

ADMINISTRATIVE PANEL DECISION

Jones Lang LaSalle IP, Inc. v. Tuya Yen
Case No. D2022-3297

1. The Parties

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

Respondent is Tuya Yen, United States.

2. The Domain Name and Registrar

The disputed domain name <ap-jlll.com> is registered with Realtime Register B.V. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 5, 2022. On the same day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 6, 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 September 14, 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 September 19, 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 September 20, 2022. In accordance with the Rules, paragraph 5, the due date for Response was October 10, 2022. Respondent did not submit any response. Accordingly, the Center notified the Parties of Respondent’s default on October 11, 2022.

The Center appointed Ingrīda Kariņa-Bērziņa as the sole panelist in this matter on October 17, 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 is a professional services and investment management firm specializing in real estate and operating internationally under the marks JLL and JONES LANG LASALLE, for which it has registered *inter alia*, the following trademarks:

- United States Trademark Registration No. 4564654 for JLL (word mark), registered on July 8, 2014, for services in classes 35, 36, 37 and 42;
- European Trademark No. 010603447 for JLL (word mark), registered on August 31, 2012, for services in classes 36, 37 and 42;
- United States Trademark Registration No. 2593380 for JLL JONES LANG LASALLE, registered on July 16, 2022, for services in classes 36 and 37; and
- European Trademark No. 011014065 for JONES LANG LASALLE (JLL), registered on December 4, 2012 for services in classes 35, 36, 37 and 42.

Complainant has registered domain names reflecting its JLL mark and operates its primary business website at <jll.com>. Complainant uses the subdomain <ap.jll.com> to provide email services for employees located in the Asia-Pacific region.

The disputed domain name was registered on July 21, 2022. According to the evidence submitted with the Complaint, the disputed domain name resolves to a parked website at the “Hostinger” hosting provider. Currently, it does not resolve to an active website. The record contains evidence that the disputed domain name was used by Respondent to generate email communications.

5. Parties’ Contentions

A. Complainant

Complainant’s contentions may be summarized as follows:

Under the first element, Complainant states that the JLL group was formed by the merger of Jones Lang Wootton and LaSalle Partners in 1999. Since 2014, Complainant has marketed itself under the name “JLL.”

The JLL group operates in property and corporate facility management services, with a portfolio of 5 billion square feet worldwide, 91,000 employees in more than 300 locations serving clients in over 80 countries. Complainant has a large Internet presence and has made significant investments to advertise and promote its JLL marks worldwide. The disputed domain name is confusingly similar to Complainant’s mark except for the prefix “ap,” which is a common abbreviation for “Asia-Pacific.” Indeed, Complainant uses the subdomain <ap.jll.com> to provide email services for its employees based in the Asia-Pacific region. The disputed domain name additionally contains an additional “l”, thereby confusing Internet users.

Under the second element, Complainant states that Respondent is not sponsored by or affiliated with Complainant in any way, nor is Respondent commonly known by the disputed domain name. The disputed domain name was used by Respondent to generate a phishing email demanding payment of a tax invoice. Respondent thereby attempted to pass itself off as Complainant’s employee. The disputed domain name redirects to a parking page, and Respondent has not demonstrated any attempt to make legitimate use of the disputed domain name and website.

Under the third element, Complainant states that, registering a domain name that incorporates a misspelled version of Complainant's trademark, along with the geographically descriptive term "ap" (meaning Asia-Pacific) and a hyphen, Respondent has created a domain name that is confusingly similar to Complainant's JLL mark, <jll.com> domain name and nearly identical to Complainant's email subdomain <ap.jll.com>. Respondent has demonstrated a knowledge of Complainant's brand and business. Further, Respondent was using the disputed domain name as part of an email phishing scheme wherein Respondent sent an email from the disputed domain name "@ap-jll.com", to request payment from Complainant's customer. Respondent has engaged in a pattern of conduct by previously registering other domain names that are misspellings of third-party marks.

Complainant requests transfer of the disputed domain name.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Paragraph 4(a) of the UDRP requires Complainant to make out all three of the following:

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

(ii) Respondent has no rights or legitimate interests in respect of the disputed domain name; and

(iii) Respondent has registered and is using the disputed domain name in bad faith.

