

ADMINISTRATIVE PANEL DECISION

Raytheon Technologies Corporation v. Prisha Khalane Case No. D2023-2760

1. The Parties

The Complainant is Raytheon Technologies Corporation, United States of America (“United States”), represented by Cantor Colburn LLP, United States.

The Respondent is Prisha Khalane, India.

2. The Domain Name and Registrar

The disputed domain name <raytheonsuk.com> (the “Domain Name”) is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 28, 2023. On June 29, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On June 30, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 5, 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 July 6, 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 July 12, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 1, 2023. The Respondent sent informal email communications on July 19, 2023, July 24, 2023, and August 28, 2023.

The Complainant requested suspension of the proceeding on July 21, 2023. Accordingly, the Center notified the Notification of Suspension on July 21, 2023. On August 21, 2023, the Complainant requested extension of the Suspension for an additional 30 days. Therefore, the Center notified the Parties that the administrative proceeding is further suspended until September 20, 2023. Without any further request of suspension, upon the end of suspension, the Center notified that the present UDRP proceeding is reinstated as of September 21, 2023, and the new due date for Response was October 2, 2023. The Respondent did not submit any formal response. Accordingly, the Center notified Commencement of Panel Appointment Process on October 3, 2023.

The Center appointed Jeremy Speres as the sole panelist in this matter on October 9, 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, operating in 45 territories, is an aerospace and defence manufacturer, producing aircraft engines, avionics systems, aerostructures, cybersecurity systems, and air defence systems, and has traded under the RAYTHEON mark as such since 1925.

The Complainant's RAYTHEON mark is registered in many jurisdictions, including United Kingdom Trade Mark Registration No. UK00000648858 RAYTHEON. in class 9 with a registration date of June 17, 1946.

The Domain Name was registered on January 2, 2023 and currently does not resolve to any website. The Complainant's evidence shows that the Domain Name previously resolved to a website headed "Raytheon International", ostensibly used for the sale of antiques and collectibles.

5. Parties' Contentions

A. Complainant

The Complainant contends that the Domain Name is confusingly similar to its well-known RAYTHEON mark, that the Respondent has no rights or legitimate interests in the Domain Name, and the Domain Name was registered and used in bad faith in order to take advantage of the Complainant's reputation for the Respondent's commercial gain by causing confusion amongst users as to an association with the Complainant.

B. Respondent

The Respondent did not formally reply to the Complainant's contentions. The Respondent did send informal correspondence to the Center in which he indicated that he registered the Domain Name on behalf of a client and indicated that he is ready to surrender the Domain Name if he is reimbursed for "mental agony, consult experts and my time was invested in the whole activity."

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant plainly has registered rights in a mark, RAYTHEON, that is wholly contained within the Domain Name, remaining recognisable within it. Where the trade mark is recognisable within the disputed domain name (as in this case), the addition of other terms does not prevent a finding of confusing similarity (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") at section 1.8). The Complainant has satisfied the requirements of paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Complainant's evidence establishes that its mark was well-known and registered long prior to registration of the Domain Name. The Domain Name is confusingly similar to the Complainant's mark and the Complainant has certified that the Domain Name is unauthorised by it.

For the reasons discussed in relation to bad faith below, it is likely that the Domain Name was registered in order to take advantage of the Complainant's reputation in its mark. The Respondent's registration and use of the Domain Name in these circumstances cannot represent a *bona fide* offering of goods or services under paragraph 4(c)(i) of the Policy and cannot confer rights or legitimate interests (*Sistema de Ensino Poliedro Vestibulares Ltda., Editora Poliedro Ltda. v. Anonymize, Inc. / STANLEY PACE*, WIPO Case No. [D2022-1981](#)). The Complainant has satisfied paragraph 4(a)(ii) of the Policy by virtue of having made out an un rebutted *prima facie* case ([WIPO Overview 3.0](#) at section 2.1).

C. Registered and Used in Bad Faith

UDRP panels have consistently found that registration of a domain name that is confusingly similar to a famous or well-known trade mark by an unaffiliated entity can by itself create a presumption of bad faith ([WIPO Overview 3.0](#) at section 3.1.4).

The Domain Name's erstwhile website featured a logo highly reminiscent of the Complainant's logo, including a highly similar colour and circular device. That website also included the Complainant's corporate headquarters address in Arlington, Virginia – an unlikely coincidence.

The Panel has independently established that at least one security vendor has flagged the Domain Name for malicious activity, which is an indicator of bad faith (*The Commissioners for HM Revenue and Customs v. WhoisGuard Protected, WhoisGuard, Inc. / Hoshyar Marshall*, WIPO Case No. [D2021-0344](#)).

The Respondent's informal response seemed to suggest that the Respondent was prepared to transfer the Domain Name to the Complainant in return for something more than the Respondent's out-of-pocket expenses relating directly to the Domain Name. Thus, paragraph 4(b)(i) of the Policy is also applicable.

Finally, the Complainant's evidence indicates that the Respondent's telephone number, as included in the Whois record, is false, which is a further indicator of bad faith ([WIPO Overview 3.0](#) at section 3.6).

On balance, it is clear that the Respondent had the Complainant in mind when registering and using the Domain Name. The Complainant has satisfied paragraph 4(a)(iii) of the Policy.

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, <raytheonsuk.com>, be transferred to the Complainant.

/Jeremy Speres/

Jeremy Speres

Sole Panelist

Date: October 19, 2023