

ADMINISTRATIVE PANEL DECISION

American Airlines, Inc. v. Idah, Idah
Case No. D2023-3600

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 Idah, Idah, Indonesia.

2. The Domain Name and Registrar

The disputed domain name <americanairlibnes.com> is registered with Key-Systems GmbH (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 25, 2023. On August 28, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 29, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 30, 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 September 5, 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 September 8, 2023. In accordance with the Rules, paragraph 5, the due date for Response was September 28, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 3, 2023.

The Center appointed Benoit Van Asbroeck as the sole panelist in this matter on October 19, 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 an airline and owner of, *inter alia*, the following trademarks:

International Trademark No. 1266184 for AMERICAN AIRLINES, registered on December 31, 2014 in International Classes 35, 37, and 39;

International Trademark No. 1330416 for AMERICAN AIRLINES, registered on December 9, 2016 in International Class 36;

United States Trademark No. 4939082 for AMERICAN AIRLINES, registered on April 19, 2016 in International Classes 35, 37, 39, 41, and 43;

United States Trademark No. 5573314 for AMERICAN AIRLINES, registered on October 2, 2018 in International Classes 25, 28, and 36;

United States Trademark No. 5592865 for AMERICAN AIRLINES, registered on October 30, 2018 in International Class 36.

The Complainant also owns, *inter alia*, the domain name <americanairlines.com> which resolves to its official website “www.aa.com” where it promotes and offers its services.

The disputed domain name was registered on August 11, 2022, well after the Complainant secured rights to the abovementioned trademarks. According to evidence submitted by the Complainant, the disputed domain name resolves to a “parked” page comprising pay-per-click (“PPC”) links relating to the travel sector including links to websites of other airlines.

5. Parties’ Contentions

A. Complainant

The Complainant asserts that each of the three elements specified in paragraph 4(a) of the Policy are present. The three elements being: (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.

(i) The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

The Complainant contends that the disputed domain name is identical or confusingly similar to its trademarks since it incorporates the AMERICAN AIRLINES mark in its entirety, changing the mark only by adding a letter “b” in “airlines” and the generic top-level domain (“gTLD”) “.com”. Furthermore, the Complainant asserts that its AMERICAN AIRLINES mark is well-known and that domain names consisting of typos of famous marks are considered by UDRP panels to be confusingly similar to the relevant mark for purposes of the first element. Finally, the Complainant contends that the fact that the Respondent registered the name using the generic level suffix “.com” does not change this.

(ii) The Respondent has no rights or legitimate interests in respect of the disputed domain name.

The Complainant claims that the Respondent is not commonly known by and has no rights or legitimate interests in respect of the disputed domain name. Furthermore, the Complainant contends that there is no evidence of the Respondent's use of the disputed domain name or a name corresponding to the disputed domain name in connection with a *bona fide* offering of goods or services. In support the Complainant points out that the Respondent is using the disputed domain name to divert internet traffic to a website containing PPC or affiliate advertising links that redirect to websites that are competitive with the Complainant. In addition, the Complainant shows that the Respondent attempts to sell the disputed domain name for a price in excess of out-of-pocket costs. Finally, the Complainant confirms that the Respondent is in no way associated with the Complainant and has not been authorized to use the Complainant's trademarks.

(iii) the disputed domain name has been registered and is being used in bad faith.

The Complainant contends that the disputed domain name has been registered and is being used in bad faith. The Complainant claims that, given the well-known character of the AMERICAN AIRLINES trademarks and the use of the disputed domain name for a website showing PPC links relating to travel, the Respondent had or should have had knowledge of the Complainant's trademarks and business at the time when it registered the disputed domain name. Furthermore, the Complaint asserts that the current use of the domain name (as described above), the fact that the disputed domain name is offered for sale for a price exceeding the Respondent's out-of-pocket costs for registration, and the Respondent's pattern of prior bad faith registrations are further indicators of bad faith.

B. Respondent

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

6. Discussion and Findings

The Panel finds that it has jurisdiction to hear this dispute as the Policy has been incorporated by reference into the registration agreement between the Registrar and the Respondent.

The Panel notes that while the Respondent has been duly notified, it did not reply to the Complainant's contentions within the time period established by the Rules. Pursuant to paragraph 14 of the Rules the Panel shall nonetheless proceed to a decision on the Complainant's Complaint and it may draw such inferences from the Respondent's failure to respond as it considers appropriate.

Paragraph 4(a) of the Policy requires that in order for its complaint to succeed, the Complainant must prove that the following three elements are present:

- (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.

The above three elements will each be discussed in further detail below.

