

ADMINISTRATIVE PANEL DECISION

Toyota Motor Credit Corporation v. Milen Radumilo Case No. D2023-3796

1. The Parties

The Complainant is Toyota Motor Credit Corporation, United States of America (“United States”), represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Milen Radumilo, Romania.

2. The Domain Names and Registrars

The disputed domain names <toyodablog.com>, <toyotagialaigiatot.com>, <toyotaplazonkar.com>, and <toyotarsm.com> are registered with DropCatch.com.

The disputed domain name <toyotafinancialservices.com> is registered with Dynadot, LLC.

(DropCatch.com and Dynadot, LLC are hereinafter referred to as the “Registrar”.)

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 12, 2023. On September 12, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name <toyotafinancialservices.com>. On September 12, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name <toyotafinancialservices.com> which differed from the named Respondent (REDACTED FOR PRIVACY, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 15, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant requested an extension of time to submit an amended Complaint in view of the contact information disclosed by the Registrar. The Complainant filed an amended Complaint on September 21, 2023, and requested that the other four disputed domain names <toyodablog.com>, <toyotagialaigiatot.com>, <toyotaplazonkar.com>, and <toyotarsm.com> be added to the proceeding. On September 22, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names <toyodablog.com>, <toyotagialaigiatot.com>, <toyotaplazonkar.com>, and <toyotarsm.com>. On September 22, 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 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 25, 2023. In accordance with the Rules, paragraph 5, the due date for Response was October 15, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 20, 2023.

The Center appointed Francine Tan as the sole panelist in this matter on October 26, 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, Toyota Motor Credit Corporation, is wholly owned by Toyota Financial Services International Corporation (“TFSIC”), a California corporation, which is a wholly-owned subsidiary of Toyota Financial Services Corporation (“TFSC”), a Japanese corporation. TFSC, in turn, is a wholly-owned subsidiary of Toyota Jidosha Kabushiki Kaisha (also trading as “Toyota Motor Corporation” (“TMC”)).

TMC is a Japanese multinational manufacturer of motor vehicles including TOYOTA, LEXUS, and SCION cars, trucks, and sports utility vehicles.

The Complainant has been providing a variety of finance and voluntary vehicle and payment protection products and services to authorized Toyota and Lexus dealers or dealer groups, private label dealers or dealer groups, and other domestic and import franchise dealers and their customers in the United States (excluding Hawaii) and Puerto Rico for almost 40 years. As of March 31, 2022, the Complainant employed approximately 3,700 team members nationwide, and has assets totaling nearly USD 135 billion.

The Complainant, along with its parent and sister companies, maintain and operate primary websites at “www.toyota.com” and “www.toyotafinancial.com”. The website “www.toyota.com” had a total of 15.4 million visits between April 2022 and June 2022. It ranked as the 2,496th most popular website in the world and 509th in the United States. The website “www.toyotafinancial.com” had a total of 2 million visits between May 2023 and July 2023. It ranked as the 25,104th most popular website in the world and 4,552nd in the United States.

TMC is the registered owner of trademark registrations for TOYOTA FINANCIAL SERVICES and TOYOTA across various jurisdictions. These include the following:

- New Zealand Trade Mark Registration No. 306509 for TOYOTA FINANCIAL SERVICES & device, registered on September 30, 1999;
- Italian Trade Mark Registration No. 0000869747 for TOYOTA FINANCIAL SERVICES & device, registered on June 17, 2002;
- United States Trade Mark Registration No. 2762080 for TOYOTA FINANCIAL SERVICES, registered on September 9, 2003;
- United States Trade Mark Registration No. 0843138 for TOYOTA, registered on January 30, 1968;
- United States Trade Mark Registration No. 1338339 for TOYOTA, registered on May 28, 1985;
- Japanese Trade Mark Registration No. 3006468 for TOYOTA, registered on October 31, 1994;
- Canadian Trade Mark Registration No. TMA447092 for TOYOTA, registered on September 1, 1995;
- United Kingdom Trade Mark Registration No. UK00001282923 for TOYOTA, registered on March 3, 1989;
- European Union Trade Mark Registration No. 000042721 for TOYOTA, registered on March 24, 1998; and
- International Trade Mark Registration No. 1274034 for TOYOTA, registered on March 3, 2015.

