

ADMINISTRATIVE PANEL DECISION

American Airlines, Inc. v. Milen Radumilo

Case No. D2023-4666

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 Milen Radumilo, Romania.

2. The Domain Name and Registrar

The disputed domain name <americanairlinesmba.com> is registered with DropCatch.com 1223 LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 9, 2023. On November 10, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 10, 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 (NameBrightPrivacy.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 13, 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 20, 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 22, 2023. In accordance with the Rules, paragraph 5, the due date for Response was December 12, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 13, 2023.

The Center appointed William Lobelson 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

The Complainant is American Airlines Inc., a United States airline company that has been operating worldwide for more than 90 years.

It owns various trademark registrations for AMERICAN AIRLINES, such as:

AMERICAN AIRLINES No. 0514294 of August 23, 1949 (United States)
AMERICAN AIRLINES No. 1845693 of July 19, 1994 (United States)
AMERICAN AIRLINES No. 000153726 of March 29, 1999 (European Union)
AMERICAN AIRLINES No. 4939082 of April 19, 2016 (United States)

The Complainant also runs an education MBA Leadership Program under the trademark AMERICAN AIRLINES.

The disputed domain name is <americanairlinesmba.com>. It was registered on September 2, 2023, and routes to a PPC page where links to various MBA and educational programs are displayed. MX servers have been set up in relation with the disputed domain name.

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 its earlier trademark, that the Respondent has no rights or legitimate interests in the disputed domain name, and that the disputed domain name has been registered and is being used in bad faith, on the grounds, *inter alia*, that the Respondent is engaged in a bad faith pattern of conduct and that MX records have been set up in relation with the disputed domain name.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

Notwithstanding the default of the Respondent, it remains incumbent on the Complainant to make out its case in all respects under the Rules set out in paragraph 4(a) of the Policy. Namely, the Complainant must prove that:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights (paragraph 4(a)(i));

(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name (paragraph 4(a)(ii)); and

(iii) the disputed domain name has been registered and is being used in bad faith (paragraph 4(a)(iii)).

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 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.

Although the addition of other terms (here, "mba") may bear on assessment of the second and third elements, the Panel finds the addition of such term 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.

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.

The Complainant has made a *prima facie* showing that the Respondent does not have any rights or legitimate interests in the disputed domain name, particularly by asserting that the Respondent is not affiliated with it in any way and that it never authorized the Respondent to use its trademark as part of the disputed domain name.

The Complainant further contends that the Respondent is not known under the disputed domain name and does not make any *bona fide* or legitimate non-commercial use of the same, being emphasized that the disputed domain name does resolve towards a parking page with PPC links, on which the brand name "americanairlinesmba" is not used in relation with a genuine and *bona fide* offer of goods or services. Rather, the PPC links seem to capitalize on the Complainant's trademark.

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 Complainant has substantiated the fact that its trademark AMERICAN AIRLINES, that has been registered and used for years, is distinctive and now benefits from a high level of public awareness.

Earlier UDRP decisions have acknowledged the Complainant's trademark rights. See, e.g., *American Airlines, Inc. v. Registration Private, Domains By Proxy, LLC / Carolina Rodrigues, Fundacion Comercio Electronico*, WIPO Case No. [D2021-1093](#); *American Airlines, Inc. v. Ramadhir Singh, WhoisGuard Protected, WhoisGuard, Inc. / Reema Gupta, Ballu Balwant, Domain Admin, Privacy Protect, LLC (PrivacyProtect.org) / Lucy Lionel, Lucy99, Red Keep*, WIPO Case No. [D2021-0294](#).

Due to the longstanding use and reputation of the Complainant's mark, the Respondent could not reasonably be unaware of the Complainant's rights when it registered the disputed domain name.

The Complainant has also shown that the Respondent is engaged in a bad faith pattern of conduct, consisting of registering domain names formed with reputed trademarks, and has been found deprived of rights or legitimate interests, and acting in bad faith in numerous earlier UDRP decisions, some of which related to the Complainant's trademark.

See *American Airlines, Inc. v. Milen Radumilo*, WIPO Case No. [D2023-2926](#); *American Airlines, Inc. v. Contact Privacy, Inc., Customer 0161294199 / Milen Radumilo, Milen Radumilo*, WIPO Case No. [D2022-2326](#); *American Airlines, Inc. v. Super Privacy Service LTD c/o Dynadot / Milen Radumilo*, WIPO Case No. [D2021-1242](#); *American Airlines, Inc. v. Super Privacy Service Ltd, c/o Dynadot LLC // Domain Admin, Netlas, Cyan Yo, James Dupont, Zhichao, and Milen Radumilo*, WIPO Case No. [D2021-0442](#).

The Panel observes besides that the Respondent made the choice of associating the trademark AMERICAN AIRLINES with the term "mba" that refers to the Complainant's educational MBA Leadership Program.

For this Panel, it is a clear indication that it necessarily had the Complainant's trademarks in mind when it registered the disputed domain name, and intended to divert Internet users.

The Panel infers from the above that the Respondent acted in bad faith when it registered the disputed domain name.

It is further noted by the Panel that the disputed domain name routes towards a parking page with PPC links, on which the name "Americanairlinesmba" is not used in relation with any genuine and *bona fide* offer of goods or services.

Mayflower Transit LLC v. Domains by Proxy Inc./Yariv Moshe, WIPO Case No. [D2007-1695](#) ("Respondent's use of a domain name confusingly similar to Complainant's trademark for the purpose of offering sponsored links does not of itself qualify as a *bona fide* use.").

Such a use, obviously intended to attract, for commercial gain, Internet users by creating a likelihood of confusion with the complainant's mark, falls within the scope of paragraph 4(b)(iv) of the Policy and qualifies as bad faith use.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Panels have consistently found that the mere registration of a domain name that is confusingly similar to a famous or widely-known trademark, as the case here, by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

Further, the Complainant has filed evidence showing that the Respondent had set up MX servers in relation with the disputed domain name, thus revealing a possible intention to use the same as an email address.

Although no evidence of fraudulent acts has been brought in support of the present proceedings, the Panel is not unaware of the common practice whereby hackers register domain names consisting of well-known brand names or company names, in order to use email addresses imitating the same, with the aim of engaging in acts of deception and extortion of Internet users.

The creation of an email address - based on the disputed domain name - that could lead the recipient of a message sent from this address to believe that it is from the Complainant constitutes bad faith use of the domain name (See *Credit Industriel et Commercial S.A. v. Zabor Mok*, WIPO Case No. [D2015-1432](#)).

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, <americanairlinesmba.com>, be transferred to the Complainant.

/William Lobelson/

William Lobelson

Sole Panelist

Date: December 26, 2023