

ADMINISTRATIVE PANEL DECISION

American Airlines, Inc. v. Carolina Rodrigues, Fundacion Comercio Electronico
Case No. D2024-1072

1. The Parties

The Complainant is American Airlines, Inc., United States of America (“U.S.”), represented by Greenberg Traurig, LLP, U.S.

The Respondent is Carolina Rodrigues, Fundacion Comercio Electronico, Panama.

2. The Domain Name and Registrar

The disputed domain name <americanairlinnes.com> is registered with GoDaddy.com, LLC., (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 11, 2024. On March 12, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. Also on March 12, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint.

The Center sent an email communication to the Complainant on March 14, 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 amended Complaint on March 15, 2024.

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 March 19, 2024. In accordance with the Rules, paragraph

5, the due date for Response was April 8, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 11, 2024.

The Center appointed María Alejandra López G. as the sole panelist in this matter on April 16, 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.

4. Factual Background

The Complainant is a leading international airline company which provides travel services and travel agency. The Complainant enjoys a reputation in the U.S. and internationally as a premier airline for business and leisure travelers. The Complainant and its affiliates serve over 350 destinations in over fifty countries, with nearly 7,000 daily flights.

The Complainant owns trademark registrations incorporating its AMERICAN AIRLINES mark in over 75 countries. In the U.S., the Complainant owns multiple federal trademark registrations for AMERICAN AIRLINES (word mark) including:

- Reg. No. 514,294 registered on August 23, 1949, and in force until February 25, 2030.
- Reg. No. 1,845,693 registered on July 19, 1994, and in force until January 21, 2025.
- Reg. No. 5,279,167 registered on September 5, 2017, and in force until March 6, 2027.

The Complainant also owns trademark registrations incorporating its AMERICAN AIRLINES in Panama, where the Respondent is reportedly located, including Reg. No. 53214 registered on May 27, 1991.

The Complainant also owns and operates the domain names <aa.com> registered on January 2, 1998, and <americanairlines.com> registered on April 17, 1998, which redirects to <aa.com> where the Complainant's primary website is hosted, which not only features general information about the Complainant and traveling, but also allows customers to book travel reservations around the world, view, change and cancel travel reservations, check in for flights, and view flight status.

The Complainant it is also very active on social media and has over 2.6 million followers on Facebook and 1.6 million followers of Twitter.

According to the evidence presented, AMERICAN AIRLINES is a worldwide well-known trademark, which status, has been also recognized through by previous panels, as in e.g.: *American Airlines, Inc. v. Ramadhir Singh, WhoisGuard Protected, WhoisGuard, Inc. et al.*, WIPO Case No. [D2021-0294](#); *American Airlines, Inc. v. Registration Private, Domains By Proxy, LLC*, WIPO Case No. [D2021-1093](#); *American Airlines, Inc. v. Bob Phua*, WIPO Case No. [D2022-0012](#); *American Airlines, Inc. v. Domains By Proxy, LLC / Carolina Rodrigues, Fundacion Comercio Electronico*, WIPO Case No. [D2022-1048](#); *American Airlines, Inc. v. Contact Privacy, Inc., Customer 0161294199 et. al.*, WIPO Case No. [D2022-2326](#); *American Airlines, Inc. v. Idah, Idah*, WIPO Case No. [D2023-3600](#).

The disputed domain name was registered on January 9, 2024, and at the time of this Decision, redirected to "http://ww1.americanairlinnes.com/lander?backfill=0&term=event+tickets" which shows an inactive website with no content at all. The record shows that at the time the Complaint was filed, the disputed domain name resolved to a website with sponsored pay-per-click ("PPC") links for sites related to the travel industry.

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.

In relation to the first element of the Policy, in summary, the Complainant contends that the disputed domain name is confusingly similar to its well-known worldwide trademark AMERICAN AIRLINES; that the Complainant's trademark has been altered in the disputed domain name by the addition of a second letter "n", in "airlines", consisting in a typosquatting scenario which is causing confusing similarity.

In relation to the second element of the Policy, in summary, the Complainant contends that without the Complainant's authorization, the Respondent registered the disputed domain name which is confusingly similar to the Complainant's AMERICAN AIRLINES trademarks; that the Respondent is not commonly known by the disputed domain name, has not used or prepared to use the disputed domain name in connection with a bona fide offering of goods or services, and has not been authorized, licensed, or otherwise permitted by the Complainant to register and/or use the disputed domain name; that the Respondent is using the disputed domain name to divert Internet traffic to websites that contain PPC or affiliate advertising links that redirect to websites that are competitive with the Complainant, which does not demonstrate rights or legitimate interests and does not constitute a protected noncommercial or fair use of the disputed domain name.

