

ADMINISTRATIVE PANEL DECISION

American Airlines, Inc. v. Kesha Shar
Case No. D2023-2713

1. The Parties

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

The Respondent is Kesha Shar, India.

2. The Domain Name and Registrar

The disputed domain name <american-airlines.com> is registered with Web Commerce Communications Limited dba WebNic.cc (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 23, 2023. On June 26, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 26, 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 20, 2023.

The Center appointed Adam Samuel as the sole panelist in this matter on August 11, 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 a well-known airline company. The Complainant owns a number of trademarks for the name AMERICAN AIRLINES, including the Indian trademark, number 605108, registered on August 25, 1993. The Complainant registered the domain names <americanairlines.com> on April 17, 1998 and <aa.com> on January 2, 1998, through which it promotes its products and services.

The disputed domain name was registered on May 8, 2023. On June 30, 2023, the disputed domain name resolved to a website giving a United States of America telephone number and inviting potential customers to ring to book flights with the Complainant.

5. Parties' Contentions

A. Complainant

The disputed domain name incorporates the Complainant's AMERICAN AIRLINES mark in full, changing the mark only by adding a hyphen, the additional letter "i" and the generic Top-Level Domain ("gTLD") ".com". This constitutes typo squatting which creates confusing similarity between the disputed domain name and the Complainant's trademark.

The Respondent registered the disputed domain name without the Complainant's authorization or consent. The Respondent is not commonly known by the disputed domain name and has not used or prepared to use the disputed domain name in connection with a *bona fide* offering of goods or services.

The Respondent clearly knew of the Complainant's business when it registered the disputed domain name.

The Respondent has been using the disputed domain name to divert Internet traffic to a single-page website that prominently displays the Complainant's mark and purports to be the Complainant's "24/7 Flight Booking Helpdesk". Below the Complainant's mark, the website displays a telephone number that is not the Official telephone number of the Complainant. When a person calls the number given, they are greeted with "reservations" and attempts to book a reservation for the caller. If the caller asks if this is the number of American Airlines, the answer is either "yes" or that they are "the consolidator for American Airlines. At best, the disputed domain name is being used to engage in fraudulent travel reservation transactions and at worst, it is being used to steal personal information from consumers.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements listed 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 the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The disputed domain name consists of the Complainant's trademark, with an extra "" added to the word "airline", and the generic Top-Level Domain ("gTLD") ".com". The gTLD is irrelevant here as it is a standard registration requirement. See section 1.11.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

Section 1.9 of the [WIPO Overview 3.0](#) says:

"A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. This stems from the fact that the domain name contains sufficiently recognizable aspects of the relevant mark."

For all these reasons, the Panel concludes that the disputed domain name is confusingly similar to the Complainant's trademark.

B. Rights or Legitimate Interests

The Respondent is not called "americanairlines" or anything similar. There is no evidence that the Complainant has ever authorised the Respondent to use its trademarks. The Respondent does not appear to have used the disputed domain name for any legitimate purpose. It does, though, seem to have used the disputed domain name in order to impersonate the Complainant in order to at least obtain information from the Complainant's customers.

Based on the available record, where the Complainant has made out a preliminary case that the Respondent lacks rights or legitimate interests, and in the absence of any response on this point, the Panel concludes that the Respondent has no rights or legitimate interests in respect of the disputed domain name. See section 2.1 of the [WIPO Overview 3.0](#).

C. Registered and Used in Bad Faith

The printout of the website page to which the disputed domain name resolved on June 30, 2023, shortly after the registration of the disputed domain name, contains an attempt to impersonate the Complainant and attract customers wishing to book flights offered by the Complainant.

In addition, the insertion of an extra letter "i" in the reproduction of the Complainant's trademark in the disputed domain name suggests that this is a typo squatting case.

Section 3.1.4 of the [WIPO Overview 3.0](#) says:

"Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith."

For all these reasons, the Panel concludes that the Respondent registered the disputed domain name to confuse Internet users into thinking that either the disputed domain name was connected to the Complainant. See section 3.2.1 of the [WIPO Overview 3.0](#).

The Panel concludes, therefore, that the Respondent registered and is using 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, <american-airliines.com>, be transferred to the Complainant.

/Adam Samuel/

Adam Samuel

Sole Panelist

Date: August 17, 2023