

ADMINISTRATIVE PANEL DECISION

Amdocs Development Ltd. and Amdocs Software Systems Ltd. v. James Andrew

Case No. D2023-2688

1. The Parties

The Complainants are Amdocs Development Ltd., Cyprus (“First Complainant”), and Amdocs Software Systems Ltd., Ireland (“Second Complainant”), both represented by Liad Whatstein & Co., Israel.

The Respondent is James Andrew, United States of America.

2. The Domain Name and Registrar

The disputed domain name <us-amdocs.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 22, 2023. On June 23, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 24, 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 June 30, 2023. In accordance with the Rules, paragraph 5, the due date for Response was July 20, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 24, 2023.

The Center appointed Andrew Brown K.C. as the sole panelist in this matter on July 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 First Complainant is a Cyprus limited liability company. The Second Complainant is an Irish limited liability company. Both belong to the Amdocs group of companies which develops and markets software solutions in various fields.

The First Complainant is the owner of a number of trade mark/service mark registrations for the word mark AMDOCS. The Complainants have provided details of:

International Registration number 1302596 for AMDOCS in classes 9, 35, and 42, designating Switzerland, Israel, India and Mexico, registered on April 11, 2016.

European Union trade mark registration 015184252 for AMDOCS in classes 9, 35, and 42, registered on July 13, 2016.

Swiss registration 581774 for the mark AMDOCS in the same classes, registered on January 19, 2009.

The Complainants have provided details of their full trademark portfolio registration for the AMDOCS word mark. The portfolio of registrations covers many countries including Australia, Canada, China, India, Japan, United Kingdom and the United States of America (together "the AMDOCS Mark"). These registrations cover, *inter alia*, computer software for customer management in class 9; business management and consultancy and advisory services in class 35, and technical support services in class 42.

These registrations well pre-date the creation of the disputed domain name which was registered on March 21, 2023. The disputed domain name does not resolve to an active website, but has been used in a fraudulent email scheme.

5. Parties' Contentions

A. Complainant

The Complainants assert their rights in the AMDOCS Mark and claim that the mark is well known by virtue of its use in 85 countries. The Complainants also claim that they are one of the leading software developers in the field and have acquired substantial goodwill worldwide as a result of extensive use. They claim that the First Complainant's AMDOCS Mark is a well known mark under Article 6bis of the Paris Convention.

The Complainants state in support that they employ approximately 25,000 employees worldwide. The Complainants are listed on the NASDAQ Global Select Market and had revenues of USD 4.1 billion in fiscal year of 2019.

The Complainants assert that the disputed domain name is confusingly similar to AMDOCS Mark.

The Complainants also state that the Respondent has no rights or legitimate interests in the disputed domain name. They state that there is no evidence of use of the disputed domain name in connection with a *bona fide* offering of goods and services; that the Respondent is not commonly known by the disputed domain name (or the AMDOCS Mark) and that the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. The Complainants further assert that, as far as they know, the Respondent has no trademark for AMDOCS, no other connection whatever to the AMDOCS Mark and that there is no legitimate business reason for the Respondent to hold the disputed domain name in his name.

The Complainants assert finally, that the disputed domain name was registered and is being used in bad faith. In this regard they claim that the disputed domain name has been used for smishing and phishing activity including to send counterfeit email messages impersonating real employees of the Complainants. The Complainants assert that this activity misleads people to believe that the disputed domain name is

owned or endorsed by or associated with the Complainants. The Complainants rely on decisions of previous panels that disputed domain names registered in such circumstances have been deemed to be registered and used in bad faith.

The Complainants state that the Respondent knew of the existence of their well-known AMDOCS Mark when it registered the disputed domain name and was aware that it had no rights or legitimate interests in the disputed domain name at the time of registration. The Complainants state that the Respondent registered the disputed domain name for the purpose of creating confusion amongst potential web users by using an identical or similar name to AMDOCS Mark and names.

The Complainants further assert that the disputed domain name was:

- (a) registered in order to prevent the Complainants from reflecting their mark in a corresponding domain name and therefore is registered for the purpose of disrupting the business of a competitor;
- (b) registered for the Respondent to intentionally attempt to attract for commercial gain Internet users to the Respondent's website or other locations by creating a likelihood of confusion with the Complainants and their well-known AMDOCS Mark.

