

ADMINISTRATIVE PANEL DECISION

American Airlines, Inc. v. Chunliu Lu
Case No. D2023-2927

1. The Parties

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

The Respondent is Chunliu Lu, China.

2. The Domain Name and Registrar

The disputed domain name <aacredltunion.com> (the “Domain Name”) is registered with Hong Kong Juming Network Technology Co., Ltd (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 7, 2023. On July 10, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On July 12, 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 (Not Provided) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 24, 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 26, 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 August 4, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 24, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 25, 2023.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on September 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 to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is a large air carrier in the United States and internationally with a global name-recognition. It serves more than 360 destinations in nearly fifty countries, with nearly 7,000 daily flights. The American Airlines Federal Credit Union is a not-for-profit full-service financial cooperative, serves current and retired employees of American Airlines, their family members, and people who work in the air transportation industry. It has 46 branches in the United States.

The Complainant owns trademark registrations in AA and AMERICAN AIRLINES, including in China where Respondent is purportedly located, for example Chinese trademark registration number 616416 for AA, registered on October 30, 1992. The Complainant has also registered trademark rights in AMERICAN AIRLINES FEDERAL CREDIT UNION. Moreover, the Complainant has registered numerous domain names, such as <americanairlines.com> and <aacreditunion.org>.

The Domain Name was registered on March 27, 2023. At the time of the Complaint, the Domain Name resolved to a gambling website in Chinese with links to third-party websites. At the time of drafting the Decision, the Domain Name resolved to an error website.

5. Parties' Contentions

A. Complainant

The Complainant provides evidence of trademark registrations and points out that the Domain Name incorporates the Complainant's AA mark in full, changing the mark only by adding the terms "credit" (intentional misspelling of "credit"), and "union", which describes the Complainant's credit union services. The Complainant also points to similarity to its domain names <aa.com> and <aacreditunion.org>.

The Complainant argues that the Respondent has no rights or legitimate interests in respect of the Domain Name. The Respondent is not commonly known by the Domain Name, has not used or prepared to use the Domain Name in connection with a *bona fide* offering of goods or services, and has not been authorized, licensed, or otherwise permitted by the Complainant to register and/or use the Domain Name. The Respondent has used the Domain Name to divert Internet traffic to a gambling website in Chinese.

The Complainant argues that the Domain Name incorporates the Complainant's well known trademark in bad faith. The Respondent has had actual and constructive knowledge of the Complainant's trademark rights. The Respondent has also shown a pattern of registration of domain names of well known entities in bad faith, see *e.g.*, *Pink Floyd (1987) Limited v. Chunliu Lu*, WIPO Case No. [D2023-0846](#).

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the Domain Name. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has established that it has rights in the trademarks AA, AMERICAN AIRLINES and AMERICAN AIRLINES FEDERAL CREDIT UNION. The Domain Name reproduces the Complainant's trademark AA in its entirety adding the terms "credit" (intentional misspelling of "credit"), and "union", and

AMERICAN AIRLINES FEDERAL CREDIT UNION (where AMERICAN AIRLINES is reflected as “AA”, the term “credit” has a typo, and the term “federal” is not reproduced. The additions and differences do not prevent a finding of confusing similarity. See [WIPO Overview 3.0](#), section 1.8. For the purpose of assessing the confusing similarity under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domain, see [WIPO Overview 3.0](#), section 1.11.1.

Based on the available record, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name. While the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of proof shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. See [WIPO Overview 3.0](#), section 2.1.

Having reviewed the record, the Panel finds the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the Domain Name. The Respondent has not rebutted the Complainant’s *prima facie* showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Domain Name. Based on the record, the Respondent is not affiliated or related to the Complainant. There is no evidence that the Respondent has registered the Domain Name as a trademark or acquired trademark rights. There is no evidence of the Respondent’s use of, or demonstrable preparations to use, the Domain Name in connection with a *bona fide* offering of goods or services. The Respondent’s use of the Domain Name is rather evidence of bad faith, see below.

Based on the available record, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular but without limitation, that if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

Based on the composition of the Domain Name, it is probable that the Respondent was aware of the Complainant and its prior rights when the Respondent registered the Domain Name. Based on the case file, it appears that the Respondent is intentionally creating a likelihood of confusion with the Complainant’s trademark as to the source, sponsorship, affiliation, or endorsement. The use of the Domain Name is also evidence of bad faith. Moreover, the Respondent prevents the Complainant reflecting its mark in a corresponding domain name, and it has been documented that the Respondent has engaged in a pattern of such conduct.

For the reasons set out above, the Panel concludes that the Domain Name was registered and is being used in bad faith, within the meaning of paragraph 4(a)(iii) of the Policy.

The third element of the Policy has been established.

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 <aacredltunion.com> be transferred to the Complainant.

/Mathias Lilleengen/

Mathias Lilleengen

Sole Panelist

Date: September 15, 2023