

## **ADMINISTRATIVE PANEL DECISION**

American Airlines, Inc. v. Host Master, Transure Enterprise Ltd  
Case No. D2023-2988

### **1. The Parties**

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

Respondent is Host Master, Transure Enterprise Ltd, United States of America.

### **2. The Domain Name and Registrar**

The disputed domain name <amsericanairlines.com> is registered with Above.com, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 12, 2023. On July 13, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 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 (Above\_privacy) and contact information in the Complaint. The Center sent an email communication to Complainant on July 17, 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 July 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 July 24, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 13, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on August 17, 2023.

The Center appointed Timothy D. Casey as the sole panelist in this matter on August 29, 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 the largest air carrier in the world, serving over 350 destinations in over fifty countries with nearly 7,000 daily flights. Complainant started business over 90 years ago under the brand AMERICAN AIRLINES and has used over the last several decades several variations and abbreviations of the same, including AMERICAN and AA. Complainant operates a website under the <aa.com> domain name. The <americanairlines.com> domain name redirects to the <aa.com> domain name. Web analytics indicate that Complainant's website is ranked highest in the air travel category. Complainant has over 2.6 million Facebook followers and 1.6 million Twitter/X followers. Complainant owns a large number of trademarks around the world for AMERICAN AIRLINES or incorporating AMERICAN AIRLINES as part of the mark (the "AMERICAN AIRLINES Marks"), the oldest of which dates back to 1948. The AMERICAN AIRLINES Marks include the following:

Mark	Designation	Class(es)	Registration No.	Registration Date
AMERICAN AIRLINES	United States of America	039	514,294	August 23, 1949
AMERICAN AIRLINES	United States of America	025	1,845,693	July 19, 1994
AMERICAN AIRLINES	United States of America	035, 037, 039, 041, 043	4,939,082	April 19, 2016
AMERICAN AIRLINES	United States of America	009, 038	5,279,167	September 5, 2017
AMERICAN AIRLINES	United States of America	036	5,592,865	October 30, 2018

The disputed domain name was registered February 5, 2023.

Complainant provided evidence showing that the disputed domain name was being used to divert Internet traffic to fraudulent Microsoft sites, which display notifications purportedly from Microsoft stating that malware has been detected on the visitor's computer in an attempt to trick the visitor into clicking a button, which will actually install malware on the visitor's computer. The disputed domain name currently resolves to a pay-per-click website.

#### 5. Parties' Contentions

##### A. Complainant

Complainant contends that the AMERICAN AIRLINES Marks demonstrate its rights under the Policy and it is not necessary for Complainant to have trademarks where Respondent is located, although Respondent is purportedly located in the United States of America where Complainant has demonstrated it has rights sufficient under the Policy.

Complainant contends that the disputed domain name incorporates the AMERICAN AIRLINES Marks in full, only changing the mark by adding the letter "s" in the word "American" and adding the Top-Level domain ("TLD") ".com." Complainant contends that the mere addition of the TLD to domain names consisting of typographical errors are typo-squatting and cause confusing similarity.

Complainant contends that Respondent has no rights or legitimate interests in the disputed domain name. Complainant did not authorize or consent to registration of the disputed domain name. Complainant contends that 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/services or making a protected noncommercial or fair use of the same. Rather, Complainant has provided screenshots evidencing that the disputed domain name is being used to divert Internet traffic to fraudulent Microsoft sites, which display notifications purportedly from Microsoft stating that malware has been detected on the visitor's computer in an attempt to trick the visitor into clicking a button which will actually install malware on the visitor's computer.

Complainant further contends that Respondent registered and is using the disputed domain name in bad faith because (1) it is using a confusingly similar version of the long established and well-known AMERICAN AIRLINES Marks to divert Internet traffic to deceptive offers to download malware for Respondent's commercial gain, (2) the incorporation of the well-known AMERICAN AIRLINES Marks into the disputed domain name is alone sufficient to give rise to an inference of bad faith registration, (3) Respondent had actual and inferred knowledge of the AMERICAN AIRLINES Marks by virtue of Complainant's trademark registrations, (4) Respondent has active MX records for the disputed domain name, which further evidences bad faith, and (5) Respondent utilized false contact information, including an address in Delaware for a business not registered in the state and a telephone number with a +1 country code but the wrong number of digits in the phone number for that country code. Finally, Complainant notes Respondent's pattern of prior bad faith registrations of domain names utilizing well-known trademarks, including 195 prior panel decisions against Respondent, as further evidence of Respondent's bad faith registration and use in this instance.

## **B. Respondent**

Respondent did not reply to Complainant's contentions.

## **6. Discussion and Findings**

### **A. Identical or Confusingly Similar**

Complainant's use of the AMERICAN AIRLINES Marks and registrations are sufficient to establish that Complainant has trademark rights in the AMERICAN AIRLINES Marks.

Complainant contends that the disputed domain name is confusingly similar to the AMERICAN AIRLINES Marks. Complainant contends that the addition of the letter "s" in the word "American" in the disputed domain name is an attempt at typo-squatting and results in confusing similarity between the disputed domain name and the AMERICAN AIRLINES Marks.

The Panel agrees and finds that the disputed domain name is confusingly similar to the AMERICAN AIRLINES Marks.

### **B. Rights or Legitimate Interests**

The Panel finds that Respondent has no rights or legitimate interests in the disputed domain name. Respondent does not appear to be commonly known by the disputed domain name. Complainant has not permitted Respondent to use the AMERICAN AIRLINES Marks or otherwise licensed or authorized such use.

Furthermore, the nature of the disputed domain name, comprising the AMERICAN AIRLINES Marks and adding the letter "s" to the word "American" signals an intention on the part of Respondent to confuse Internet users seeking or expecting Complainant. The disputed domain name resolves to a website with PPC links in connection with Complainant's business (or in the past it was used to divert Internet traffic for fraudulent purposes), and while there is no evidence that Respondent has used the active MX records to

send deceptive email messages, nothing prevents Respondent from doing so in the future, which cannot result in rights or a legitimate interest in the disputed domain name. See sections 2.9 and 2.13 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

Respondent has not rebutted Complainant's *prima facie* case and has provided no arguments or evidence showing potential rights or legitimate interests in the disputed domain name. For these reasons, the Panel finds that Respondent has no rights or legitimate interests in the disputed domain name.

### **C. Registered and Used in Bad Faith**

Given i) the timing of Complainant's first use of the AMERICAN AIRLINES Marks in 1948, and the first registrations of the AMERICAN AIRLINES Marks, predating registration of the disputed domain name by decades, ii) Complainant's worldwide use of the AMERICAN AIRLINES Marks in association with airline services and other goods, particularly in the United States of America where Respondent is reportedly located, and iii) the misleading, typo-squatting nature of the disputed domain name in combination with its alleged fraudulent use, indicates that Respondent had clear knowledge of the AMERICAN AIRLINES Marks and Complainant's business prior to registration.

The Panel finds that Respondent's registration and use of the disputed domain name was in bad faith.

The Panel concludes that Complainant has established 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 disputed domain name <amsericanairlines.com> be transferred to Complainant.

*/Timothy D. Casey/*

**Timothy D. Casey**

Sole Panelist

Date: September 12, 2023