

## **ADMINISTRATIVE PANEL DECISION**

Autodesk, Inc. v. Guari shankar kewat  
Case No. D2023-3657

### **1. The Parties**

The Complainant is Autodesk, Inc., United States of America (“United States”), represented by Donahue Fitzgerald LLP, United States.

The Respondent is Guari shankar kewat, India.

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

The disputed domain name <autocadkeygen.com> 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 August 31, 2023. On the same day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 1, 2023, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

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 September 13, 2023. In accordance with the Rules, paragraph 5, the due date for Response was October 3, 2023. The Respondent did not submit any formal response. The Respondent sent email communications to the Center on September 20 and September 21, 2023. The Center sent an email regarding possible settlement on September 20, 2023. However, the Complainant did not request for suspension. Accordingly, the Center notified the commencement of panel appointment process on October 9, 2023.

The Center appointed Knud Wallberg as the sole panelist in this matter on October 20, 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, Autodesk, Inc. is a corporation based in the United States. It is a manufacturer and distributor of software products. The Complainant has continuously used its AUTOCAD mark in connection with its commercial offerings of licensed copies of computer software programs, associated user manuals, and related documentation since 1983.

The Complainant owns a range of trademark registrations for the AUTOCAD mark in more than 100 jurisdictions, including the United States Registration No.1316773 registered on January 29, 1985, in class 9 and Chinese Registration No. 307895 registered on February 10, 1988.

The Complainant is the owner of the domain name <autocad.com>, which is used as an online portal for Internet users to find information about its AutoCAD software products.

When the Complaint was filed the disputed domain name resolved to a commercial website wherein. The Respondent, among other things, advertised and distributed unlicensed license keys to the Complainant's AutoCAD software products. The website under the disputed domain name is currently inactive.

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

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

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name is confusingly similar to the Complainant's trademark AUTOCAD, since it reproduces the mark in its entirety with the addition of the suffix "keygen", which is short for the generic term "key generator".

The Complainant further submits that it has never authorized the Respondent to use the AUTOCAD mark in a domain name or to operate a website under the mark. The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name, that the Respondent has not used the disputed domain name in connection with a *bona fide* or legitimate offering of goods, and that the Respondent has never been commonly known by the disputed domain name.

The Complainant finally submits that the disputed domain name was registered and is being used in bad faith. The Complainant thus submits that the Respondent knew or should have known of the Complainant's exclusive rights to the world-famous AUTOCAD mark when he registered the disputed domain name. The Respondent has used the disputed domain name for a website where the Respondent marketed unlicensed copies of license keys to the Complainant's AUTOCAD products, which constitutes bad faith use under the Policy.

##### **B. Respondent**

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

However, on September 20 and September 21, 2023, the Center received the following informal email communications from the Respondent:

"I am getting the domain deleted by asking my domain provider. If you want that domain then I will transfer it to you." (September 20, 2023);

"[ ] Sir, what is all this happening, I do not know anything about it, Sir, I am a poor student, I did not know anything about what a trademark is, If I have done something wrong, please forgive me, I will not do anything like this in future and sir, I have no knowledge about all these procedures, so please close it. If you need this domain then you can take it, I have removed it from blogspot.com. I will ask godaddy to delete this domain from my account. I'm sorry sir, I didn't know anything about this, otherwise I wouldn't have done this." (September 21, 2023).

## 6. Discussion and Findings

### 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 the trademark and service mark AUTOCAD for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

While the addition of other terms here, "keygen", may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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.

Therefore, 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 Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed 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 disputed domain name. In this regard, the Panel notes that the composition of the disputed domain name incorporating the Complainant's trademark with the term

“keygen” carries a risk of implied affiliation, further reinforced by the nature of the content exhibited on the website at the disputed domain name, and as such cannot constitute fair use. See section 2.5.1 of the [WIPO Overview 3.0](#). Noting the lack of any authorization by the Complainant and the disputed domain name’s apparent illegal content, the Respondent’s use of the disputed domain name does not amount to a *bona fide* offering of goods or services.

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.

The Panel considers that the record of this case reflects that the Respondent initially used the disputed domain name in an attempt to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the Respondent’s website or location or of a product or service on the Respondent’s website or location. Paragraph 4(b)(iv) of the Policy, and [WIPO Overview 3.0](#), section 3.1.4.

The fact that the website under the disputed domain name is currently inactive does not prevent a finding of bad faith use in the circumstances of this proceeding. [WIPO Overview 3.0](#), section 3.3.

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 <autocadkeygen.com> be transferred to the Complainant.

*/Knud Wallberg/*

**Knud Wallberg**

Sole Panelist

Date: November 20, 2023