

## **ADMINISTRATIVE PANEL DECISION**

American Airlines, Inc. v. James Ramsey

Case No. D2023-3906

### **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 James Ramsey, United States.

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

The disputed domain name <americanairlinesgroup.com> is registered with IONOS SE (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 18, 2023. On September 19, 2023, the Center emailed the Registrar a request for registrar verification in connection with the disputed domain name. On September 20, 2023, the Registrar transmitted by email to the Center its verification response disclosing the registrant and contact information for the disputed domain name, which differed from the named Respondent (REDACTED FOR PRIVACY, 1&1 Internet, Inc.) and contact information in the Complaint. The Center sent an email to the Complainant on October 4, 2024, 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 October 5, 2024.

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 October 9, 2023. In accordance with the Rules, paragraph 5, the due date for Response was October 29, 2023. The Response was filed with the Center on October 28, 2023.

On October 30, 2023, the Complainant requested suspension of the proceeding for settlement talks. On October 31, 2023, the Center sent the Notification of Suspension to the Parties and confirmed the proceeding was suspended until November 30, 2023. On January 10, 2024, the Complainant again requested suspension of the proceeding for continuing settlement discussions, and the proceeding was therefore suspended until February 11, 2024. On February 12, 2024, the Complainant requested an extension of the suspension period. The Center sent the Notification of Extension to Suspension on February 14, 2024, to the Parties, extending the suspension period until March 15, 2024. On March 21, 2024, the Center sent an End of Suspension Reminder to the Parties, notifying them that the proceeding might be reinstated. The Complainant confirmed receipt and submitted a supplemental filing on March 25, 2024. The Respondent sent an email to the Center confirming receipt on March 26, 2024. On March 27, 2024, the Center confirmed that the proceeding was reinstated as of that day and would proceed with the panel appointment.

The Center appointed William F. Hamilton as the sole panelist in this matter on April 4, 2024. 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 one of the largest air carriers in the world and enjoys a reputation in the United States and internationally as a premier airline for business and leisure travelers. The Complainant and its affiliates currently serve 350 destinations in over 50 countries with nearly 7,000 daily flights.

The Complainant owns numerous registrations with the United States Patent and Trademark Office for the mark AMERICAN AIRLINES (the “Mark”), the earliest of which was registered on August 23, 1949. In addition to its many United States registrations for the Mark, the Complainant has also obtained trademark registrations incorporating the Mark in over 75 countries.

The Complainant created its website at <americanairlines.com> in 1998, which the Complainant has continuously used in commerce since that date.

The disputed domain name was registered on July 25, 2023, and resolves to a website offering pay-per-click (“PPC”) links to various travel services and products.

After these proceedings commenced, the Respondent advised the Complainant on November 5, 2023, that it was “open to transferring the disputed domain name [but] would like to be reimbursed for the direct costs associated with its registration and maintenance.” After settlement negotiations failed, on March 25, 2024, the Complainant filed an “Additional Submission to First Amended Complaint” (“Additional Submission”).

#### **5. Admissibility of the Additional Submission**

The Response to the Complaint raised new issues that the Complainant could not have reasonably anticipated when filing the first amended Complaint. The Additional Submission only addresses these new matters. Accordingly, the Panel accepts the Additional Submission in the interest of justice.

#### **6. 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. The Complainant asserts the disputed domain name is confusingly similar to

the Mark because the disputed domain name is identical to the Mark except the disputed domain name omits the space between the two words of the Mark and places the word “group” after the Mark. The Complainant asserts that the Complainant never authorized the Respondent to use the disputed domain name, that the Respondent is not generally known by the disputed domain name, never operated a business under the disputed domain name, and never engaged in any bona fide commercial activity in connection with the disputed domain name. The Complainant asserts that the Respondent knew of the Mark when registering the disputed domain name and by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Respondent’s 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. The Complainant asserts that the Respondent’s explanation for the registration and use of the disputed domain name is pretextual.

## **B. Respondent**

The Respondent asserts that he registered the disputed domain name to “facilitate a group trip” to Europe and chose the disputed domain name because the group planned to travel on a flight operated by the Complainant. The Respondent states the disputed domain name was suggested by a ChatGPT prompt. After registering the disputed domain name, the Respondent asserts that he “parked” the disputed domain on the domain name sales platform “Sedo.com” “with the intention of connecting it to an informational website for the trip”. When the trip “fell through”, the Respondent left the disputed domain name on “Sedo.com”.

## **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, to succeed the Complainant must satisfy the Panel that:

- (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 was registered and is being used in bad faith.

### **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. The Complainant has shown rights in the Mark for the purposes of the Policy by virtue of the Mark’s registrations. [WIPO Overview 3.0](#), section 1.2.1.

