

ADMINISTRATIVE PANEL DECISION

Sunteck/TTS Integration, LLC v. Yoto Abri Case No. D2023-2549

1. The Parties

Complainant is Sunteck/TTS Integration, LLC, United States of America (“United States”), represented by Sheppard, Mullin, Richter & Hampton LLP, United States.

Respondent is Yoto Abri, United States.

2. The Domain Name and Registrar

The disputed domain name <suntecttc.com> (“Disputed 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 June 13, 2023. On June 14, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On June 14, 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 (Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to Complainant on June 15, 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 June 19, 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 June 27, 2023. In accordance with the Rules, paragraph 5, the due date for Response was July 17, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on July 20, 2023.

The Center appointed Lynda J. Zadra-Symes as the sole panelist in this matter on August 15, 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 is a full-service transportation and logistics organization in North America, with over 200 independently owned and operated agent offices across the United States and Canada. Complainant offers transportation logistics services through its website accessible at “www.suntecktts.com”. Complainant’s website prominently displays its SUNTECKTTS trademark, and notes that it is a registered mark, for which Complainant claims use since at least as early as January 24, 2017.

Complainant owns United States Trademark Registration No. 5,780,731 for the mark SUNTECKTTS, registered June 18, 2019 for “transportation logistics services, namely, arranging the transportation of goods for others” in Class 35. Complainant owns the domain name <suntecktts.com> which it registered on June 23, 2016.

The Disputed Domain Name <suntecttc.com> was registered on May 12, 2023, and has been used in a fraudulent email scheme.

5. Parties’ Contentions

A. Complainant

Complainant contends that the Disputed Domain Name is substantially identical or confusingly similar to Complainant’s trademark, that Respondent has no rights or legitimate interests in respect of the Disputed Domain Name, and that the Disputed Domain Name was registered and is being 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 SUNTECKTTS in connection with transportation logistics services. The Disputed Domain Name incorporates Complainant’s mark almost identically, differing only by the removal of the letter “k” at the end of “sunteck” and the replacement of the third letter “s” with a letter “c” at the end of the suffix “tts.” This is an example of typo-squatting, which has consistently been regarded as creating a domain name confusingly similar to the relevant mark. In addition, the “.com” Top-Level Domain (“TLD”) is a standard registration requirement and as such is disregarded under the 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.

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 a *bona fide* offering of goods or services. Respondent's website at the Disputed Domain Name contains no content. Instead, Respondent has used the Disputed Domain Name in a fraudulent email address to confuse consumers and exploit Complainant's goodwill in its trademark for Respondent's own gain.

The record indicates that Respondent was well aware of Complainant's mark and has used the Disputed Domain Name to deceptively attract Internet users seeking Complainant. The record shows that Respondent is using the Disputed Domain Name to confuse Internet users into believing that Respondent is associated with Complainant, which is not a *bona fide* use of the Disputed Domain Name.

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 has used the Disputed Domain Name to fraudulently act as a representative of Complainant, by, for example, engaging in email exchanges with Complainant's clients using the Disputed Domain Name and fraudulently producing shipping documentation using Complainant's mark. Thus, the record indicates that Respondent was well aware of Complainant's trademark and business when it registered the Disputed Domain Name and deliberately and fraudulently attempted to confuse Complainant's customers into mistakenly believing that they were dealing directly with Complainant.

The Panel concludes that these fraudulent activities of Respondent constitute registration and use in bad faith of the Disputed Domain Name.

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 <suntectc.com> be transferred to Complainant.

/Lynda J. Zadra-Symes/

Lynda J. Zadra-Symes

Sole Panelist

Date: August 29, 2023