In relation to the third element of the Policy, in summary, the Complainant contends that the Respondent registered and is using the disputed domain name in bad faith, given that the Respondent based on the Complainant's well-known trademarks, registered the disputed domain name to redirect Internet traffic to competitive travel websites garnering PPC or affiliate advertising revenue for the Respondent's commercial gain and attempt to sell it; that the disputed domain name has active MX (mail exchange) records, which evidences a likelihood of additional bad-faith use of the disputed domain name to engage in fraudulent email or phishing communications.

B. Respondent

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

6. Discussion and Findings

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 the AMERICAN AIRLINES trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the Complainant's trademark is recognizable within the disputed domain name, despite the intentional addition of the letter "n" in "airlinnes", which constitutes a typical act of typosquatting (see *American Airlines, Inc. v. Contact Privacy, Inc., Customer 0161294199 et al.*, WIPO Case No. [D2022-2326](#)). In accordance with UDRP jurisprudence, "a domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element." Accordingly, the disputed domain name is confusingly similar to the

Complainant's trademark AMERICAN AIRLINES for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7 and 1.9.

As for the applicable generic Top-Level Domain ("gTLD") ". com", it is well established that such element may typically be disregarded when assessing whether a domain name is identical or confusingly similar to a trademark, as it is a technical requirement of registration. [WIPO Overview 3.0](#), section 1.11.1.

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. Despite the fair opportunity given by the Center in accordance with paragraph 2(a) of the Rules, 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 Panel finds the Complainant has never granted any kind of authorization to the Respondent to use its trademark AMERICAN AIRLINES, including as a domain name; that certainly the Respondent has not become commonly known by the disputed domain name either, that instead, the Respondent has used the disputed domain name to develop a PPC website with commercial links related to the Complainant (i.e.: "Event Tickets", "Cheap Airline Tickets From", and "Cheap Travel Flights Tickets") to divert the Internet traffic against the Complainant, which it is not a *bone fide* offering of good or services, or a fair use either, in accordance with paragraph 4.(c)(i) and (iii) of the Policy. See *American Airlines, Inc. v. Idah, Idah*, WIPO Case No. [D2023-3600](#) and [WIPO Overview 3.0](#), section 2.9.

The Panel also finds that the use of the disputed domain name has changed, since it has been redirected to "http://ww1.americanairlinnes.com/lander?backfill=0&term=event+tickets" which resolves to an inactive website with no content at all. This use does not confer rights or legitimate interests on the Respondent. Furthermore, the disputed domain name has active MX records, which means the Respondent could potentially use the disputed domain name to engage in fraudulent activity.

The Panel finds the second element of the Policy has been established.

C. Registered and Used 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.

Given the Complainant's notoriety, it is clear that the Respondent registered the disputed domain name with the AMERICAN AIRLINES trademark in mind. The use of a typographical variant of said mark and the use of PPC advertising links support a finding of bad faith. See [WIPO Overview 3.0](#), sections 3.2.1 and 3.5.

Given that by the time of this Decision, the disputed domain has been redirected to a website with no content at all, this Panel will also address the third element of the Policy, under the well-established passive holding doctrine.

In relation to it, panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. Having reviewed the available record, the Panel finds the current non-use of the disputed domain name does not prevent a finding of bad faith in the circumstances of this proceeding. Although panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark; (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, and; (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement). [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes: (i) the worldwide well-known status of the Complainant's trademark AMERICAN AIRLINES; (ii) the lack of Response; (iii) the Respondent's use of a privacy service; (iv) the composition of the disputed domain name, being an intentional misspelling of the Complainant's trademark (typosquatting); (v) the Respondent's change of website from PPC into its current use, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

The Panel accepts the Complainant's contention which shows that the Respondent has an extensive history and has incurred in a pattern of bad faith conduct of abusive domain name registration, as set out in paragraph 4(b)(ii) of the Policy. [WIPO Overview 3.0](#), section 3.1.2.

Therefore, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <americanairlinnes.com> be transferred to the Complainant.

/María Alejandra López G./

María Alejandra López G.

Sole Panelist

Date: April 30, 2024