

ADMINISTRATIVE PANEL DECISION

Screening Eagle Technologies AG v. Blank Link
Case No. D2023-4785

1. The Parties

The Complainant is Screening Eagle Technologies AG, Switzerland, represented by Hepp Wenger Ryffel AG, Switzerland.

The Respondent is Blank Link, Republic of Korea.

2. The Domain Name and Registrar

The disputed domain name <screeningaegle.com> is registered with PSI-USA, Inc. dba Domain Robot (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 16, 2023. On November 17, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 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 Kateryna Oliinyk as the sole panelist in this matter on December 18, 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 provides a technology platform for intelligent inspection of the built environment. The Complainant was created through the merger of Dreamlab in Singapore and Proceq in Switzerland with a mission to protect the built world with software, sensors and data.

The Complainant has provided evidence that it is the registered owner of numerous trademarks relating to its SCREENING EAGLE trademark, including the following trademark registrations, just to name the few:

- International Trademark Registration No. 1385881 for SCREENING EAGLE, registered on August 11, 2017, for goods and services in International Classes 9, 37, 38 and 42;
- International Trademark Registration No. 1703894 for SCREENING EAGLE, registered on September 06, 2022, for goods and services in International Classes 9, 35, 36, 38, 41 and 42;
- Swiss Trademark Registration No. 705938 for SCREENING EAGLE, registered on August 11, 2017, for goods and services in International Classes 9, 37, 38 and 42.

The Complainant operates the website under the domain name <screeningeagle.com> created on December 23, 2016.

The disputed domain name was created on November 5, 2023, and the record shows it has not resolved to an active website. Evidence submitted by the Complainant shows that the Respondent was using the disputed domain name in connection with email scam in the name of the Complainant, through an email address connected to the disputed domain name (“[...]@screeningaegle.com”) in an attempt to defraud the Complainant’s consumers and pass off as the Complainant.

On November 9, 2023, the Complainant submitted a report about the possible scam to the Singapore Cyber Emergency Response Team, which has been duly recorded by the latter one.

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 the following.

Identical or Confusingly Similar

The Complainant contends that the disputed domain name is confusingly similar to the Complainant's SCREENING EAGLE trademark.

The Complainant asserts that the only difference between the SCREENING EAGLE trademark and the disputed domain name is the switch between two letters “ea” and “ae”. The difference between the signs due to the interchange of two letters is too insignificant and therefore not sufficient to create a sufficient distance between the Complainant's SCREENING EAGLE trademark and the disputed domain name. In a longer sign, such as the present trademark, the switch of two single letters is easily overlooked.

Rights or Legitimate Interests

The Complainant claims that the Respondent does not have any rights or legitimate interests in respect of the disputed domain name.

The Complainant assumes that the disputed domain name was used for a dishonest phishing attack. The use of the disputed domain name which is confusingly similar to the Complainant's SCREENING EAGLE trademark for a fraudulent purpose as phishing cannot be held to constitute a *bona fide* use of the disputed domain name.

The Complainant further contends that the disputed domain name does not resolve to the active website, that is not *bone fide* use of the disputed domain name.

The Complainant assumes that the Respondent's use of the disputed domain name does not come within any exception under Paragraph 4(c) of the Policy to justify a legitimate interest of use.

Registered and Used in Bad Faith

The Complainant mainly claims that the disputed domain name was registered two days before the scam attack primarily for the purpose of using it to target a third party by way of fraudulent email scam and contends that it counts to bad faith registration and use.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs the Panel as to the principles the Panel is to use in determining the dispute: “[a] Panel shall 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.”

Considering that the Respondent did not reply to the Complainant's contentions, in order to determine whether the Complainant has met its burden as stated in paragraph 4(a) of the Policy, the Panel bases its Decision on the statements and documents submitted and in accordance with the Policy and the Rules. Under paragraph 14(b) of the Rules, where a Party does not comply with any provision of the Rules, the Panel “shall draw such inferences therefrom as it considers appropriate”.

Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following: (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and (iii) that the disputed domain name has been 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.

Ownership of a nationally or regionally registered trademark serves as a *prima facie* evidence that the Complainant has trademark rights for the purposes of standing to file this Complaint. [WIPO Overview 3.0](#), section 1.2. The Complainant submitted evidence that the SCREENING EAGLE trademark enjoys protection under international and national trademark registrations.

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 only remaining question under the first element of the Policy is whether the disputed domain name is identical or confusingly similar to the Complainant's SCREENING EAGLE trademark.

It is well established that domain names which consist of common, obvious or intentional misspellings of trademarks are considered to be confusingly similar for the purposes of the first element of the Policy. [WIPO Overview 3.0](#), section 1.9 ("Examples of such typos include (i) adjacent keyboard letters, (ii) substitution of similar-appearing characters ... (iii) the use of different letters that appear similar in different fonts, (iv) the use of non-Latin internationalized or accented characters, (v) the inversion of letters and numbers, or (vi) the addition or interspersing of other terms or numbers"). See e.g., *Edmunds.com, Inc. v. Digi Real Estate Foundation*, WIPO Case No. [D2006-1043](#) ("This is clearly a 'typosquatting' case where the disputed domain name is a slight misspelling of a registered trademark to divert Internet traffic. In fact, the [...] domain name comprises the Complainant's trademark [...] with a single misspelling of an element of the mark: a double consonant 'S' at the end").

