

ADMINISTRATIVE PANEL DECISION

Lam Research Corporation v. Kenny Polu, Lam Research International Case No. D2023-3667

1. The Parties

Complainant is Lam Research Corporation, United States of America (“United States”), represented by Gamma Law, P.C., United States.

Respondent is Kenny Polu, Lam Research International, United States.

2. The Domain Name and Registrar

The disputed domain name <lamresearch.com> (the “Disputed Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 31, 2023. On August 31, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On August 31, 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 (Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to Complainant on September 7, 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 September 13, 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 September 13, 2023. In accordance with the Rules, paragraph 5, the due date for Response was October 3, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on October 4, 2023.

The Center appointed Purvi Patel Albers as the sole panelist in this matter on October 9, 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 a leading manufacturer of semiconductors with offices in the United States, Asia, Europe, and the Middle East. Complainant is a publicly traded company that has used and promoted the “Lam Research” name since 1980.

Complainant owns three incontestable United States trademark registrations for LAM RESEARCH, including United States Registration No. 2,159,332, registered May 19, 1998; United States Registration No. 2,171,618, registered July 7, 1998; and United States Registration No. 4,738,400, registered May 19, 2015 (“Trademarks” or “Complainant’s Trademarks”). Complainant also owns the domain name <lamresearch.com>, registered May 5, 2002. The website offers Complainant’s products and services.

The Disputed Domain Name was registered on August 9, 2023. At the time of filing the Complaint, the website at the Disputed Domain Name was inactive save for language indicating that a website parking service was being used to display sponsored content on the page. However, no pay-per-click links were visible. The Disputed Domain Name appears to have been used to create fake email addresses in order to solicit banking information from Complainant’s vendors.

The Panel accessed the Disputed Domain Name on October 19, 2023. It resolved to a pay-per-click parking scheme which - according to fine print at the bottom of the webpage - was “generated by the domain owner using Sedo Domain Parking.”

5. Parties’ Contentions

A. Complainant

Complainant contends that the Disputed Domain Name is confusingly similar to Complainant’s Trademarks. Complainant asserts that the Disputed Domain Name is an exact reproduction of LAM RESEARCH, except for the addition of an extra “r” between “LAM” and “RESEARCH”.

Complainant further contends that Respondent has no rights or legitimate interests in the Disputed Domain Name. Respondent is not Complainant’s affiliate or licensee, nor are they otherwise authorized to use Complainant’s Trademarks. Respondent is not commonly known as “lamresearch.com” and has not established rights in the Disputed Domain Name. Furthermore, Respondent has not used the Disputed Domain Name in connection with a *bona fide* offering of goods or services.

Finally, Complainant asserts that the Disputed Domain Name was registered and is being used in bad faith. Respondent had prior knowledge of Complainant’s Trademarks as evidenced by the use of Complainant’s name and address for the domain registration. The Disputed Domain Name does not resolve to a functioning website. Instead, Respondent is using the Disputed Domain Name to host email addresses in order to impersonate Complainant’s employees in an email phishing scam.

As relief, Complainant requests transfer of the Disputed Domain Name.

B. Respondent

Respondent did not reply to Complainant’s contentions.

6. Discussion and Findings

To succeed in its Complaint, Complainant must establish in accordance with paragraph 4(a) of the Policy:

- i. the Disputed Domain Name is identical or confusingly similar to a trademark in which Complainant has rights;
- ii. 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.

Although Respondent did not respond to Complainant's contentions, the onus remains on Complainant to prove these elements. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.3 ("[...] a respondent's default (*i.e.*, failure to submit a formal response) would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true [...] panels have been prepared to draw certain inferences in light of the particular facts and circumstances of the case *e.g.*, where a particular conclusion is *prima facie* obvious, where an explanation by the respondent is called for but is not forthcoming, or where no other plausible conclusion is apparent."); *The Vanguard Group, Inc. v. Lorna Kang*, WIPO Case No. [D2002-1064](#) ("The Respondent's default does not automatically result in a decision in favor of the Complainant. The Complainant must still prove each of the three elements required by Policy paragraph 4(a).")

A. Identical or Confusingly Similar

Complainant has satisfied the first element of paragraph 4(a) of the Policy.

The Panel finds Complainant has established trademark rights in LAM RESEARCH. Complainant provided *prima facie* evidence of trademark rights via United States trademark registrations, which claim priority dating back decades before the registration of the Disputed Domain Name. [WIPO Overview 3.0](#), section 1.2.1.

The Panel also finds the Disputed Domain Name is confusingly similar to Complainant's Trademarks. The addition of other terms to a recognizable trademark does not prevent a finding of confusing similarity. [WIPO Overview 3.0](#), section 1.8. UDRP panels have held that a respondent's blatant misspelling of a complainant's trademark (*i.e.*, typosquatting) is consistent with a finding of confusing similarity. [WIPO Overview 3.0](#), section 1.9. More specifically, a single extraneous letter placed in the middle of a trademark is visually easy to miss, and therefore likely to cause confusion. .

A Top-Level Domain ("TLD") is a standard registration requirement that is disregarded in analysis of the Policy's first element. [WIPO Overview 3.0](#), section 1.11.1. As a result, the Panel did not consider the ".com" TLD in comparing <lamrresearch.com> with Complainant's LAM RESEARCH.

