

ADMINISTRATIVE PANEL DECISION

American Airlines, Inc. v. Privacy Service Provided by Withheld for Privacy Purposes / Blaise Vanick
Case No. D2022-2552

1. The Parties

Complainant is American Airlines, Inc., United States of America (“United States”), represented by Greenberg Traurig, LLP, United States.

Respondent is Privacy Service Provided by Withheld for Privacy Purposes, Iceland / Blaise Vanick, United States.

2. The Domain Name and Registrar

The disputed domain name <americanairlinecompany.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 July 12, 2022. On July 13, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 13, 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 Complainant on July 15, 2022 providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on July 18, 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 Respondent of the Complaint, and the proceedings commenced on July 28, 2022. In accordance with the Rules, paragraph 5, the due date for Response was August 17, 2022. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on August 18, 2022.

The Center appointed Georges Nahitchevansky as the sole panelist in this matter on August 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

Complainant, American Airlines, Inc., is a global air carrier and airline for business and leisure travelers. Complainant has used the names and marks AMERICAN AIRLINES and AMERICAN in connection with its travel and transportation services and with related goods and services. Complainant owns a number of trademark registrations around the world for the AMERICAN AIRLINES mark. In the United States, which is relevant to this proceeding, Complainant owns several registration for the AMERICAN AIRLINES mark, the earliest of which issued to registration in 1949 (Registration No. 514,294), and a registration for AMERICAN with a logo that issued to registration on September 19, 2017 (Registration No. 5,288,639). Complainant owns and operates a website at “www.aa.com” to provide information regarding its services and to allow customers to book air travel with Complainant.

Respondent appears to be an individual based in San Diego, California, United States. Respondent registered the disputed domain name on May 15, 2021. At some point thereafter, the disputed domain name resolved to a website featuring the name “American Airlines” with a logo used by Complainant and purporting to be a domestic and international transportation provider offering alleged logistics, shipping and warehousing services for cargo. The disputed domain name was also set up for email use. Currently, the disputed domain name does not resolve to an active website or page.

5. Parties’ Contentions

A. Complainant

Complainant contends that it is the largest air carrier in the world and enjoys a reputation in the United States and internationally as a premier airline for business and leisure travelers. Complainant maintains that it owns strong trademark rights in the names and marks AMERICAN AIRLINES and AMERICAN by virtue of decades of use of such for travel and transportation services and on account of the numerous trademark registrations Complainant has secured around the world for its AMERICAN AIRLINES and other trademark.

Complainant asserts that the disputed domain name is confusingly similar to its AMERICAN AIRLINES mark as it fully incorporates the AMERICAN AIRLINES mark, “changing the mark only by removing the ‘s’ from the mark and adding the generic term ‘company’ at the end”.

Complainant argues that Respondent does not have rights or legitimate interests in the disputed domain name as Respondent (i) is not commonly by the disputed domain name, (ii) has not been authorized, licensed or otherwise permitted by Complainant to register and/or use the disputed domain name, and (iii) has used the disputed domain name to impersonate Complainant in order to attract Internet users to a website that features Complainant’s AMERICAN AIRLINES mark and logo and which purports to offer logistics, shipping and warehousing services for cargo.

Lastly, Complainant contends that Respondent has registered and used the disputed domain name in bad faith by using the disputed domain name “to host a website passing itself as Complainant’s website which at worst is used to steal consumer’s personal information, and at best, simply defrauds consumers by purporting to contain information about a company that does not exist”. Complainant further contends that Respondent’s bad faith is established by virtue of the notoriety of the AMERICAN AIRLINES mark and the likelihood that Respondent was well aware of Complainant’s rights in the AMERICAN AIRLINES mark when Respondent registered and started to use the disputed domain name which is based on the AMERICAN AIRLINES mark.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed Complainant must satisfy the Panel that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name was registered and is being used in bad faith.

