

## **ADMINISTRATIVE PANEL DECISION**

Amdocs Development Ltd. and Amdocs Software Systems Ltd. v. cenk erdogan

Case No. D2023-3044

### **1. The Parties**

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

The Respondent is cenk erdogan, Türkiye.

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

The disputed domain name <amdocscopilot.com> is registered with Dynadot, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 17, 2023. On July 17, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 17, 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 (Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainants on July 17, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants did not file an amended Complaint or an amendment to the Complaint.

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 July 31, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 20, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 22, 2023.

The Center appointed Wilson Pinheiro Jabur as the sole panelist in this matter on August 31, 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 Complainants belong to the Amdocs group of companies, which develops and markets software solutions in various fields, being listed on the NASDAQ Global Select Market and having had a revenue of USD 4.1 billion in the fiscal year of 2019.

The First Complainant is the owner of the following, amongst others, trademark registrations:

- International trademark registration No. 1302596 for the word mark AMDOCS, registered on April 11, 2016, in classes 9, 35 and 42;
- European Union trademark registration No. 015184252 for the word mark AMDOCS, filed on March 4, 2016 and registered on July 13, 2016, in classes 9, 35 and 42; and
- Switzerland trademark registration No. 581774 for the word mark AMDOCS, registered on January 19, 2009, successively renewed, in classes 9, 35 and 42.

The disputed domain name, <amdocscopilot.com>, was registered on July 3, 2023 and presently resolves to a parked webpage where it is being offered for sale for USD 25,000.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainants assert that their group employs approximately 25,000 employees worldwide and serves the leading players in the communications and media industries, spanning their activities throughout 85 countries, having become one of the leading software developers in their field and the Amdocs name and house mark have acquired substantial goodwill by extensive use worldwide, being the First Complainant the sole proprietor of all intellectual property rights in its name and house mark AMDOCS by virtue of registered trademarks as well as the goodwill it acquired as a result of the large scope of use and advertising, having AMDOCS therefore become a "well-known trademark" according to Article 6bis of the Paris Convention.

The Complainants further assert to offer a cloud-native, open and dynamic portfolio of digital solutions, platforms and services bringing greater choice, faster time to market and flexibility, to better meet the evolving needs of their customers as they take their businesses to the cloud.

The Complainants contend that they have satisfied each of the elements required under the Policy for the transfer of the disputed domain name.

Notably, the Complainants contend that the disputed domain name reproduces the entirety of the AMDOCS trademark with the addition of the term "copilot" which does not prevent a finding of confusing similarity thereof.

In addition to that, the Complainants contend that the Respondent does not hold rights or legitimate interests in the disputed domain name, there being no evidence of use of the disputed domain name by the Respondent in connection with a *bona fide* offering of goods or services, or a legitimate noncommercial or fair use of the disputed domain name; also not being the Respondent commonly known by the disputed domain name, or holding the Respondent any trademark for AMDOCS in relation to any goods or services; Simply there being no legitimate business reason for the Respondent to register or hold the disputed domain name.

As to the Respondent's bad faith, the Complainants assert that the Respondent's sole purpose in registering the disputed domain name was for offering it for sale to the Complainants or to competitor of the Complainants for a significant amount exceeding the Respondent's expenses directly related to the disputed domain name, having the Respondent intentionally attempted to attract for commercial gain Internet users to the Respondent's website or other online location, such as a third-party website, which offers domain services on a commercial basis, by creating a likelihood of confusion with the Complainants' house mark and name.

## **B. Respondent**

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

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy sets forth the following three requirements which have to be met for this Panel to order the transfer of the disputed domain name to the Complainants:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainants have rights; and
- (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.

The Complainants must prove in this administrative proceeding that each of the aforesaid three elements is present in order to obtain the transfer of the disputed domain name.

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

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the entirety of the mark is reproduced within the disputed domain name with the addition of the term "copilot". While the addition of other terms may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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 production on this element 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. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the record, the Panel finds the Complainants have established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainants' *prima facie* showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

In that sense, and according to the evidence submitted, the Complainants have made a *prima facie* case against the Respondent that the Respondent has not been commonly known by the disputed domain name.

Also, the lack of evidence as to any trademarks registered by the Respondent corresponding to the disputed domain name, corroborates the indication of an absence of rights or legitimate interests in the disputed domain name.

Moreover, according to the evidence submitted by the Complainant, the use made of the disputed domain name, in connection with a parked webpage offering the disputed domain name for sale for USD 25,000 does not constitute a *bona fide* offering of goods or services, nor a legitimate noncommercial or fair use of the disputed domain name in these circumstances.

Lastly, the absence of any indication that the Respondent has rights in a term corresponding to the disputed domain name, or any possible link between the Respondent and the disputed domain name that could be inferred from the details known of the Respondent or the webpage relating to the disputed domain name, corroborate with the Panel's finding of the absence of rights or legitimate interests.

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.

Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith ([WIPO Overview 3.0](#), section 3.1.4).

In the present case, the Panel notes that in light of the Respondent's lack of rights or legitimate interests in the disputed domain name, the nature of the disputed domain name (inherently misleading), and the Respondent's offer of the disputed domain name for amounts likely in excess of the out-of-pocket expenses to register the disputed domain name, the Respondent's conduct has to be considered, in this Panel's view, as bad faith registration and use of the disputed domain name.

Based on the available record, the Panel finds 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 disputed domain name, <amdocscopilot.com>, be transferred to the Complainant.

*/Wilson Pinheiro Jabur/*

**Wilson Pinheiro Jabur**

Sole Panelist

Date: September 14, 2023