

## **ADMINISTRATIVE PANEL DECISION**

American Airlines, Inc. v. Venkata Prasadam, Venkata Prasadam Sales  
Case No. D2024-1524

### **1. The Parties**

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

The Respondent is Venkata Prasadam, Venkata Prasadam Sales, India.

### **2. The Domain Name and Registrar**

The disputed domain name <americanairlines.lat> is registered with Porkbun LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 10, 2024. On April 11, 2024, the Center transmitted by email to the Registrar a request for the Registrar verification in connection with the disputed domain name. On the same day, April 11, 2024, the Registrar transmitted by email to the Center its verification response disclosing the registrant and contact information for the disputed domain name which differed from the named Respondent (Who is Privacy, Private by Design, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 16, 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 April 17, 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 April 19, 2024. In accordance with the Rules, paragraph 5, the due date for Response was May 9, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 14, 2024.

The Center appointed Ada L. Redondo Aguilera as the sole panelist in this matter on May 20, 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 in this administrative procedure is American Airlines, Inc.

The Complainant is one the largest air carrier in the world and enjoys a reputation in the United States and internationally as a premier airline for business and leisure travelers.

The Complainant and its affiliates serve over 360 destinations in nearly fifty countries including numerous Latin American countries such as Belize, Costa Rica, El Salvador, Mexico, and Argentina with nearly 7,000 daily flights.

The Complainant has developed global name-recognition and goodwill and has become a household name with more than 90-year of history.

The Complainant, has used and continues to use its name American Airlines and numerous trademarks and service marks including AA, AMERICAN (figurative), and AMERICAN AIRLINES, and others, both alone and in connection with other words and designs.

The Complainant is the owner of trademarks, trade names, and other intellectual property that are the result of significant investment and worth billions of dollars. Over the past several decades, the Complainant has used the AMERICAN, and AMERICAN AIRLINES marks alone or in combinations with other words and designs, in connection with travel and transportation services, travel agency services, travel reservation services, travel rewards and loyalty programs, and numerous other goods and services.

Based on the above information, it is clear that the Complainant’s trademarks have achieved worldwide fame and recognition. The Complainant owns multiple trademark registrations for its AMERICAN and AMERICAN AIRLINES marks in the United States and India, including but not limited to the following:

TRADEMARK	REGISTRATION NUMBER	REGISTRATION DATE	JURISDICTION
AMERICAN AIRLINES	514294	August 23, 1949	United States
AMERICAN AIRLINES	4939082	April 19, 2016	United States
AMERICAN AIRLINES	5279167	September 5, 2017	United States
AMERICAN AIRLINES	605109	August 25, 1993	India
AA	514292	August 23, 1949	United States

Additionally, the Complainant has the oldest registration for the trademark AMERICAN AIRLINES in the United States, that dates back to July 27, 1948, and priority for the oldest registration for the AMERICAN AIRLINES trademark in India dates back to august 25, 1993.

The Complainant is also the owner of their official domain names: <americanairlines.com> and <aa.com> since the year 1998 which it has continuously used in commerce since that date and has other domain names that incorporates their trademark AMERICAN AIRLINES.

The disputed domain name was registered on March 23, 2024.

While the website displayed in the disputed domain name appears to be suffering from some coding issues resulting in numerous phone numbers being displayed across the top, but intent of the Website is to copy the look and layout of the Complainant’s official website as it displays numerous links which purportedly redirect

website visitors to view their AAdvantage loyalty program status, redeem miles, find flights, and manage trips and check in. The Complainant contends that the disputed domain name displays a website that pretends fraudulently to be the Complainant.

## **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 identical to their Mark due to the fact that the disputed domain name incorporates the Complainant's trademarks: AMERICAN and AMERICAN AIRLINES only by adding the generic Top-Level Domain ("gTLD") ".lat."

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

The Complainant contends that the disputed domain name was registered and has been used in bad faith. According to the Complainant the website displayed in the disputed domain name could be used to engage in fraudulent transactions or to obtain personal information from consumers. According to the Complainant, the Respondent's use of the disputed domain name is not fair or legitimate.

The Complainant requests that the disputed domain name be transferred to them.

### **B. Respondent**

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

## **6. Discussion and Findings**

In order to succeed in its Complaint, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied: (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 with respect to 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 Complainant's mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Indeed, the Panel finds that the disputed domain name is identical to the trademark since it is acknowledged that the gTLD in the present case ".lat", may typically be disregarded when assessing whether a domain

name is identical or confusingly similar to a trademark, as it is, in this case, 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 and 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 Respondent registered the disputed domain name which is the copy of the Complainant’s AMERICAN AIRLINES trademarks without the authorization of the Complainant. According to the Complainant, 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.

In the present procedure, the Complainant presented enough evidence that proves that the Respondent has not operated any bona fide or legitimate business under the disputed domain name, and is not making protected noncommercial or fair use of the disputed domain name. Instead, the Respondent is using the disputed domain name to divert Internet traffic to a website that purports to be the Complainant’s official website. While the website displayed in the disputed domain name appears to be suffering from some coding issues resulting in numerous phone numbers being displayed across the top, it is evident that the intent of the website displayed in the disputed domain name is to copy the look and layout of the Complainant’s official website as it displays numerous links which purportedly redirect website visitors to view their AAdvantage loyalty program status, redeem miles, find flights, and manage trips and check in. Indeed, the website displayed in the disputed domain name includes links “At the airport”, “Travel experience”, and others which are also links prominently displayed on the Complainant’s official website.

According to the Complainant, the website that is displayed under the disputed domain name is used for conducting potential fraudulent transactions or obtaining personal information from consumers. In any case, the Respondent’s use of the disputed domain name cannot be deemed fair or legitimate.

Panels have held that the use of a domain name for illegal activity, in the present case impersonation/passing off in particular displaying one of the Complainant’s trademarks and through the redirection to AAdvantage loyalty program status, 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.

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 it is unlikely that the Respondent did not know the well-known AMERICAN and AMERICAN AIRLINES trademark worldwide when registering the disputed domain name. As established before and seen on the evidence provided, the Complainant has not only presence worldwide, but its name alone carries a lot of history and prestige, making it one of the most popular and recognizable airlines in the world, carrying a considerable amount of fame. It is also important to note that what the Complainant seeks on their website is giving security and a premium service to all its customers. According to the evidence in the present case, it is clear that the Respondent was aware of the Complainant's rights of the trademarks AMERICAN and AMERICAN AIRLINES when the Respondent acquired the disputed domain name. The fact that the Respondent incorporated the complete well-known trademark as AMERICAN and AMERICAN AIRLINES into the disputed domain name is enough evidence that the intention of the Respondent was to obtain a benefit out of the trademark with the disputed domain name and target the Complainant's business.

The record exhibits that the Respondent's primary motive in relation to the registration and use of the disputed domain name was to capitalize on or otherwise take advantage of the Complainant's rights, in furtherance of a website that is used for conducting potential fraudulent transactions or obtaining personal information from consumers or Internet users. In view of all of the foregoing, the Panel concludes that the Respondent registered and has used the disputed domain name in bad faith within the meaning of paragraph 4(a)(iii) of the Policy.

Panels have held that the use of a domain name for illegal activity such as impersonation/passing off displaying one of the Complainant's trademarks and through the redirection to AAdvantage loyalty program status, or other types of fraud constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Having reviewed the record, the Panel finds that 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 <americanairlines.lat> be transferred to the Complainant.

*/Ada L. Redondo Aguilera/*

**Ada L. Redondo Aguilera**

Sole Panelist

Date: June 3, 2024