A. Identical or Confusingly Similar

Ownership of a trademark registration is generally sufficient evidence that a complainant has the requisite rights in a mark for purposes of paragraph 4(a)(i) of the Policy. Section 1.2.1. of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"). Complainant has provided evidence that it owns numerous trademark registration for the AMERICAN AIRLINES mark and has used the name and mark AMERICAN AIRLINES for decades before Respondent registered the disputed domain name.

With Complainant's rights in the AMERICAN AIRLINES mark established, the remaining question under the first element of the Policy is whether the disputed domain name (typically disregarding the generic Top Level Domain such as ".com") is identical or confusingly similar with Complainant's mark. See *B & H Foto & Electronics Corp. v. Domains by Proxy, Inc. / Joseph Gross*, WIPO Case No. [D2010-0842](#). The threshold for satisfying this first element is low and generally panels have found that fully incorporating the identical mark in a disputed domain name is sufficient to meet this standing requirement.

In the instant proceeding, the disputed domain name is confusingly similar to Complainant's AMERICAN AIRLINES mark as it incorporates and leads with Complainant's mark without the letter "s" along with the common word "company". As Complainant's mark is clearly recognizable in the disputed domain name, the Panel finds that Complainant has satisfied the requirements of paragraph 4(a)(i) of the Policy in establishing its rights in Complainant's AMERICAN AIRLINES mark and in showing that the disputed domain name is confusingly similar to that trademark.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, the complainant must make at least a *prima facie* showing that the respondent possesses no rights or legitimate interests in a disputed domain name. *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. [D2008-1393](#). Once the complainant makes such a *prima facie* showing, the burden of production shifts to the respondent, though the burden of proof always remains on the complainant. If the respondent fails to come forward with evidence showing rights or legitimate interests, the complainant will have sustained its burden under the second element of the UDRP.

Here, Respondent has used the disputed domain name for a website that essentially holds itself out as being related to Complainant and which features the AMERICAN AIRLINES name and mark and a logo used by Complainant. In addition, while the website purports to offer logistics, shipping and warehousing services, such appear to be suspicious and possibly linked to some nefarious scheme. This is particularly so given that Respondent (i) does not appear to be commonly known by the disputed domain name, (ii) appears to be impersonating Complainant, (iii) uses contact information on the website at the disputed domain name that is

the address for O'Hare airport in Chicago, Illinois, while the disclosed underlying Whols information for Respondent is for an individual located in San Diego, California, and (iv) has failed to appear in this proceeding to justify or explain his activities. In totality, Respondent's use of the disputed domain name for a website offering competing or related services that attempts to pass itself off as connected to Complainant does not appear to be legitimate.

Given that Complainant has established with sufficient evidence that it owns rights in the AMERICAN AIRLINES mark, and given Respondent's above noted actions, the Panel concludes that Respondent does not have a right or legitimate interest in the disputed domain name and that none of the circumstances of paragraph 4(c) of the Policy are evident in this case.

C. Registered and Used in Bad Faith

In view of Respondent's actions as noted above, the Panel finds that Respondent has more likely than not registered and used the disputed domain name in bad faith pursuant to paragraph 4(b) of the Policy.

Here, Respondent has registered and used the disputed domain name for a website that essentially attempts to pass itself off as connected to Complainant. Respondent has not only registered a domain name based on the AMERICAN AIRLINES mark but has featured Complainant's AMERICAN AIRLINES name, mark and logo on the website at the disputed domain name, suggesting that Respondent was likely aware of Complainant and its services. Simply put, the evidence before the Panel, none of which is contested by Respondent, establishes that Respondent opportunistically and in bad faith registered and used the disputed domain name to profit at the expense of Complainant. See WIPO Overview at section 3.2.1 (["WIPO Overview 3.0"](#)).

Accordingly, the Panel finds that Complainant succeeds under this 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 <americanairlinecompany.com> be transferred to Complainant.

/Georges Nahitchevansky/

Georges Nahitchevansky

Sole Panelist

Date: September 7, 2022