The registration dates of the respective disputed domain names are as follows:

- <toyotafinancialservices.com> - February 15, 2021;
- <toyodablog.com> - June 26, 2023;
- <toyotagialaigiatot.com> - June 23, 2023;
- <toyotaplazasonkar.com> - June 18, 2023; and
- <toyotarsm.com> - June 2, 2023.

At the time of the filing of the amended Complaint, the disputed domain names resolved to parking pages featuring pay-per-click (“PPC”) links. On July 28, 2023, the Complainant’s representative sent the Respondent a cease-and-desist letter requesting that the disputed domain names be transferred to the Complainant. Reminders were sent on August 9, 2023, and August 18, 2023. The Respondent did not reply to any of these communications.

5. Parties’ Contentions

A. Complainant

1) The disputed domain names are identical or confusingly similar to the Complainant’s TOYOTA and/or TOYOTA FINANCIAL SERVICES trade marks in which the Complainant has rights. The disputed domain names incorporate the Complainant’s TOYOTA and/or TOYOTA FINANCIAL SERVICES marks in their entirety with minor typographical errors, and/or the addition of generic and/or descriptive terms, which are insufficient to differentiate the disputed domain names from the Complainant’s TOYOTA and/or TOYOTA FINANCIAL SERVICES trade marks. The term “blog” is generic; “Gia Lai” is the name of a province in Vietnam; “gia tot” is the Vietnamese term for “good price”; and “Sonkar” is a common surname in Hindi.

2) The Respondent has no rights or legitimate interests in the disputed domain names. The Complainant has not authorized the Respondent to register or use the disputed domain names and there is no connection between the Complainant and the Respondent. The Respondent is not and has never been a licensee of the Complainant. The Respondent’s name is “Milen Radumilo”, and there is no evidence that the Respondent is commonly known by the name “Toyota” and/or “Toyota Financial Services”.

The disputed domain names were registered in 2021 and 2023, which is significantly after the Complainant’s TOYOTA and TOYOTA FINANCIAL SERVICES trade marks were registered.

The disputed domain names resolve to parking pages with PPC links to third-party websites offering products and/or services of the type that consumers would expect to find on the Complainant’s official website. The disputed domain names are therefore used to divert the Complainant’s customers and potential customers to third-party websites, some of which compete with the Complainant’s business.

The Respondent has also set up the disputed domain names with email enabling mail exchange (“MX”) records. This enables the Respondent to send emails hosted by the disputed domain names to take the general form “name@<domainname>.com” and thereby confuse Internet users into believing that they are dealing with the Complainant when they are not.

The disputed domain names are also being offered for sale for amounts that far exceed the Respondent’s likely out-of-pocket expenses in registering the domain names.

3) The disputed domain names were registered and are being used in bad faith. The Respondent series of registrations which incorporate the Complainant’s TOYOTA trade marks demonstrate a knowledge and familiarity with the Complainant’s brands and business. It is not conceivable that the Respondent would have been unaware of the Complainant’s rights in the TOYOTA and/or TOYOTA FINANCIAL SERVICES trade marks at the time the Respondent registered the disputed domain names. Typosquatting itself is also evidence of bad faith registration by the Respondent.

B. Respondent

The Respondent did not submit any response in this administrative proceeding.

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has established that it has rights in the TOYOTA and TOYOTA FINANCIAL SERVICES trade marks. The disputed domain names <toyotafinancialservices.com> and <toyodablog.com> contain misspellings, namely of the words “financial” and “Toyota”, respectively. The disputed domain names <toyotagialaigiatot.com>, <toyotaplazasonkar.com>, and <toyotarsm.com> incorporate the TOYOTA trade mark in its entirety. The disputed domain name <toyotafinancialservices.com> incorporates the TOYOTA trade mark as well as the TOYOTA FINANCIAL SERVICES trade mark in its entirety, albeit misspelt.

