

ADMINISTRATIVE PANEL DECISION

Northrop Grumman Systems Corp., v. Jamie Blanchard
Case No. D2024-1109

1. The Parties

The Complainant is Northrop Grumman Systems Corp., United States of America (“United States”), internally represented.

The Respondent is Jamie Blanchard, United States.

2. The Domain Name and Registrar

The disputed domain name <northropgrummanus.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 13, 2024. On March 14, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 14, 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 (Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 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 March 21, 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 March 21, 2024. In accordance with the Rules, paragraph 5, the due date for Response was April 10, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 11, 2024.

The Center appointed Angela Fox as the sole panelist in this matter on April 17, 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 Delaware corporation and a wholly-owned subsidiary of Northrop Grumman Corporation, also a Delaware corporation. They adopted the Northrop Grumman name in 1994 with the merger of Northrop Corporation and Grumman Corporation, and have used the name and trademark NORTHROP GRUMMAN continuously since then. Northrop Grumman Corporation is the owner of numerous trademark registrations, details of which were annexed to the complaint, for NORTHROP GRUMMAN in plain and stylized form, including:

- United States Trademark Registration No. 2,105,215 for NORTHROP GRUMMAN in Class 12, registered on October 14, 1997;
- United States Trademark Registration No. 2,191,955 for NORTHROP GRUMMAN in Class 9, registered on September 29, 1998;
- United States Trademark Registration No. 2,193,294 for NORTHROP GRUMMAN in Classes 16 and 25, registered on October 6, 1998; and
- United States Trademark Registration No. 2,203,601 for NORTHROP GRUMMAN in Classes 35, 37, and 40, registered on November 17, 1998.

The disputed domain name was registered on January 9, 2024. It appears to have been configured to redirect traffic to the Complainant's own website at "www.northropgrumman.com". The Complainant submitted evidence that the disputed domain name has been used in connection with the sending of a fraudulent email impersonating the Complainant, to at least one third-party business. The email originated from the address "[NAME REDACTED]@northropgrummanus.com" and purported to be sent by Northrop Grumman Corporation, and displayed the Complainant's business address.

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 NORTHROP GRUMMAN trademark. The disputed domain name contains the entirety of the Complainant's trademark adding only the two characters "US" to the end. The Complainant submits that these characters are an abbreviation for the United States and that they do not overcome the confusing similarity between the disputed domain name and the Complainant's mark.

The Complainant further submits that the Respondent has no rights or legitimate interests in the disputed domain name. There is no evidence of the Respondent using, or making demonstrable preparations to use, the disputed domain name, or any name corresponding to it, in connection with a bona fide offering of goods or services. Nor has the Respondent ever been known by the disputed domain name or acquired any trademark or service mark rights in any name corresponding to it. There is no evidence that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name. To the contrary, there is evidence that the Respondent has used it to send at least one email impersonating Northrop Grumman Corporation.

Finally, the Complaint argues that the disputed domain name was registered and has been used in bad faith, through the use of it as an email address in respect of at least one email impersonating Northrop Grumman Corporation. The Complainant submits that the Respondent is using the disputed domain name to mislead

others and to disrupt the business of the Complainant by impersonating the Complainant with the likely intent to perpetrate a fraud or scam on third parties doing business with the Complainant.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, a complainant can only succeed in an administrative proceeding under the Policy if the panel finds 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.

All three elements must be present before a complainant can succeed in an administrative proceeding under the Policy.

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, the country abbreviation "US", 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.

The Panel finds that the composition of the disputed domain name carries a risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

Panels have held that the use of a domain name for illegal activity, here, the sending of emails impersonating the Complainant's parent company, Northrop Grumman Corporation, 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 Complainant's trademarks long predate the recent registration of the disputed domain name, and the Complainant has shown evidence that the Respondent has used the disputed domain name in connection with an email sent to a third-party business, impersonating the Complainant's parent company, Northrop Grumman Corporation. The Complainant submits that this was likely with the intention of committing some kind of fraud or phishing scam. The Respondent has not sought to deny that allegation by filing a response.

Panels have held that the use of a domain name for illegal activity, such as fraudulent impersonation, phishing or other types of fraud, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, 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 <northropgrummanus.com> be transferred to the Complainant.

/Angela Fox/

Angela Fox

Sole Panelist

Date: May 2, 2024