A. Identical or Confusingly Similar

The Complainant is required to establish: (1) that it owns rights in a trademark or service mark, and, if so, (2) that the disputed domain name is identical or confusingly similar to its trademarks.

Firstly, the Panel finds that the Complainant has clearly evidenced that it owns registered trademark rights to AMERICAN AIRLINES. The Panel is satisfied with the evidence provided in support of the existence of

trademarks for the word “American Airlines”. It should be noted that paragraph 4(a)(i) of the Policy does not set minimum requirements as to the jurisdictions of the trademarks a complainant relies on, nor as to the number, nature or scope of protection of such trademarks.

Secondly, the Panel finds that the disputed domain name is confusingly similar to the Complainant’s registered trademarks. The Panel agrees that the disputed domain name is virtually identical to the Complainant’s abovementioned registered trademark since the only difference is the addition of the letter “b” to “airlines”. The AMERICAN AIRLINES mark is therefore clearly recognizable in a side-by-side comparison with the disputed domain name and the Panel agrees with the Complainant that this is a clear case of “typosquatting” since the disputed domain name is a slight misspelling of the Complainant’s registered trademark (see Section 1.9 of the [WIPO Overview 3.0](#)).

Finally, as for the applicable gTLD, *i.e.*, the suffix “.com”, the Panel holds that this can be disregarded under the first element confusing similarity test (*CANAL + FRANCE v. Franck Letourneau*, WIPO Case No. [DTV2010-0012](#); *Bentley Motors Limited v. Domain Admin / Kyle Rocheleau, Privacy Hero Inc.*, WIPO Case No. [D2014-1919](#); and *SAP SE v. Mohammed Aziz Sheikh, Sapteq Global Consulting Services*, WIPO Case No. [D2015-0565](#)).

On the basis of the foregoing findings, and according to paragraph 4(a)(i) of the Policy, this Panel finds and concludes that the disputed domain name is confusingly similar to the Complainant’s trademarks.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy non-exhaustively lists three circumstances that shall demonstrate rights or legitimate interests:

“Any of the following circumstances, in particular but without limitation, if found by the Panel to be proved based on its evaluation of all evidence presented, shall demonstrate your rights or legitimate interests to the domain name for purposes of paragraph 4(a)(ii):

- (i) before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a *bona fide* offering of goods or services; or
- (ii) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or
- (iii) you are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.”

It is a well-established view of UDRP panels, with which the Panel agrees, that a *prima facie* case advanced by a complainant is generally sufficient to satisfy the requirements under paragraph 4(a)(ii) of the Policy, and the burden of production shifts to the respondent to provide relevant evidence demonstrating rights or legitimate interests in the disputed domain name (*AGUAS DE CABREIROA, S.A.U. v. Hello Domain*, WIPO Case No. [D2014-2087](#); *Spigen Korea Co., Ltd., Spigen Inc. v. Domain Admin, Whois Privacy Corp.*, WIPO Case No. [D2016-0145](#); and *HubSpot, Inc. v. WhoisGuard Protected, WhoisGuard, Inc. / Steve Johnson*, WIPO Case No. [D2016-1338](#)).

The Panel notes that the Respondent has not responded to any of the Complainant’s contentions, let alone submitted evidence to the contrary, and that, pursuant to paragraph 14 of the Rules, the Panel may draw such inferences from the Respondent’s failure to respond as it considers appropriate. In the present case, taking into consideration the Respondent’s default, this Panel finds that the Complainant has made out an un rebutted *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name, in view of the circumstances of this case, including the following factors.

The Panel agrees with the Complainant that the Respondent is not using the disputed domain name in connection with a *bona fide* offering of goods or services. The Panel agrees with the Complainant that the fact that the disputed domain name resolves to a “parked” page containing PPC links relating to the services offered by the Complainant, and therefore competes with or capitalizes on the reputation and goodwill of the Complainant’s AMERICAN AIRLINES trademark, clearly supports this. As is clear from Sections 2.2, 2.5, and 2.9 of the [WIPO Overview 3.0](#), UDRP Panels have consistently found that such use of a domain name can neither be considered legitimate noncommercial or fair use of the domain name nor a *bona fide* offering of goods or services.