The disputed domain name’s only deviation from the Mark is that the disputed domain name omits the space between the two words of the Mark and places the term “group” after the words of Mark. These slight alterations between the Mark and the disputed domain name do not prevent a finding of confusing similarity between the disputed domain name and the Mark. The Mark is clearly recognizable in the disputed domain name.

The Panel finds that 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.

Although 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 difficult 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 (although the burden of proof always remains on the complainant). 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.

The evidence submitted by the Complainant shows that the Respondent’s use of the disputed domain name involves redirecting visitors through PPC links, thereby diverting Internet users, including potential customers of the Complainant, to a portal that facilitates access to third-party websites. These websites endorse services that compete with the Complainant.

The Panel finds that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The burden of production on this element now shifts to the Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the disputed domain name.

The Panel finds that the Respondent has failed to rebut the Complainant’s prima facie showing and has not come forward with persuasive evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise. The Respondent’s explanation that the disputed domain name was selected for a group trip on a flight operated by the Complainant to Europe from options presented by ChatGPT strains credulity for a variety of reasons. Typically, a trip would be named based on the destination or the group organizing and planning the trip. Relying on ChatGPT for a domain name also does not vest any rights or legitimate interests in the Respondent, particularly given the risk of implied affiliation found in the composition of the disputed domain name.

However, the primary issue with the Response is that the Respondent has not provided evidence to support his claims. The Respondent failed to submit any credible evidence demonstrating the origin of his plan and the composition of the disputed domain name. Other than a single email to one alleged family member regarding the registration of the disputed domain name for the alleged trip, the Respondent did not provide any evidence suggesting a demonstrable preparation to use the disputed domain name in connection with the alleged family trip (e.g., evidence illustrating plans or preparations for the group trip, the itinerary for the group trip or any booking or reservations with the Complainant, mockups or design plans for the website associated with the disputed domain name, an explanation of why the trip was cancelled, or even the prompt or results from ChatGPT that suggested the disputed domain name). Contrastingly, the evidence available to the Panel shows that that the confusingly similar disputed domain name has always been parked for sale and that, following the commencement of this administrative proceeding, the Respondent offered the disputed domain name to the Complainant in return for financial compensation, neither of which support a finding of rights or legitimate interests in the Respondent under the circumstances of this proceeding.

In summary, the Respondent’s reasons for registering and using the disputed domain name are not credible and not supported by evidence demonstrating rights or legitimate interests. *Oaklawn Jockey Club, Inc. d/b/a Oaklawn Racing Casino Resort v. Philip Pugh*, WIPO Case No. [D2019-1520](#) (demonstrable preparations cannot be merely self-serving but should be inherently credible and supported); *Harpo, Inc. and Oprah’s Farm, LLC v. Robert McDaniel*, WIPO Case No. [D2013-0585](#) (failure to offer any supporting evidence of demonstrable preparations established lack of rights or legitimate interests).

The Panel finds that the second element of the Policy has been established.

### **C. Registered and Used in Bad Faith**

The Respondent has registered and used the disputed domain name in bad faith to divert Internet users to the Respondent's website for commercial profit. The confusingly similar disputed domain name creates a false impression of the Complainant's sponsorship, affiliation, or endorsement of the Respondent's website. [WIPO Overview 3.0](#), section 3.1. The employment of the disputed domain name, which bears a confusing similarity to the Complainant's trademark, in association with a website that provides PPC links to many services and products, some of which compete with those of the Complainant, demonstrates the Respondent's bad faith registration and use of the disputed domain name.

The Panel finds that the Respondent's explanation for registering and using the disputed domain name is not credible or supported by evidence. See Section 6B above. Additionally, the Respondent's purportedly innocent explanation is undermined by his conduct after the alleged cancellation of the group trip. The Respondent suggests that he innocently parked the disputed domain name on "Sedo.com" without explaining why he chose to park the disputed domain name with a website specializing in buying and selling domain names. Following the failure of the alleged group trip, the Respondent continued to park the disputed domain name on "Sedo.com", where it was offered for sale and generated minor revenue. Finally, when this proceeding commenced, the Respondent demanded payment from the Complainant to transfer the disputed domain name.

On the evidence provided, the Panel concludes that the Respondent registered and used the disputed domain name to suggest to Internet visitors that it would resolve to travel sponsored by or affiliated with the Complainant. Based on the submitted evidence, the Panel concludes that the Respondent registered and used the disputed domain name in bad faith for commercial profit.

The Panel finds that 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 <americanairlinesgroup.com> be transferred to the Complainant.

*/William F. Hamilton/*

**William F. Hamilton**

Sole Panelist

Date: April 18, 2024