Under paragraph 15(a) of the Rules, "[a] Panel shall 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".

A. Identical or Confusingly Similar

Complainant has provided evidence establishing that it has trademark rights in the JLL mark through registrations in the United States and European Union. Complainant thereby satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.2.1.

In comparing Complainant's mark with the disputed domain name, the Panel finds that the disputed domain name is confusingly similar to this trademark. The addition of the prefix "ap" does not prevent a finding of confusing similarity, as Complainant's mark is clearly recognizable within the disputed domain name. See [WIPO Overview 3.0](#), sections 1.7 and 1.8. Further, the addition of the letter "l" is clearly a deliberate misspelling of Complainant's trademark. See [WIPO Overview 3.0](#), section 1.9.

It is the well-established view of UDRP panels that a generic Top-Level Domain such as ".com" is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. See [WIPO Overview 3.0](#), section 1.11.1.

Accordingly, the Panel finds that Complainant has established the first element under paragraph 4(a) of the Policy.

B. Rights or Legitimate Interests

The Panel finds that the evidence submitted by Complainant establishes a *prima facie* case that Respondent has no rights or legitimate interests in the disputed domain name. Respondent is not authorized by Complainant and has no rights in the JLL mark.

Pursuant to [WIPO Overview 3.0](#), section 2.1, and cases thereunder, where Complainant makes out a *prima facie* case that Respondent lacks rights or legitimate interests, the burden of production on this element shifts to Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the disputed domain name.

Respondent has not provided any rebuttal of Complainant's *prima facie* case and has therefore not proved rights or legitimate interests in the disputed domain name. There is no evidence that Respondent is commonly known by the disputed domain name, or that there are any circumstances or activities that would establish Respondent's rights therein. The disputed domain name consists of an obvious misspelling of Complainant's JLL trademark, along with the two-letter prefix "ap" that, under the circumstances, clearly refers to the Asia-Pacific region. Moreover, the disputed domain name is almost identical to Complainant's subdomain <ap.jll.com>. The Panel finds that the subtle misspelling of Complainant's mark is intended to impersonate Complainant and confuse Internet users who may not notice the difference between such misspelling and Complainant's mark.

Respondent, in failing to file a response, has not submitted any evidence or arguments demonstrating such rights or legitimate interests, nor has it rebutted any of Complainant's contentions. The circumstances of the case prevent the inference of rights nor legitimate interests on the part of Respondent. Complainant has provided evidence, uncontroverted by Respondent, that the disputed domain name was used by Respondent to impersonate Complainant in an attempt to defraud third parties. Such use can never confer rights or legitimate interests. See [WIPO Overview 3.0](#), section 2.13.1.

Accordingly, the Panel finds that Complainant has established the second element under paragraph 4(a) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds that Complainant has demonstrated Respondent's bad faith registration and use of the disputed domain name. Complainant's rights in its JLL mark predate by several years the registration of the disputed domain name. The disputed domain name reflects a misspelling of Complainant's established JLL mark, together with the prefix "ap", and is almost identical to Complainant's subdomain <ap.jll.com>. UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith on the part of Respondent. See [WIPO Overview 3.0](#), section 3.1.4.

In this case, the record shows that Respondent deliberately targeted Complainant and its JLL mark. The Panel finds the evidence in the record establishes that Respondent used the disputed domain name in an attempt to pass itself off as Complainant to perpetuate what appears to be a fraudulent email scheme by causing Complainant's customer to direct payment to Respondent's bank account. The Panel finds that Respondent thereby attempted to impersonate Complainant for commercial gain, indicating bad faith in registration and use of the disputed domain name. See [WIPO Overview 3.0](#), section 3.2.1.

Respondent has provided no evidence of actual or contemplated good-faith use of the disputed domain name and the Panel does not find any such use plausible.

The Panel therefore finds that Complainant has established the third element under paragraph 4(a) 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-jill.com> be transferred to Complainant.

/Ingrīda Kariņa-Bērziņa/

Ingrīda Kariņa-Bērziņa

Sole Panelist

Date: October 31, 2022