B. Respondent

The Respondent did not reply to the Complainants' contentions.

6. Discussion and Findings

Pursuant to paragraph 4(a) of the Policy, a complainant must prove each of the following elements with respect to the disputed domain name in order to succeed in this proceeding:

- (i) that the disputed domain name is identical or confusingly similar to a trademark in which the complainant has rights; and
- (ii) that the respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainants have provided evidence of their rights to the AMDOCS Mark in multiple jurisdictions. They have also provided evidence of use of their mark in the development and marketing in software solutions. The Panel is satisfied that the Complainants are well known internationally by their AMDOCS Mark in relation to computer software and computer software solutions in different fields.

The Panel finds that the disputed domain name is confusingly similar to the Complainants' AMDOCS Mark. This trademark is immediately recognizable in the disputed domain name.

The Panel therefore finds in favor of the Complainants in respect of paragraph 4(a) of the Policy.

B. Rights or Legitimate Interests

Pursuant to paragraph 4(c) of the Policy, the Respondent may establish that it has rights or legitimate interests in the disputed domain name, among other circumstances, by showing any one of the following elements:

- (i) that before notice of the dispute, the Respondent used or made demonstrable preparations to use the disputed domain name or a name corresponding to the disputed domain name in connection with a *bona fide* offering of goods or services; or
- (ii) that the Respondent has been commonly known by the disputed domain name, even if it had acquired no trademark or service mark rights; or
- (iii) that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The overall burden of proof for establishing that the Respondent has no rights or legitimate interests in respect of the disputed domain name lies with the Complainants.

There is no evidence of the existence of any rights or legitimate interests on the part of the Respondent in the AMDOCS Mark pursuant to paragraph 4(c) of the Policy. The Complainants unquestionably have prior rights in the AMDOCS Mark which precede the Respondent's registration of the disputed domain name by many years. The Panel is satisfied that the Complainants have never licensed or permitted the Respondent to use their AMDOCS Mark. The Panel is further satisfied that the Respondent has never been commonly known by the disputed domain name and that the Respondent has not made a legitimate noncommercial or fair use of the disputed domain name. On the contrary, there is evidence in the case file showing the use of the disputed domain name to send out fraudulent emails.

The Respondent had the opportunity to demonstrate its rights or legitimate interests in the disputed domain name but has not replied to the Complaint.

The Panel therefore finds that the Complainants have satisfied the burden of establishing a *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain name and accordingly finds that paragraph 4(a)(ii) of the Policy is satisfied in favor of the Complainants.

C. Registered and Used in Bad Faith

The Panel is also satisfied that the disputed domain name has been registered in bad faith for the following reasons:

- (i) the Panel has already found that the Complainants' AMDOCS Mark is well known for computer software and computer software solutions in different fields. It is inconceivable that in registering the disputed domain name (reproducing the AMDOCS Mark in its entirety), that the Respondent was unaware of the Complainants' well-known trademark. The actions of the Respondent (described below) in sending a phishing communication from the disputed domain name impersonating a senior executive of one of the Complainants demonstrates that the Respondent well knew of the Complainants and their rights prior to registration of the disputed domain name;
- (ii) paragraph 2 of the UDRP puts a burden on registrants where it states "by applying to register a domain name, or by asking us to maintain or renew a domain name registration, you hereby represent and bond to us that [...] to your knowledge, the registration of the domain name will not infringe upon or otherwise violate the rights of a third party [...]. It is your responsibility to determine whether your domain name infringes or violates someone else's rights." Even the most cursory trademark or other online search or any online search of existing domain names prior to the Respondent registering the disputed domain name would instantly have revealed the Complainants and their AMDOCS Mark. See in this regard section 3.2.3 of the [WIPO Overview 3.0](#).

The Panel is also satisfied that the Respondent is using the disputed domain name in bad faith, because although the Respondent has not linked the disputed domain name to any site, the Complainants have provided evidence of phishing activities where the Respondent has sent an email to a supplier or travel

services in which he impersonates a senior employee of the Complainant and seeks the provision of travel services.

Accordingly, the Panel finds that paragraph 4(a)(iii) of the Policy is satisfied in favor of the Complainants.

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, <us-amdocs.com>, be transferred to the Complainants.

/Andrew Brown K.C./

Andrew Brown K.C.

Sole Panelist

Date: August 3, 2023