

ADMINISTRATIVE PANEL DECISION

LKQ Corporation v. Privacy Protect, My Domain Provider
Case No. D2024-0094

1. The Parties

The Complainant is LKQ Corporation, United States of America (“United States”), represented by Irwin IP LLC, United States.

The Respondent is Privacy Protect, My Domain Provider, Netherlands (Kingdom of the).

2. The Domain Name and Registrar

The disputed domain name <career-lkqcorp.com> is registered with INWX GmbH & Co. KG (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 10, 2024. On January 11, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 11, 2024, 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, My Domain Provider) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 15, 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 amendment to the Complaint on January 15, 2024.

The Center verified that the Complaint together with the amendment to 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 January 26, 2024. In accordance with the Rules, paragraph 5, the due date for Response was February 15, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 20, 2024.

The Center appointed Marilena Comanescu as the sole panelist in this matter on February 27, 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.

A communication sent to the Center on January 18, 2024, by a reseller customer of the Registrar, indicated as the registrant of the disputed domain name a person named "relh slat", from the organization "lkq corp". However, due to the composition of the name of the potential registrant, i.e., having a name very similar to the Complainant's company name; the fact that the Registrar couldn't confirm the correctness of this potential registrant; together with all the other evidence in this case, suggests to the Panel a false identity and therefore will treat "Privacy Protect, My Domain Provider" as the Respondent. At the same time, the Center forwarded all the case related documents to this disclosed potential registrant of the disputed domain name and therefore the Center exercised diligently its duties under the Rules, paragraph 2.

4. Factual Background

The Complainant, LKQ Corporation, is a corporation organized and existing under the laws of the State Delaware in the United States, and is a provider of alternative and speciality parts to repair and accessorize automobiles and other vehicles. The Complainant has been conducting business under the LKQ mark in the United States and currently operates in 25 countries worldwide and uses the LKQ mark as well in Canada, India and in the United Kingdom.

The Complainant employs more than 51,000 employees in its 1,700 locations worldwide. In a survey conducted by WorkBuss in August 2021, the Complainant was recognized as a 5-Star Employer in the North America and India.

The Complainant holds trademark registration for or incorporating LKQ, such as the following:

- the United States trademark registration number 4221221 for LKQ (word), filed on February 9, 2012, and registered on October 09, 2012, for services in International class 35; and
- the United States trademark registration number 3589998 for LKQ CORPORATION (mark with device), filed on February 4, 2008 and registered on March 17, 2009, for services in International class 35.

The Complainant owns and operates its corporate website under the domain name <lkqcorp.com>, registered since April 24, 1998.

The disputed domain name <career-lkqcorp.com> was registered on December 12, 2023, and, at the time of filing the Complaint, it did not resolve to an active website.

According to Annexes 9-11 to the Complaint, the disputed domain name was used in connection with email addresses from which, purported LKQ employees were sending recruiting emails to job seekers, presenting themselves as the Complainant's Human Resource managers/representatives and asking recipients to provide confidential information in order to conclude urgent and favorable employment agreements.

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 alleges that it has been conducting business under LKQ mark since the late 1990's and its trademark has become well-known across the United States and earned a reputation as the premier provider of aftermarket/repair parts and related services; the disputed domain name is confusingly similar to its trademark as it merely adds the descriptive word "career" and a dash to its LKQ trade name, trademark and domain name; the Respondent has no rights or legitimate interests in respect to the disputed domain name; the Respondent is using the disputed domain name in bad faith, by creating email addresses for fake LKQ employees for the purpose of luring job seekers into providing confidential personally identifiable information.

B. Respondent

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

6. Discussion and Findings

Under the Policy, the Complainant is required to prove on the balance of probabilities 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 the disputed domain name; and
- (iii) 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.

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 entirety of the 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.

Although the addition of other terms, here "career" and "corp", 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.

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.

According to the evidence provided in the Complaint, the Respondent has used the disputed domain name in connection with email addresses, sending unsolicited job offers to third parties, falsely pretending to be representatives of the Complainant, and asking personal information. UDRP panels have held that the use of a domain name for illegal activity (such as phishing or other types of fraud) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 notes that the disputed domain name was registered in bad faith, with knowledge of the Complainant and its trademark particularly because the Complainant uses in commerce the LKQ trade name, trademark and as corresponding domain name since at least 1998. Further, the use of the disputed domain name in relation to phishing emails further enhances such conclusion.

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.

At the time of filing the Complaint, the disputed domain name directs towards an error page. However, as evidenced by the Complainant, the disputed domain name was used in relation to phishing emails. Panels have held that the use of a domain name for illegal activity (here, sending email, phishing, identity theft, or other types of fraud) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

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 <career-lkqcorp.com> be transferred to the Complainant.

/Marilena Comanescu/

Marilena Comanescu

Sole Panelist

Date: March 12, 2024