In addition, the Complainant confirmed that the Respondent is not affiliated with the Complainant in any way nor has the Complainant licensed, authorized, or permitted the Respondent to register domain names incorporating the Complainant’s trademarks. The Panel has taken note of the Complainant’s confirmation in this regard and has not seen any evidence that would suggest the contrary. In the absence of any license or permission from the Complainant to use its trademarks, no actual or contemplated *bona fide* or legitimate use of the disputed domain name could reasonably be claimed (see, e.g., *Sportswear Company S.P.A. v. Tang Hong*, WIPO Case No. [D2014-1875](#); and *LEGO Juris A/S v. DomainPark Ltd, David Smith, Above.com Domain Privacy, Transure Enterprise Ltd, Host master*, WIPO Case No. [D2010-0138](#)).

Finally, the Panel agrees with the Complainant that there is no evidence that the Respondent has been commonly known by the disputed domain name.

For all the foregoing reasons, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy non-exhaustively lists four circumstances that, if found by the Panel to be present, shall be evidence of the registration and use of the domain name in bad faith:

“(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other on-line location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location.”

The Panel finds that the circumstances and evidence presented by the Complainant offer sufficient proof that both the Respondent’s registration and use of the disputed domain name are in bad faith.

With the Complainant, the Panel believes that the Respondent knew or, at least, should have known at the time of registration that the disputed domain name included the Complainant’s AMERICAN AIRLINES trademark. As demonstrated by the Complainant, prior Panels have previously recognised that the Complainant and its AMERICAN AIRLINES trademark are well-known (*American Airlines, Inc. v. Ramadhir Singh, WhoisGuard Protected, WhoisGuard, Inc. et al.*, Case No. [D2021-0294](#); *American Airlines, Inc. v. Registration Private, Domains By Proxy, LLC / Carolina Rodrigues et al.*, Case No. [D2021-1093](#)). Other prior

Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith (see [WIPO Overview 3.0](#), Section 3.1.4). The Panel also agrees with the Complainant that the use of the disputed domain name for a website showing PPC links relating to travel further demonstrates that the Respondent knew about the Complainant and its AMERICAN AIRLINES trademark when it registered the disputed domain name. Moreover, the AMERICAN AIRLINES trademark has been registered in different countries and existed for a long time prior to the Respondent's registration of the disputed domain name. The Respondent's knowledge of the Complainant and its abovementioned trademarks and therefore its registration in bad faith of the disputed domain name may also be inferred from these circumstances (see Section 3.2.2 of the [WIPO Overview 3.0](#) and in particular: *SembCorp Industries Limited v. Hu Huan Xin*, WIPO Case No. [D2001-1092](#); and *American Funds Distributors, Inc. v. Domain Administration Limited*, WIPO Case No. [D2007-0950](#)).

The Panel finds that bad faith registration and use is further demonstrated by the fact that the disputed domain name is a very clear example of "typosquatting". As mentioned under the first element, the disputed domain name only differs one letter from the Complainant's AMERICAN AIRLINES trademark: the letter "b" has been added to "airlines", meaning registration of the disputed domain name has clearly been done to attract Internet users by creating a likelihood of confusion with the Complainant and its AMERICAN AIRLINES trademark. The use of the disputed domain name for a "parked" page comprising PPC links relating to travel again confirms this. The disputed domain name appears to have no other purpose than to attract consumers of the Complainant who inadvertently mistype the Complainant's domain name <americanairlines.com> and divert them to a parking page containing PPC links. The abovementioned circumstances, in combination with the Respondent's clear absence of rights or legitimate interests in the disputed domain name, are further indicators of bad faith (see Sections 2.9, 3.1.4 and 3.5 of the [WIPO Overview 3.0](#)). Moreover, the Respondent's retention of control of the disputed domain name represents an implied and ongoing threat to the Complainant, which further supports a finding of bad faith.

In addition, the Complainant has demonstrated that the disputed domain name is being offered for sale for a price of USD 499.00 on Afternic.com, a domain name and auction platform. The Panel agrees with the Complainant that this price would likely exceed the Respondent's out-of-pocket costs directly related to the disputed domain name. Considering that the disputed domain name is confusingly similar to the Complainant's AMERICAN AIRLINES mark, the Respondent should have known about the Complainant and its trademarks, and the disputed domain name is used for a "parked" page targeting the Complainant's trademarks through the use of PPC links relating to travel, the Panel finds that the offering of the disputed domain name on an auction platform is further evidence of bad faith (see Section 3.1.1 of the [WIPO Overview 3.0](#)). Finally, the Complainant has also shown that the Respondent, on separate occasions, has registered trademark-abusive domain names. This constitutes further evidence of bad faith registration and use.

In light of the above, the Panel finds that the disputed domain name was registered and is being used by the Respondent 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, <americanairlibnes.com> be transferred to the Complainant.

/Benoit Van Asbroeck/

Benoit Van Asbroeck

Sole Panelist

Date: October 30, 2023