

ADMINISTRATIVE PANEL DECISION

Telefonaktiebolaget LM Ericsson v. lord blessing
Case No. D2023-4597

1. The Parties

The Complainant is Telefonaktiebolaget LM Ericsson, Sweden, represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is lord blessing, United States of America (“United States”).

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 6, 2023. On November 7, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 7, 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 November 9, 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 November 10, 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 November 14, 2023. In accordance with the Rules, paragraph 5, the due date for Response was December 4, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 6, 2023.

The Center appointed Federica Togo as the sole panelist in this matter on December 15, 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

It results from the Complainant's undisputed allegations that it was founded in 1876 and is a world leading provider of communication technology and services around the world. It offers services, software, and infrastructure in information and communications technology ("ICT") for telecommunications operators, traditional telecommunications, and Internet Protocol ("IP") networking equipment, mobile and fixed broadband, operations and business support services, cable television, IPTV, video systems, and an extensive services operation. Furthermore, it employs over 103,000 employees worldwide, across six continents.

The Complainant is the registered owner of several trademark registrations in many jurisdictions for ERICSSON, *e.g.* United States trademark registration no. 1313196, registered on January 8, 1985, for goods in classes 9 and 16; European Union trademark registration no. 000107003, registered on March 23, 1999, for goods and services in classes 9, 11, 16, 35, 36, 37, 38, 39, 41, and 42.

It owns and uses the domain name <ericsson.com> (registered on July 25, 1989) for its official website for communicating with its customers.

The disputed domain name was registered on March 24, 2023, and resolves to an inactive website.

Finally, on July 17, 2023, the Complainant sent a cease-and-desist letter to the Respondent requesting the transfer of the disputed domain name and refraining to use any trademarks owned by the Complainant without authorization. However, the Respondent never replied to it.

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 since it is a purposeful misspelling of the Complainant's ERICSSON trademark. The disputed domain name varies from the Complainant's trademark by only one letter – the Respondent has repeated the last letter, "n", in the Complainant's ERICSSON trademark.

The Complainant further contends that the Respondent has no rights or legitimate interests in the disputed domain name. According to the Complainant, the Respondent is not sponsored by or affiliated with Complainant in any way. It has not given the Respondent the permission to use the Complainant's trademarks in any manner, including in domain names. The Respondent is not commonly known by the disputed domain name.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. According to the Complainant, its ERICSSON trademarks are known internationally, with trademark registrations across numerous countries. The disputed domain name is a slight misspelling of the Complainant's ERICSSON well-known trademark and the Respondent is attempting to capitalize on typing errors committed by the Complainant's customers in trying to locate the Complainant on the Internet.

In other words, the disputed domain name is a typosquatting version of the Complainant's ERICSSON trademark and has intentionally been designed to closely mimic the Complainant's trademark and primary domain name <ericsson.com>.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs this Panel to "decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable". Paragraph 4(a) of the Policy requires a complainant to prove each of the following three elements in order to obtain an order that the disputed domain name be transferred or cancelled:

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

(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 Panel will therefore proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied.

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

The Panel finds the entirety of the ERICSSON mark is reproduced 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.

Moreover, this Panel emphasizes that the case at hand is a typical case of "typosquatting", which occurs when a domain name consists of a misspelling of the complainant's trademark. According to the consensus view of UDRP case-law, a domain name which consists of a common, obvious or intentional misspelling of a trademark normally is found to be confusingly similar to such trademark, where the domain name contains sufficiently recognizable aspects of the relevant mark, see [WIPO Overview 3.0](#) at section 1.9 with further references. This Panel shares this view and notes that the Complainant's registered trademark is fully included in the disputed domain name, with the addition at the end of the duplicated letter "n".

Finally, the generic Top-Level Domain ("gTLD") ".com" of the disputed domain name may be disregarded under the first element confusing similarity test (see [WIPO Overview 3.0](#) at section 1.11.1).

Based on the available record, 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.

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.

Having reviewed the available 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 such as those enumerated in the Policy or otherwise.

Moreover, the Panel notes that the disputed domain name contains the Complainant’s registered and well-known trademark ERICSSON, and that more likely than not, this trademark is not a trademark that one would legitimately adopt as a domain name unless to suggest an affiliation with the Complainant. The Panel finds it most likely that the Respondent registered the disputed domain name with the intention to take advantage of the Complainant’s reputation by registering a domain name containing the Complainant’s trademark with the intent to mislead Internet users.

Furthermore, the composition of the disputed domain name, being a typical case of typosquatting, signals an intention on the part of the Respondent to confuse Internet users seeking or expecting the Complainant.

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.

In the present case, the Panel shares the view of other UDRP panels and finds that the Complainant’s trademark ERICSSON is well known. Therefore, this Panel has no doubt that the Respondent positively knew or should have known the Complainant’s trademark when registering the disputed domain name. This is underlined by the fact that the disputed domain name is clearly constituted by the Complainant’s trademark followed by the letter “n”, being a typical case of typosquatting. Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith, [WIPO Overview 3.0](#), section 3.1.4. The Panel shares this view.

The disputed domain name does not resolve to an active website. In this regard, the Panel notes that the passive holding of the disputed domain name does not preclude a finding of bad faith (see *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#)). In fact, the further circumstances surrounding the disputed domain name’s registration confirm the findings that the Respondent has engaged in bad faith conduct: (1) the Complainant’s trademark ERICSSON is well known; (2) the Respondent failed to submit a formal response or to provide any evidence of actual or contemplated good-faith use; and (3) the implausibility of any good faith use to which the typosquatting disputed domain

name may be put (see [WIPO Overview 3.0](#) at section 3.3). Lastly, the Panel notes that the Respondent appears to have provided false contact details, in view of the fact that the disclosed name “lord blessing” appears fictitious and the associated contact details included both Florida and North Carolina in the United States, with the North Carolina version of address resolving to a banking institution whereas the Florida version does not exist¹.

Based on the available record, the Panel finds that the Complainant has established the third element of the Policy.

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 <ericsson.com> be transferred to the Complainant.

/Federica Togo/

Federica Togo

Sole Panelist

Date: December 27, 2023

¹ Noting in particular the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the UDRP Rules, it has been accepted that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision. [WIPO Overview 3.0](#), section 4.8.