

ADMINISTRATIVE PANEL DECISION

Insured Aircraft Title Service, LLC v. Emmanuel Buron
Case No. D2023-1854

1. The Parties

Complainant is Insured Aircraft Title Service, LLC, United States of America (“United States”), represented by Crowe & Dunlevy, P.C., United States.

Respondent is Emmanuel Buron, United States.

2. The Domain Name and Registrar

The disputed domain name <insuredaircraft.net> is registered with Wild West Domains, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 25, 2023. On April 26, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 27, 2023, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to Complainant on May 1, 2023 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 May 7, 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 Respondent of the Complaint, and the proceedings commenced on May 10, 2023. In accordance with the Rules, paragraph 5, the due date for Response was May 30, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on June 1, 2023. The Center received an email from Respondent on June 1, 2023 stating “insuredaircraft.net has been suspended”.

The Center appointed Lynda J. Zadra-Symes as the sole panelist in this matter on June 20, 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

Complainant, founded in 1963, is a worldwide provider of escrow services and title and document recordation services to the aviation industry. Complainant is located in Oklahoma City, Oklahoma, United States, minutes away from the Federal Aviation Administration (FAA) records center of United States. Complainant's primary corporate website is hosted at "www.insuredaircraft.com". Complainant owns the following trademark registration granted by the United States Patent and Trademark Office:

INSURED AIRCRAFT TITLE SERVICE INC. (and Design), Registration No. 4,086,419, registered January 17, 2012

The disputed domain name was registered on April 22, 2022, using a privacy service. The registration information for the disputed domain name indicates that Respondent used invalid contact information. On May 15, 2023, DHL Express Worldwide service was unable to deliver the Written Notice because of "Bad address".

The disputed domain name does not resolve to an active website.

On April 20, 2023, the disputed domain name was used in an email impersonating Complainant's officer, indicating that Respondent initiated or intercepted a private email communication during a transaction involving Complainant and then sent a fraudulent email using the disputed domain name to parties involved in the transaction. (Annex 5 to Complaint).

5. Parties' Contentions

A. Complainant

Complainant contends that the disputed domain name is identical or confusingly similar to Complainant's trademark, that Respondent has no rights or legitimate interests in respect of the disputed domain name, and the disputed domain name has been registered and used in bad faith.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

In order to succeed in its claim, Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied:

- (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 with respect to the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

Paragraph 15(a) of the Rules instructs the Panel to 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 demonstrated that it has rights in the trademark INSURED AIRCRAFT TITLE SERVICE in connection with escrow services and title and document recordation services to the aviation industry. The disputed domain name incorporates the first two words of Complainant’s registered mark in their entirety. While the words “title service” appear in Complainant’s registered trademark and are omitted from the disputed domain name, the omission of those words does not avoid a finding of confusing similarity, because the dominant feature of the trademark is recognizable in the disputed domain name. Likewise, the use of the generic Top-Level Domain (“gTLD”) “.net” is disregarded under the first element confusing similarity test.

Accordingly, the Panel finds that the disputed domain name is confusingly similar to Complainant’s trademark.

B. Rights or Legitimate Interests

Complainant contends that Respondent is not affiliated with or connected to Complainant in any way. At no time has Complainant licensed or otherwise endorsed, sponsored or authorized Respondent to use Complainant’s mark or to register the disputed domain name. The record is devoid of any facts that establish any rights or legitimate interests of Respondent in the disputed domain name. There is no evidence that Respondent has been commonly known by the disputed domain name or that it has any rights that might predate Complainant’s adoption and use of its mark. Complainant operates its primary corporate website at the domain <insuredaircraft.com>, which is almost identical to the disputed domain name despite use of a different gTLD.

Respondent has not made, and is not making, a legitimate noncommercial or fair use of the disputed domain name. Respondent has not used the disputed domain name in connection with the *bona fide* offering of goods or services.

Instead, the record indicates that Respondent is engaged in a fraudulent scheme broadly referred to as “CEO Impersonation,” in which Respondent – using the disputed domain name – falsely impersonates one of Complainant’s executive officers or employees and attempts to disrupt active transactions involving Complainant using email addresses based on the disputed domain name, with the apparent aim of fraudulently diverting transaction funds to Respondent’s private bank account. This is a sophisticated attack that requires Respondent to have access to the parties or correspondence related to each transaction.

Panels have consistently held that the use of a domain name for illegal activity can never confer rights or legitimate interests on a respondent. WIPO Overview of WIPO Panel Views on Selected UDRP Question, Third Edition (“[WIPO Overview 3.0](#)”), section 2.13.1.

Accordingly, the Panel finds that Respondent has no rights or legitimate interests in respect of the disputed domain name.

C. Registered and Used in Bad Faith

The record indicates that Respondent had actual knowledge of Complainant’s right in its mark prior to registering the disputed domain name and that Respondent registered and used the disputed domain name in connection with a fraudulent scam for Respondent’s commercial gain by intentionally creating a likelihood of confusion with Complainant’s mark.

Respondent has used the bogus email address using the disputed domain name for the sole purpose of defrauding legitimate businesses by impersonating executives at Complainant in correspondence sent from

an email address based on the disputed domain name. The aim of this fraud was to mislead Complainant's customers into diverting funds designated for transactions involving Complainant to Respondent's private bank accounts.

In support of this contention, Complainant submitted an example of a fraudulent communication issued by Respondent based on the disputed domain name. See Annex 5.

On April 20, 2023, Respondent impersonated a senior executive at Complainant by using their name combined with the disputed domain name to send an email to Complainant's client requesting the client to open a file for a transaction over USD 17 million discussing purchase price payments and balance amounts.

This is a clear attempt by Respondent to impersonate Complainant with the hope of obtaining the banking information and funds from Complainant's clients or counterparties. This scheme requires Respondent to have knowledge of a pending transaction involving Complainant or at least knowledge of parties to a transaction involving Complainant. This suggests that Respondent has impermissibly gained access to third-party computer systems (e.g., mail servers) to obtain background information regarding these transactions, which is then used to camouflage the fraudulent email. The communication in Annex 5 is only a sampling of that received by Complainant involving Respondent's impersonated email scheme. The pervasive nature of this fraud likely involved impersonated communications to other vendors and parties that have not yet been discovered by Complainant.

The Panel finds that Complainant has registered and used the disputed domain name 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 disputed domain name <insuredaircraft.net> be transferred to Complainant.

/Lynda J. Zadra-Symes/

Lynda J. Zadra-Symes

Sole Panelist

Date: July 4, 2023