademarks have existed for many years. Further, the additional term “systems” in the disputed domain name refers to the Complainant’s business. Therefore, this Panel has no doubt that the Respondent knew of the Complainant and its trademarks when the Respondent registered the disputed domain name. Registration of the disputed domain name by the Respondent in awareness of the AMDOCS mark and in the absence of rights or legitimate interests in this case amounts to registration in bad faith.

In addition, the Complainant has proven that the disputed domain name resolved to a parking website comprising of PPC links that compete with or capitalize on the reputation and goodwill of the Complainant’s trademark or otherwise mislead Internet users, so that the Panel is satisfied that the disputed domain name, incorporating the Complainant’s trademark in its entirety followed by the term “systems”, is being used to intentionally attempt to attract, for commercial gain, Internet users to the Respondent’s website or other online location, by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation or endorsement of the Respondent’s website or location, or of a product or service on the Respondent’s website or location.

Furthermore, this Panel agrees with the approach taken by previous UDRP panels following which the use of a domain name for purposes other than to host a website may constitute bad faith. Such purposes include sending email, phishing, identity theft, or malware distribution. Many such cases involve the respondent’s use of the domain name to send deceptive emails, e.g., to obtain sensitive or confidential personal information from prospective job applicants, or to solicit payment of fraudulent invoices by the complainant’s actual or prospective customers (see [WIPO Overview 3.0](#) at section 3.4).

As explained above, it results from the undisputed evidence submitted by the Complainant that the disputed domain name was used to impersonate the Complainant’s employees in counterfeit visa applications. In addition, the use of the disputed domain name in such an illegal scheme additionally demonstrates that the Respondent not only knew of the Complainant, its business and marks, but also attempted to pass itself off as the Complainant in order to submit counterfeit visa applications.

Finally, the further circumstances surrounding the disputed domain name’s registration and use confirm the findings that the Respondent has registered and is using the disputed domain name in bad faith (see [WIPO Overview 3.0](#) at section 3.2.1):

- (i) the nature of the disputed domain name (a domain name incorporating the Complainant’s mark plus the addition of the term “systems”, that corresponds to the complainant’s area of activity);
- (ii) the content of the website to which the domain name directs (a parking page with PPC);

(iii) a clear absence of rights or legitimate interests coupled with no credible explanation for the Respondent's choice of the disputed domain name;

(iv) other indicia generally suggesting that the respondent had somehow targeted the complainant (*i.e.*, the email address connected to the disputed domain name was used to impersonate the Complainant's employees in counterfeit visa applications).

The Panel finds that the Complainant has therefore satisfied paragraph 4(a)(iii) 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, <amdocs-systems.com>, be transferred to the Complainant.

/Federica Togo/

Federica Togo

Sole Panelist

Date: September 19, 2023