

## ADMINISTRATIVE PANEL DECISION

Verizon Trademark Services LLC v. Qian Mengdan  
Case No. D2024-0924

### 1. The Parties

The Complainant is Verizon Trademark Services LLC, United States of America (“United States”), represented by Lauren Lyles, United States.

The Respondent is Qian Mengdan, China.

### 2. The Domain Names and Registrar

The disputed domain names <verizonadministrativechargesettlement.com>, <verizonadministrativechargesettlement.com>, <verizonadministrativchargesettlement.com>, <verizonadministrativechargesettelment.com>, and <verizonadministrativechargesettlement.com> are registered with Cosmotown, Inc. (the “First Registrar”).

The disputed domain name <verizonadministrationsettlement.com> is registered with Chengdu West Dimension Digital Technology Co., Ltd. (the “Second Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 1, 2024. On March 4, 2024, the Center transmitted by email to the First Registrar a request for registrar verification in connection with the disputed domain names. On March 6, 2024, the First 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 March 7, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 27, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 28, 2024.

The Center appointed Mihaela Maravela as the sole panelist in this matter on April 8, 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.

On April 10, 2024, the Complainant requested the consolidation of the present case with the WIPO Case No. [D2024-1192](#). On April 12, 2024, the Center transmitted by email to the Second Registrar a request for registrar verification in connection with the additional domain name included in the Complaint in the WIPO Case No. [D2024-1192](#). On April 15, 2024, the Second Registrar transmitted by email to the Center its verification response confirming the previously disclosed registrant information from the WIPO Case No. [D2024-1192](#) and re-confirming that the language of the Registration Agreement is Chinese. On April 16, 2024, the Panel issued the Procedural Order No. 1, in English and in Chinese, by which the Panel granted an opportunity to the Complainant until April 21, 2024, to provide its arguments as to why the proceedings should be conducted in English, and to the Respondent until April 26, 2024, to submit its Reply with comments (if any) regarding the Complainant's consolidation request and the language of the proceedings. The Panel also informed the Parties that upon the receipt of the Respondent's submissions, if any, the Panel will proceed with a Decision and inform the Parties of any further procedural steps including the extended Decision due date. On May 3, 2024, the Complainant provided comments on the language of proceedings. The Respondent was allowed until May 8, 2024, to provide comments on the Complainant's response on the language of the proceedings but did not submit any communication. On May 16, 2024, the Panel issued the Procedural Order no. 2 whereby the Complainant was invited to provide an amended complaint with consolidation arguments regarding the additional domain name by May 21, 2024, and the Respondent was granted until May 26, 2024, to comment on the second amended Complaint and the Complainant's request for consolidation. The new Decision due date was extended to May 31, 2024. On May 17, 2024, the Complainant filed an amended Complaint. The Respondent did not submit any Response or comments on the Complainant's amended complaint within the time limit fixed by the Panel.

#### **4. Factual Background**

According to information in the Complaint, the Complainant is an intellectual property holding company. It is the owner of trademark and service mark registrations consisting of or incorporating VERIZON. The Complainant is member of a group of companies including Verizon Communications Inc., which was formed on June 30, 2000, and is one of the world's leading providers of technology and communications products and services, operating in over 150 countries around the world, and serving 99% of the Fortune 500.

The Complainant is currently the defendant in a class action lawsuit, regarding an administrative charge on certain of its service plans, where it entered into a settlement agreement. As part of the settlement agreement, the Complainant agreed to pay a specified amount of money into a settlement fund to be administered and maintained by a third-party administrator and to create and maintain a website at the domain name <verizonadministrativechargesettlement.com>. Parties who believe that they are entitled to payment from the mentioned settlement fund may file a claim through the indicated settlement website.

The Complainant is the holder of a number of trademarks for VERIZON, including the United States trademark VERIZON (word) No. 2886813, registered on September 21, 2004, designating goods and services in international classes 9, 16, 35, 36, 37, 38, 41, and 42, or the United States trademark VERIZON (figurative) No. 5223839, registered on June 13, 2017, designating services in international class 35. The Complainant's main websites featuring advertising and information concerning many of its products and services can be accessed, inter alia, via the domain name <verizon.com>.

The disputed domain names <verizonadministrativechargesettlement.com>, <verizonadministrativechargesettlement.com>, <verizonadministrativchargesettlement.com>, <verizonadministrativechargesettelment.com> and <verizonadministrativechargesettlement.com> were registered on January 4, 2024. The disputed domain name <verizonadministrationsettlement.com> was registered on January 18, 2024. All disputed domain names resolve to parking pages with links to third party service offerings e.g., related to payments.

