

ADMINISTRATIVE PANEL DECISION

Taylor Vinters LLP v. Name Redacted

Case No. D2022-0850

1. The Parties

The Complainant is Taylor Vinters LLP, United Kingdom, internally represented.

The Respondent is Name Redacted.¹

2. The Domain Name and Registrar

The disputed domain name <taylorevinters.com> is registered with Cronon AG Berlin, Niederlassung Regensburg (the “Registrar”).

3. Procedural History

The Complaint in English was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 11, 2022. On March 11, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 15, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on March 23, 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 in English on March 25, 2022.

On March 23, 2022, the Center transmitted an email in English and German to the Parties regarding the language of the proceedings. The Complainant confirmed its request that English be the language of the proceedings on March 25, 2022. The Respondent did not comment on the language of the proceedings.

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

¹ The Respondent appears to have used the name of a third party when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted the Respondent’s name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding, and has indicated that Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

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 in English and German of the Complaint, and the proceedings commenced on April 5, 2022. In accordance with the Rules, paragraph 5, the due date for Response was April 25, 2022. On April 6, 2022, the Center received email communications from a third party. On April 26, 2022, the Center informed the Parties that it would proceed with panel appointment.

The Center appointed Tobias Zuberbühler as the sole panelist in this matter on May 6, 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 global legal and advisory business, offering legal services to corporate and individual clients based all around the world. The Complainant currently employs over 190 people across the United Kingdom.

The Complainant owns two trademark registrations in the United Kingdom and Singapore, namely the United Kingdom trademark TAYLOR VINTERS (Registration No. UK00002364981, registered on November 26, 2004) and the Singapore trademark TAYLOR VINTERS (Registration No. T1406571F, registered on April 29, 2014).

The Complainant further holds the domain name <taylorvinters.com> under which the official website of the Complainant is available. The Complainant advertises and sells its services through its <taylorvinters.com> domain name.

The disputed domain name was registered on December 23, 2021, and resolves to an inactive website. Fraudulent emails impersonating the Complainant’s personnel were sent from an email address incorporating the disputed domain name, for the purpose of intercepting and then hijacking email chains to ultimately divert money from the Complainant’s clients to the Respondent instead of the Complainant.

5. Parties’ Contentions

A. Complainant

In summary, the Complainant alleges that it has satisfied all three elements of the Policy, paragraph 4(a).

B. Respondent

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

In email communications received by the Center on April 6, 2022, in German, a third party mainly stated that its identity had been stolen and used by the Respondent to register the disputed domain name.

In line with the Panel’s authority pursuant to the Rules, paragraph 10, the Panel has considered the assertions, and notes that this submission does not alter the outcome of the case.

6. Discussion and Findings

Based on the facts and evidence introduced by the Complainant, and with regard to paragraphs 4(a), (b) and (c) of the Policy, the Panel concludes as follows:

A. Language of the Proceedings

While the Registration Agreement for the disputed domain name is in German, the Complainant has pointed out in its Complaint that the Respondent is clearly fully conversant in English and has registered the disputed domain name for the purpose of using it to write to recipients in English, as set out in the Complaint and, in particular, Annex 10 to the Complaint. The Respondent has used the disputed domain name to send fraudulent emails to the Complainant's clients in English. Therefore, the Complainant has requested English to be the language of the proceedings.

Paragraph 11(a) of the Rules stipulates that, "unless otherwise agreed by the Parties, or specified otherwise in the Registration Agreement, the language of the administrative proceeding shall be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding".

Taking into account the circumstances of this case, the Panel does not consider it prejudicial to the Respondent if English were adopted as the language of the proceedings. The Panel finds that substantial additional expense and delay would likely be incurred if the Complaint and annexes thereto had to be translated into German. In view of the Policy with the aim of facilitating a time and cost-efficient procedure for the resolution of domain name disputes, the Panel finds it appropriate to exercise its discretion according to paragraph 11(a) of the Rules and allow the proceedings to be conducted in English.

B. Identical or Confusingly Similar

The Complainant has submitted sufficient evidence to demonstrate its registered rights in the TAYLOR VINTERS trademark.

The Complainant's trademark is wholly reproduced in the disputed domain name with an additional letter "e".

A domain name is "identical or confusingly similar" to a trademark for the purposes of the Policy when the domain name includes the trademark, or a confusingly similar approximation, regardless of other terms in the domain name (*Wal-Mart Stores, Inc. v. Richard MacLeod d/b/a For Sale*, WIPO Case No. [D2000-0662](#)). This includes the addition of other terms or letters like "e" in the disputed domain name, which is considered a common, obvious, or intentional misspelling of a trademark (*i.e.*, "typosquatting"). See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.9.

Therefore, the Panel concludes that the disputed domain name is confusingly similar to the Complainant's TAYLOR VINTERS trademark.

The Complainant has thus fulfilled the requirements of paragraph 4(a)(i) of the Policy.

C. Rights or Legitimate Interests

There are no indications before the Panel of any rights or legitimate interests of the Respondent in respect of the disputed domain name. The Complainant contends that the Respondent is neither affiliated with the Complainant nor making any *bona fide* use of the disputed domain name.

The Complainant has provided evidence that the Respondent used an email address utilizing the "@taylorevinters.com" extension to conduct a fraud scheme while taking advantage of the Complainant's trademark notoriety; such use can never confer rights or legitimate interests on a respondent. See [WIPO Overview 3.0](#), section 2.13.

Based on the Complainant's credible contentions, the Panel finds that the Complainant, having made out a *prima facie* case regarding the Respondent's lack of rights or legitimate interests in the disputed domain name which remains un rebutted by the Respondent, has fulfilled the requirements of paragraph 4(a)(ii) of the Policy.

D. Registered and Used in Bad Faith

Under the circumstances of this case, including the use of the disputed domain name for impersonating the Complainant while sending fraudulent emails, and reputation of the Complainant's trademark, it can be inferred that the Respondent was aware of the Complainant's trademark when registering the disputed domain name.

The Panel finds that the reproduction of the Complainant's trademark along with the additional letter "e" creates a likelihood of confusion between the Complainant's trademark and the disputed domain name.

The evidence and allegations submitted by the Complainant support a finding that the Respondent was engaged in an attempt to pass itself off as the Complainant to induce the Complainant's clients into making payments to the Respondent instead of the Complainant for the Respondent's own benefit. The Respondent therefore has registered and used the disputed domain name in bad faith (see *Claudie Pierlot v. Yinglong Ma*, WIPO Case No. [D2018-2466](#)).

Accordingly, the Complainant has also fulfilled 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 <taylorvinters.com> be transferred to the Complainant.

/Tobias Zuberbühler/

Tobias Zuberbühler

Sole Panelist

Date: May 20, 2022