

## **ADMINISTRATIVE PANEL DECISION**

**Arista Networks Inc. v. Carolina Rodrigues, Fundacion Comercio Electronico**  
**Case No. D2024-1528**

### **1. The Parties**

The Complainant is Arista Networks Inc., United States of America, represented by 101domain.com, United States of America.

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

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

The disputed domain name <aristanetowrks.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 April 11, 2024. On April 11, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 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 (“Information not available in Whois”) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 12, 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 16, 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 10, 2024.

The Center appointed Alistair Payne as the sole panelist in this matter on May 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 was founded in 2004 and provides technological products and software solutions for monitoring and network detection and response worldwide through its primary website at <aristanetworks.com> which was registered in 2008. It also owns many other domain names containing its ARISTA or ARISTA NETWORKS marks. The Complainant delivers computer networking services to Fortune 500 companies across 6 continents. It owns European Union trademark registration 008473721 for ARISTA registered on February 1, 2010, and also European Union trademark registration 018143714 for ARISTA NETWORKS registered on May 22, 2020. It also owns United States trade mark registration 4893674 for ARISTA registered on January 26, 2016.

The disputed domain name was registered on October 11, 2023. It resolves to a pay-per-click website which appears to feature links to sites that concern “network security solutions”, “share files” and “network monitoring files”.

#### **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 it owns registered trademark rights in its ARISTA mark as set out above and that the disputed domain name wholly contains its ARISTA mark and is confusingly similar to it. It says that the misspelling of its ARISTANETWORKS mark in the disputed domain name by the switching of the letters “o” and “w” amounts to typosquatting and aims to target the Complainant’s customers and to trade on its reputation.

The Complainant submits that it has not licensed or permitted the Respondent to use its ARISTA or ARISTANETWORKS mark and that the Respondent appears to have no registered trade mark rights in these marks and has no legitimate connection to the Complainant’s marks and is using the disputed domain name to trade on the reputation and goodwill attaching to those marks. It further says that the Respondent is not commonly known by the disputed domain name and is using it to cause confusion amongst the Complainant’s current and potential customers, while also preventing them from navigating to the Complainant’s domain name at <arista.com> and is therefore disrupting the Complainant’s business. The Complainant also submits that the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name because it diverts to a parking site which features links to competing services.

As far as registration and use in bad faith is concerned, the Complainant submits that the Respondent registered the disputed domain name purposefully with a view to confusing Internet users by using the typo squatted disputed domain name to create a false association with the Complainant’s registered trade marks and to divert them to its placekeeper site featuring links to similar businesses. This, says the Complainant, disrupts its business by profiting from its reputation and prevents it from reflecting its trade mark in the same domain name. The Complainant notes that the Respondent has created active MX records connected to the disputed domain name’s email services and that the Respondent has a documented history of cybersquatting well reputed domain names in over 200 prior WIPO cases.

##### **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 a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds that both the ARISTA and the ARISTANETWORKS marks are recognisable 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 disputed domain name features the inversion of the "o" and of the "w" in the Complainant's ARISTANETWORKS mark, this example of typosquatting 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 1.9.

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.

The Complainant has submitted that it has not licensed or permitted the Respondent to use its ARISTA or ARISTANETWORKS mark and there is no evidence that the Respondent has any registered trade mark rights for ARISTA or ARISTANETWORKS. The Complainant has submitted that the Respondent is not commonly known by the disputed domain name and is using it to cause confusion amongst the Complainant's current and potential customers, while also preventing them from navigating to the Complainant's domain name at <arista.com> and is therefore disrupting the Complainant's business. The Complainant has also submitted that the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name because it diverts to a parking site which features links to competing services.

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 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 Respondent registered the disputed domain name in October 2023, many years after the registration of the Complainant's ARISTA and ARISTANETWORKS trade marks. The Complainant's trade marks are both distinctive and are also well reputed as a result of the Complainant's long established international business operating since 2004 under the ARISTA and ARISTANETWORKS marks. Considering also that the disputed domain name is obviously a typosquatting of the Complainant's ARISTANETWORKS mark, the Panel infers that it is most likely that the Respondent was well aware of the Complainant's trade marks at the time of registration of the disputed domain name.

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.

Under paragraph 4(b)(iv) of the Policy there is evidence of registration and use of the disputed domain name in bad faith where a Respondent has used the disputed domain name to intentionally attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trade marks as to the source, sponsorship, affiliation or endorsement of the website.

In this case it appears that the Respondent has used the disputed domain name to confuse and divert Internet users to its website which provides links to other sites under topic headings related to the Complainant's business. As noted above the disputed domain name is a typosquatting of the Complainant's distinctive and well reputed ARISTANETWORKS mark. It is most likely that the Respondent benefits commercially from the traffic driven to its site through the disputed domain name, whether through click through revenue or other commercial arrangements, and even if the Respondent does not benefit commercially, that would not prevent a finding of bad faith in the circumstances of the case. The Panel therefore finds that the requirements of paragraph 4(b)(iv) are satisfied and that this amounts to evidence of registration and use of the disputed domain name in bad faith.

The Respondent has a long history of cybersquatting in a similar manner as described by previous panels, in particular in *Tosara Pharma Ltd. v. Carolina Rodrigues, Fundacion Comercio Electronico*, WIPO Case No. [D2022-5036](#). At that time the panel noted findings against the Respondent in more than 320 cases. Consistent with the panel's finding in that case, this Panel also finds that this is yet another example of classic cybersquatting of the kind that the Policy was intended to proscribe and that the Respondent, based on her history of registration and use of domain names in bad faith is a serial cybersquatter.

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 <aristanetowrks.com> be transferred to the Complainant.

*/Alistair Payne/*

**Alistair Payne**

Sole Panelist

Date: May 30, 2024