## **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 names.

Notably, the Complainant contends that the disputed domain names are similar to its trademarks, as they have been formed by (i) misappropriating the Complainant's famous VERIZON mark in its entirety, (ii) appending various combinations and/or misspellings of the English words "administrative charge settlement" and, (iii) adding the generic Top-Level Domain ("gTLD") ".com" thereto. The addition of the terms "administrative," "charge", and/or "settlement," or intentional misspellings of one or more of these terms, does nothing to abate the confusing similarity of the disputed domain names to the Complainant's mark. Moreover, the generic terms "administrative," "charge" and/or "settlement" after "Verizon" is suggestive of the lawsuit indicated in the factual section above and the relevant website at <verizonadministrativechargesettlement.com>.

As regards the second element, the Complainant argues that it has not authorized the Respondent to register or use the disputed domain names and there is no connection between the Complainant and the Respondent. The disputed domain names resolve to a landing page designed to intentionally monetize the VERIZON trademarks by offering sponsored links that are of the type consumers would expect to see on the Complainant's website at <verizonadministrativechargesettlement.com>, in order to divert customers seeking to file claims in connection with the class action lawsuit above to websites of third parties, which constitutes neither a bona fide offering of goods or services nor a legitimate noncommercial or fair use of the disputed domain names.

With respect to the third element, the Complainant argues that its VERIZON trademark became a famous mark well prior to the Respondent's registration and use of the disputed domain names, therefore the Respondent was aware of the Complainant's rights in the VERIZON marks at the time the Respondent registered and began using the disputed domain names. As to the use, the Complainant contends that the Respondent has incorporated the Complainant's VERIZON marks into the disputed domain names without the Complainant's consent or authorization for the purpose of capitalizing on the reputation of the Complainant's VERIZON marks by diverting Internet users to Pay-Per-Click ("PPC") landing pages for commercial gain. Moreover, the Respondent has registered the disputed domain names, which consist of the Complainant's well known VERIZON mark and obvious misspellings of the terms "administrative", "charge", and/or "settlement", a practice commonly referred to as "typosquatting." Therefore, the Respondent seeks to profit from Internet traffic generated by the fact that some Internet users will inadvertently misspell the mentioned words when they type the address of the Complainant's website at <verizonadministrativechargesettlement.com> into their browsers as they seek to locate the lawsuit settlement website on the web.

### **B. Respondent**

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

## **6. Discussion and Findings**

### **6.1. Procedural issues – Language of the proceedings**

According to the information provided by the Second Registrar, the language of the Registration Agreement for the disputed domain name <verizonadministrationsettlement.com> is Chinese. Under paragraph 11 of the Rules, unless otherwise agreed by the Parties, or specified otherwise in the Registration Agreement, the language of the administrative proceeding shall be the language of the Registration Agreement, subject to

the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding. The Complainant requests that the language of proceedings be English. It notes, inter alia, that the Complainant is a United States entity, and the Complainant and the Complainant's representative are unable to communicate in Chinese. The Complainant concludes it would be prejudiced if the proceedings were to be conducted in Chinese. In addition, the Complainant argues that the following facts indicate that the Respondent is able to understand and communicate in English: (i) the Respondent has registered the disputed domain name in Latin script and not Chinese script; (ii) the disputed domain name consists of the Complainant's famous VERIZON trademark and English words, (iii) the sponsored links on the landing page to which the disputed domain name resolves are in English language. Also, substantial additional expense and delay would likely be incurred if the Complaint had to be translated into Chinese. Lastly, the Respondent has been subject to prior UDRP decisions, all of which have been rendered in English (see, e.g., *LPL Financial LLC v. 钱梦聃 (Qianmengdan)*, WIPO Case No. [D2021-0150](#), *John Hancock Life Insurance Company (U.S.A.) v. 钱梦聃 (Meng Dan Qian / Qianmengdan)*, WIPO Case No. [D2020-2123](#)).

The Center has sent all its communications to the Respondent in both English and Chinese and has invited the Respondent to express its views on the language of the proceeding. The Respondent has not submitted any objections to the Complainant's request that the proceedings be held in English. The above satisfies the Panel that the Respondent would not be disadvantaged if the language of the proceeding is English, and that using the English language in this proceeding would be fair and efficient. Therefore, in exercise of its powers under paragraph 11 of the Rules, the Panel decides that the language of this administrative proceeding will be English.