Accordingly, the Panel determines that the Disputed Domain Name is a typosquatted version of Complainant's Trademark and that Complainant has met the burden for the first element of the Policy.

B. Rights or Legitimate Interests

The Disputed Domain Name was registered more than twenty years after Complainant registered <lamresearch.com>, and more than forty years after Complainant established trademark rights in the Trademarks. Complainant has not authorized Respondent to use its Trademarks. Respondent registered the Disputed Domain Name under the name Kenny Polu, along with the name of a related entity to Complainant and the address of Complainant's corporate headquarters, without Complainant's consent. Respondent failed to respond to the Complaint and there is no evidence to show that Respondent is commonly known as <lamrresearch.com> or operates a business or organization under the Disputed Domain Name. See *e.g.*, [WIPO Overview 3.0](#), section 2.3 ("Insofar as a respondent's being commonly

known by a domain name would give rise to a legitimate interest under the Policy [...] respondents are expected to produce concrete credible evidence.”); *Pavillion Agency, Inc., Cliff Greenhouse and Keith Greenhouse v. Greenhouse Agency Ltd., and Glenn Greenhouse*, WIPO Case No. [D2000-1221](#) (“Respondents’ failure to respond can be construed as an admission that they have no legitimate interest in the Domain Names.”).

Respondent has made no legitimate commercial use of the Disputed Domain Name. Nor has Respondent made legitimate noncommercial or fair use of it. When the Complaint was filed, the Disputed Domain Name was inactive, with only a reference to a website parking service and sponsored links. As of October 19, 2023, the Disputed Domain Name resolves to a fully functioning pay-per-click scheme with links relating to higher education and research. [WIPO Overview 3.0](#), section 2.9 (“Applying UDRP paragraph 4(c), panels have found that the use of a domain name to host a parked page comprising PPC links does not represent a *bona fide* offering where such links compete with or capitalize on the reputation and goodwill of the complainant’s mark or otherwise mislead Internet users.”).

Furthermore, Respondent has used the Disputed Domain Name to establish fraudulent email addresses in order to deceive Complainant’s vendors into providing banking information. [WIPO Overview 3.0](#), section 2.13.1 (“Panels have categorically held that the use of a domain name for illegal activity (e.g., the sale of counterfeit goods or illegal pharmaceuticals, phishing, distributing malware, unauthorized account access/hacking, impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent.”).

Complainant has satisfied the second element of paragraph 4(a) of the Policy.

C. Registered and Used in Bad Faith

Finally, Complainant has satisfied the third element of paragraph 4(a) of the Policy.

It is clear to the Panel that Respondent had prior knowledge of Complainant’s Trademarks, considering Respondent used the name of a related entity to Complainant and the address of Complainant’s corporate headquarters to register a domain name that is an obvious misspelling of Complainant’s Trademarks. See *National Association of Professional Baseball Leagues, Inc., d/b/a Minor League Baseball v. John Zuccarini*, WIPO Case No. [D2002-1011](#) (“Typosquatting, however, is the intentional misspelling of words with intent to intercept and siphon off traffic from its intended destination, by preying on Internauts who make common typing errors. Typosquatting is inherently parasitic and of itself evidence of bad faith.”).

Since its inception, the Disputed Domain Name has been linked to pay-per-click parking schemes. Previous UDRP decisions have found that this type of use creates a likelihood of confusion with a complainant’s trademarks and potentially generates revenue, and therefore is sufficient to demonstrate bad faith. See *Merck Sharp & Dohme Corp. v. Domain Administrator, PrivacyGuardian.org / George Ring, DN Capital Inc.*, WIPO Case No. [D2017-0302](#); *Serta Inc. v. Charles Dawson*, WIPO Case No. [D2008-1474](#); see also *Asian World of Martial Arts Inc. v. Texas International Property Associates*, WIPO Case No. [D2007-1415](#).

Additionally, Respondent has made more overt and illegal attempts at generating revenue with the Disputed Domain Name by creating related email addresses in order to impersonate employees of Complainant. Less than a week after the Disputed Domain Name was registered, an email was sent from these phony email addresses to vendors of Complainant requesting banking information. [WIPO Overview 3.0](#), section 3.4 (“Panels have held that the use of a domain name for purposes other than to host a website may constitute bad faith [...] Many such cases involve the respondent’s use of the domain name to send deceptive emails, e.g., to obtain sensitive or confidential personal information from prospective job applicants, or to solicit payment of fraudulent invoices by the complainant’s actual or prospective customers.”); see also *Pfizer Inc. v. Sarthak Kapoor*, WIPO Case No. [D2019-0292](#) (finding bad faith where a disputed domain name was used to establish a fake employee email address in order to solicit banking information).

Considering Respondent's use of typosquatting, pay-per-click links, and the fraudulent email scam, the Panel determines Respondent registered and is using the Disputed Domain Name 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 <lamrresearch.com> be transferred to Complainant.

/Purvi Patel Albers/

Purvi Patel Albers

Sole Panelist

Date: October 24, 2023