

ADMINISTRATIVE PANEL DECISION

Verizon Trademark Services LLC v. Hope Lee
Case No. D2023-1166

1. The Parties

The Complainant is Verizon Trademark Services LLC, United States of America (“United States” or “U.S.”), internally represented.

The Respondent is Hope Lee, China.

2. The Domain Names and Registrar

The disputed domain names <totalverizon.co> and <totalverizon.live> are registered with Sav.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 15, 2023. On March 16, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On March 17, 2023, the Registrar transmitted by email to the Center its verification response, confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the 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 March 23, 2023. In accordance with the Rules, paragraph 5, the due date for Response was April 12, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 14, 2023.

The Center appointed Fabrizio Bedarida as the sole panelist in this matter on April 26, 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 Complainant, Verizon Trademark Services LLC, a limited liability company organized and existing under the laws of Delaware, United States, is an intellectual property holding company. The Complainant has granted its affiliates permission to use the Complainant's trademarks, including Verizon Communications Inc. (collectively, the "Verizon Companies"). The Complainant and Verizon Companies are collectively referred to herein as "Verizon". Verizon Communications Inc. (NYSE, Nasdaq: VZ) was established on June 30, 2000 and is one of the world's leading providers of technology and communications services. Verizon generated revenues of USD 136.8 billion in 2022 and employs a diverse workforce of approximately 117,100 employees. Verizon operates in over 150 countries around the world, including in China.

The strength and renown of the Complainant's VERIZON trademark has already been recognized by previous UDRP panels.

The Complainant has proven to be the owner of the VERIZON trademarks and TOTAL BY VERIZON trademark applications.

The Complainant is, *inter alia*, the owner of:

U.S. registration No. 2886813 for the trademark VERIZON (word), registered on September 21, 2004;

U.S. registration No. 2879802 for the trademark VERIZON (device), registered on August 31, 2004;

Chinese registration No. 35963753 for the trademark VERIZON, registered on February 7, 2021;

Chinese registration No. 35978665 for the trademark VERIZON, registered on September 14, 2021;

U.S. application No. 97358855, for the trademark TOTAL BY VERIZON (word), filed on April 12, 2022; and

U.S. application No. 97358961, for the trademark TOTAL BY VERIZON (device), filed on April 12, 2022.

The Complainant began using the TOTAL BY VERIZON trademarks in commerce in connection with its wireless telephone communications products and services on September 21, 2022.

The disputed domain names <totalverizon.co> and <totalverizon.live> were both registered on November 3, 2022.

At the time of drafting this Decision, the disputed domain names resolve to a landing page featuring sponsored links to third party websites offering products and services competing with those offered by the Complainant.

5. Parties' Contentions

A. Complainant

The Complainant claims that the disputed domain names are confusingly similar to the Complainant's registered trademarks; that the Respondent has no rights or legitimate interests whatsoever with respect to the disputed domain names; and that the Respondent registered and is using the disputed domain names in bad faith.

B. Respondent

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

6. Discussion and Findings

In order for the Complainant to obtain a transfer of the disputed domain names, paragraphs 4(a)(i) - (iii) of the Policy require that the Complainant must demonstrate to the Panel that:

- (i) the disputed domain names are 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 names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has established rights in the VERIZON trademarks.

The disputed domain names contain in their entirety the Complainant's VERIZON trademark.

The Top-Level Domain ("TLD") suffix is generally disregarded under the test for confusing similarity for the purposes of the Policy, and the addition of the of the term "total" to the disputed domain names does not prevent a finding of confusing similarity under the first element of the UDRP. In this sense, WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.8.

Therefore, the Panel finds the disputed domain names to be confusingly similar to the VERIZON trademarks in which the Complainant has rights.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

This Panel finds that the Complainant has made out a *prima facie* case that the Respondent does not have rights or legitimate interests in the disputed domain names. The Respondent does not appear to be commonly known by the names "Verizon", "Total Verizon", or by the disputed domain names. The Respondent has no connection or affiliation with the Complainant, and the Complainant has not licensed or otherwise authorized the Respondent to use or register any domain name incorporating the Complainant's trademarks. The Respondent does not appear to make any legitimate noncommercial or fair use of the disputed domain names, nor any use in connection with a *bona fide* offering of goods or services. In fact, it appears from the documents available that the disputed domain names resolve to webpages populated with sponsored links offering products and services in the Complainant's sector. Finally, the Respondent has not replied to the Complainant's contentions, claiming any rights or legitimate interests in the disputed domain names.

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

C. Registered and Used in Bad Faith

The Panel, on the basis of the evidence presented, accepts and agrees with the Complainant's contentions that the disputed domain names were registered and have been used in bad faith.

The VERIZON trademark has been registered and used for almost twenty years, it enjoys a widespread reputation and high degree of recognition as a result of its fame and renown and thus the VERIZON mark is not one that the Respondent would have registered other than for the purpose of creating the impression of an association with the Complainant.

The content displayed on the Respondent's website (*i.e.*, displaying links to advertisements for products and services of the Complainant's competitors), suggests that the Respondent knew of the Complainant's VERIZON trademarks and TOTAL BY VERIZON trademark applications when registering the disputed domain names.

Consequently, the Panel finds that the Respondent knew of the Complainant's trademarks and intentionally intended to create an association with the Complainant and its business at the time of registration of the disputed domain names.

Further inference of bad faith registration and use of the disputed domain names is given by the fact that the Respondent has not denied the assertions of bad faith made by the Complainant in this proceeding, so it is therefore reasonable to assume that if the Respondent had legitimate purposes for registering and using the disputed domain names, it would have responded to these assertions.

In addition, the Panel finds that the Respondent's use of the Complainant's trademark, in the disputed domain names and on the corresponding websites, to attract Internet users to advertise competing products and/or services qualifies as bad faith registration and use under the Policy.

Accordingly, the Panel finds, on the basis of the evidence presented, that the Respondent registered and is using the disputed domain names in bad faith.

Therefore, the Complainant has 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 names <totalverizon.co> and <totalverizon.live> be transferred to the Complainant.

/Fabrizio Bedarida/

Fabrizio Bedarida

Sole Panelist

Date: May 9, 2023