## **6.2. Procedural issue – Consolidation of the proceedings**

The Complainant requested the consolidation of the present case with WIPO Case No. [D2024-1192](#) on the grounds that all disputed domain names included in the two proceedings are registered by the same registrant, who is the Respondent. On May 16, 2024, the Panel issued the Procedural Order No. 2, by which the Respondent was granted the right to comment on the second amended Complaint and the Complainant's request for consolidation. The Respondent did not submit any Response or comments on the Complainant's consolidation request within the time limit fixed by the Panel.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder. In addressing the Complainant's consolidation request, the Panel has to consider whether the disputed domain names or corresponding websites are subject to common control, and whether the consolidation would be fair and equitable to all Parties.

As regards common control, it follows from the information provided by the two Registrars that all the disputed domain names had been registered by the same registrant, which is the Respondent. As regards fairness and equity, the Panel sees no reason why the consolidation of the disputes would be unfair or inequitable to any Party, and in any case neither of the Parties had alleged otherwise. Taking the above into account, the Panel decided to allow the consolidation of the WIPO Case No. [D2024-1192](#) into the WIPO Case No. D2024-0924.

In view of the consolidation of the two proceedings, the Panel will hereafter refer to the disputed domain names included in them as the "disputed domain names".

## **6.3. Substantive issues**

No Response has been received from the Respondent in this case. Accordingly, the Panel considers it can proceed to determine the Complaint based on the statements and documents submitted by the Complainant as per paragraph 15(a) of the Rules. The applicable standard of proof in UDRP cases is the "balance of probabilities" or "preponderance of the evidence", and the Panel can draw certain inferences in light of the particular facts and circumstances of the case. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.2.

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (i) the disputed domain names are 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 names, and (iii) the disputed domain names have been registered and are 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 3.0](#), section 1.7.

The Complainant has shown rights in respect of the VERIZON trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the VERIZON trademark is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the VERIZON trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, "administrative", "charge", "settlement", "administration", or misspellings thereof) may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names and the VERIZON trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

It is the settled view of panels applying the Policy that the gTLD (here ".com") should be disregarded under the first element test.

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 names. 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 names such as those enumerated in the Policy or otherwise.

There is no evidence that the Respondent is using the disputed domain names in connection with a bona fide offering of goods or services. Rather, according to the un rebutted evidence put forward by the Complainant, it is currently the defendant in a class action lawsuit, regarding an administrative charge on certain of its service plans, where it entered into a settlement agreement. As part of the settlement agreement, the Complainant agreed to pay a specified amount of money into a settlement fund to be administered and maintained by a third-party administrator and to create and maintain a website at the domain name <verizonadministrativechargesettlement.com>. The disputed domain names represent misspellings of the Complainant's official domain name and the disputed domain names resolve to landing pages comprising PPC links to competing services to those that the Complainant offers under its trademark at the domain name <verizonadministrativechargesettlement.com>. According to section 2.9 of the [WIPO Overview 3.0](#), "Applying UDRP paragraph 4(c), panels have found that the use of a domain name to host a parked page comprising PPC links does not represent a bona fide offering where such links compete with or capitalize on the reputation and goodwill of the complainant's mark or otherwise mislead Internet users". In this Panel's view, such use does not confer rights or legitimate interests to the Respondent.

Also, there is no evidence that the Respondent is commonly known by the disputed domain names.

Furthermore, the nature of the disputed domain names being misspellings of the Complainant's domain name reflect the Respondent's intent to confuse Internet users via inherently misleading disputed domain names.

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.

The Complainant's registration and use of the relevant trademarks predate the date at which the Respondent registered the disputed domain names. Given the distinctiveness of the Complainant's trademark, it is reasonable to infer that the Respondent has registered the disputed domain names with full knowledge of the Complainant's trademarks, and to target those trademarks. A further fact that supports such inference is that the disputed domain names are a misspelled version of the Complainant's domain name <verizonadministrativechargesettlement.com>, that the Complainant undertook to establish and maintain for a certain period of time under the terms of a settlement agreement agreed upon in a class action law suit.

The disputed domain names are used by the Respondent to direct to a website displaying PPC advertisements for services related to those that the Complainant must offer at the domain name <verizonadministrativechargesettlement.com>. Given the confusing similarity between the VERIZON trademark and the disputed domain names, Internet users would likely be confused into believing that the Complainant is affiliated with the website to which the disputed domain names resolve. Presumably the Respondent intends to benefit commercially from the confusion created.

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 names <verizonadministrativechargesettlement.com>, <verizonadministrativechargesettlement.com>, <verizonadministrativechargesettlement.com>, <verizonadministrativechargesettlement.com>, and <verizonadministrationsettlement.com> be transferred to the Complainant.

*/Mihaela Maravela/*

**Mihaela Maravela**

Sole Panelist

Date: May 27, 2024