The disputed domain name in this Complaint is a misspelling of the Complainant's SCREENING EAGLE trademark by interchanging the letters "ea" to "ae" in the disputed domain name. Such misspelling can be easily overlooked in the disputed domain name by the Internet users. Accordingly, the Panel finds that the Complainant's SCREENING EAGLE trademark is clearly recognizable within the disputed domain name and the disputed domain name clearly constitutes an attempt at typosquatting, by the Respondent.

Under section 1.7 of the [WIPO Overview 3.0](#), while each case is judged on its own merits, in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing.

Finally, for the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level-Domain ("gTLD"). [WIPO Overview 3.0](#), section 1.11.1.

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.

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.

Based on the case records, the Panel finds that there is no evidence that the Respondent has been commonly known by the disputed domain name, and there is no similarity or association between the name of the Respondent and the disputed domain name, which could demonstrate rights or legitimate interests of the Respondent. See, e.g., *World Natural Bodybuilding Federation, Inc. v. Daniel Jones TheDotCafe*, WIPO Case No. [D2008-0642](#). Furthermore, the Respondent appears to have used a false name in its registrant information, as the reported address is incomplete, and it seems the written notice could not be delivered to the Respondent.

Based on the Complainant's submissions, the Panel has established that the Respondent has never been affiliated with or licensed by the Complainant for the use of the Complainant's SCREENING EAGLE trademark.

According to the records of the case, the disputed domain name has been used in an attempted fraudulent email scheme designed to be deceptive and confusing and an impersonation by the Respondent of the Complainant.

Considering the nature of the disputed domain name, Internet users may think that the disputed domain name and/or any email address derived from the disputed domain name would constitute a valid way to contact the Complainant. The Panel finds that the subtle misspelling of the Complainant's mark is intended to impersonate the Complainant, as there is a risk that Internet users will not notice the difference between such misspelling and the Complainant's mark.

In the absence of evidence to the contrary from the Respondent, the Panel accepts the evidence provided by the Complainant as true. As documented by the Complainant, the Respondent was using the disputed domain name to send fraudulent emails as a part of the business email compromise scan scheme to defraud the Complainant. The Panel views that this is neither a *bona fide* offering nor a legitimate noncommercial or fair use within the meaning of the Policy. See section 2.13.1 of the [WIPO Overview 3.0](#). See also *Demco, Inc. v. Adminprivateregcontact a/k/a Demco USA*, WIPO Case No. [D2011-1516](#) (No legitimate interest found when the Respondent used at least one email address linked to the disputed domain name in order to impersonate the Complainant); *Graybar Services Inc. v. Graybar Elec, Grayberinc Lawrence*, WIPO Case No. [D2009-1017](#) (use of the disputed domain name to "create false emails pretending that they are genuine emails coming from the Complainant and one of its senior executives . . . to order goods from the Complainant's suppliers using the documents created for the purported transactions to attempt to have the Complainant pay for the goods so that they could be received by the Respondent free of charge" established no rights or legitimate interest in the domain name).

Basically, previous UDRP panels have categorically held that the use of a domain name for illegal activity (e.g., phishing, impersonation/passing off, identity theft and other types of fraud) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

By not submitting a Response, the Respondent has failed to invoke any potential circumstances which could demonstrate any rights or legitimate interests in the disputed domain name. Under such circumstances, the Panel draws adverse inferences from this failure, where appropriate, in accordance with the Rules, paragraph 14(b), and the Panel finds that the Respondent has failed to rebut the Complainant's *prima facie* case.

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.

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.

In the present case, the Panel notes that the Respondent has registered the disputed domain name two days before the fishing attack.

And namely, on November 7, 2023, a person has used an email address associated with the disputed domain name to send a phishing email to redirect payment of one of the Complainant's customers to another bank account. For this purpose the said person pretended to be a member of the Complainant's operations regional team and wrote an email to the customer, using the email address associated with the disputed domain name ([...]@screeningaegle.com). The sender has further used all names previously copied in the original email correspondence between the Complainant and its customer incorporating the disputed domain name in order to make the email look as coming from the original source and to legitimize the sender.

Thus, the disputed domain name has been used to create an account with an email address almost identical to Complainant's one and has been created to be used in the business e-mail compromise scheme, in which an attacker most likely obtained access to the Complainant's business email account and imitated its identity, in order to defraud the Complainant's customers.

Panels have held that the use of a domain name for illegal activity, including for fishing, unauthorized account access/hacking, impersonation/passing off, or other types of fraud) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <screeningaegle.com> be transferred to the Complainant.

/Kateryna Oliinyk/

Kateryna Oliinyk

Sole Panelist

Date: January 15, 2024