The addition of the terms “blog”, “gialaigiatot”, “plazasonkar”, and “rsm” and the misspellings identified do not prevent a finding of confusing similarity between the Complainant’s TOYOTA and TOYOTA FINANCIAL SERVICES trade marks and the disputed domain names. The TOYOTA and/or TOYOTA FINANCIAL SERVICES marks are still identifiable in the series of disputed domain names. (See sections 1.8 and 1.9 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition).

The Panel finds that the disputed domain names are confusingly similar to the TOYOTA and/or TOYOTA FINANCIAL SERVICES trade marks in which the Complainant has rights.

Accordingly, the Panel finds that the first element of paragraph 4(a) of the Policy has been satisfied.

B. Rights or Legitimate Interests

The Panel finds that the Complainant has established a *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain names. The Complainant’s earlier use and registration of the TOYOTA and/or TOYOTA FINANCIAL SERVICES trade marks predate the registration date of the disputed domain names by many years. The Complainant did not license nor authorize the Respondent to use TOYOTA and/or TOYOTA FINANCIAL SERVICES as a trade mark or in a domain name. Neither is there any evidence that the Respondent is commonly known by the disputed domain names. The use of the disputed domain names which incorporate a misspelt version of the Complainant’s TOYOTA and/or TOYOTA FINANCIAL SERVICES trade mark, and/or incorporating additional terms in relation to parking pages with PPC links that purport to offer goods and/or services that are similar to those offered by the Complainant, do not constitute a *bona fide* offering of good or services within the meaning of paragraph 4(c)(i) of the Policy nor a legitimate noncommercial or fair use of the disputed domain names within the meaning of paragraph 4(c)(iii) of the Policy. The subject matter reflected on the parked pages (e.g., “Car payment” and “Payment Options”) correspond to and/or is related to that of the Complainant’s line of business.

Having established a *prima facie* case, the burden of production shifts to the Respondent to show that he has rights or legitimate interests in the disputed domain name. The Respondent neither responded to the cease-and-desist communication sent by the Complainant’s representative nor filed a Response to the Complaint. The Respondent has therefore failed to show that he has rights or legitimate interests in the disputed domain names.

The Panel therefore finds that the second element of paragraph 4(a) of the Policy has been satisfied.

C. Registered and Used in Bad Faith

A complainant has the burden of proving that the respondent registered and is using the disputed domain name in bad faith. Paragraph 4(b) of the Policy states that:

“[T]he following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

- (i) circumstances indicating that [the respondent has] registered or [the respondent has] 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 trade mark 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) [the respondent has] registered the domain name in order to prevent the owner of the trade mark or service mark from reflecting the mark in a corresponding domain name, provided that [the respondent has] engaged in a pattern of such conduct; or
- (iii) [the respondent has] registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, [the respondent has] intentionally attempted to attract, for commercial gain, Internet users to [its] website or other online location, 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.”

Given the undisputable well-established use and fame of the Complainant’s TOYOTA and/or TOYOTA FINANCIAL SERVICES trade marks, and the intentional registration of the disputed domain names which incorporate the Complainant’s said marks, it is evident that the Respondent was well aware of and specifically targeted the Complainant and its TOYOTA and/or TOYOTA FINANCIAL SERVICES trade marks. There is no conceivable valid or good faith use by the Respondent, in the absence of any consent by the Complainant. The Panel is therefore persuaded that the circumstances in this case fall within the scope of paragraphs 4(b)(ii) and (iv) of the Policy.

The Panel also draws an adverse inference from the Respondent’s failure to respond to the cease and desist letters sent by the Complainant.

Hence, the Panel concludes that the Respondent has registered and used the disputed domain names in bad faith.

The Panel therefore finds that the third element of paragraph 4(a) of the Policy has been satisfied.

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 names <toyotafinancialservices.com>, <toyodablog.com>, <toyotagialaigiatot.com>, <toyotaplazonkar.com>, and <toyotarsm.com> be transferred to the Complainant.

/Francine Tan/

Francine Tan

Sole Panelist

Date: November 6, 2023