

## **ADMINISTRATIVE PANEL DECISION**

### **American Airlines, Inc. v. Muhammad Abuzar Case No. D2023-1682**

#### **1. The Parties**

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

The Respondent is Muhammad Abuzar, Pakistan.

#### **2. The Domain Name and Registrar**

The disputed domain name <myenvoyair.biz> (the “Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

#### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 17, 2023. On April 17, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On April 18, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 20, 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 April 20, 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 April 26, 2023. In accordance with the Rules, paragraph 5, the due date for Response was May 16, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 18, 2023.

The Center appointed Ian Lowe as the sole panelist in this matter on May 29, 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 is one of the largest air carriers in the world and prior to the Covid pandemic the Complainant and its affiliates served over 350 destinations in over 50 countries, with nearly 7,000 daily flights. Envoy Air, Inc (“Envoy”) is a wholly owned subsidiary of the Complainant and the largest regional carrier in the American Airlines Group. Through Envoy, the Complainant operates more than 185 aircraft on 1,000 flights to over 150 destinations. Envoy has more than 18,000 employees. The Complainant has extensively used the ENVOY trademark in commerce with travel related goods and services for almost 25 years.

The Complainant is the proprietor of registered trademarks incorporating the ENVOY mark in jurisdictions covering 32 countries, including United States trademark number 4867612 ENVOY registered on December 8, 2015 and European Union trademark number 8428427 ENVOY registered on March 22, 2010.

The Domain Name was registered on February 23, 2023. It resolves to a website purporting to be operated by the Complainant, impersonating the Complainant’s official My Envoy Air website, and claiming to be “the ultimate employee portal created by Envoy Air, Inc.”. It also purports to provide information about the Complainant airline. It prominently displays the Complainant’s ENVOY trademark as well as other trademarks of the Complainant.

#### **5. Parties’ Contentions**

##### **A. Complainant**

The Complainant contends that the Domain Name is confusingly similar to its ENVOY mark (the “Mark”), that the Respondent has no rights or legitimate interests in respect of the Domain Name, and that the Respondent registered and is using the Domain Name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

For this Complaint to succeed in relation to the Domain Name the Complainant must prove that:

- (i) the 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 Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

##### **A. Identical or Confusingly Similar**

The Complainant has uncontested rights in the Mark, both by virtue of its trademark registrations and as a result of the goodwill and reputation acquired through its use of the Mark over many years. Ignoring the generic Top-Level Domain (“gTLD”) “.biz”, the Domain Name comprises the entirety of the Mark together with the terms “my” and “air”. The Panel does not consider that these additions prevent a finding of confusing similarity between the Domain Name and the Mark.

Accordingly, the Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights.

## **B. Rights or Legitimate Interests**

The Complainant has made out a *prima facie* case that the Respondent could have no rights or legitimate interests in respect of the Domain Name. The Respondent has used the Domain Name not in connection with a *bona fide* offering of goods or services, but for a website impersonating the official My Envoy Air website of the Complainant.

As many UDRP panelists have found, the use of a domain name for a website impersonating that of the Complainant cannot possibly give rise to rights or legitimate interests in respect of the domain name. The Panel cannot conceive of a legitimate use to which the Domain Name could be put in the hands of the Respondent. The Respondent has chosen not to respond to the Complaint or to take any steps to counter the *prima facie* case established by the Complainant.

In the circumstances, the Panel finds that the Respondent does not have any rights or legitimate interests in respect of the Domain Name.

## **C. Registered and Used in Bad Faith**

In light of the nature of the Domain Name, comprising the entirety of the Mark with the addition of “my” and “air”, mimicking the official My Envoy Air website of the Complainant, the Panel is in no doubt that the Respondent had the Complainant and its rights in the Mark in mind when it registered the Domain Name. In the absence of any response by the Respondent, the Panel has no reason to doubt that the Respondent has used its website to mislead Internet users into believing that the website at the Domain Name is operated by or authorized by the Complainant and to deceive customers or employees of the Complainant into disclosing personal information or for other disruptive purposes. In the Panel’s view, the use of a domain name for such activity, presumably with a view to commercial gain, amounts to paradigm bad faith registration and use for the purposes of the Policy. The Panel does not consider that the Disclaimer at the foot of the home page of the Respondent’s website, stating “We are not associated with MyEnvoyAir. This website is for educational purposes only” is effective or in any way negates the finding of bad faith.

Accordingly, the Panel finds that the Domain Name has been registered and is being used in bad faith.

## **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 Domain Name <myenvoyair.biz> be transferred to the Complainant.

*/Ian Lowe/*

**Ian Lowe**

Sole Panelist

Date: June 12, 2023