

## **ADMINISTRATIVE PANEL DECISION**

### **RAB Lighting Inc. v. Destiny Greg, Rab Lighting Case No. D2024-1868**

#### **1. The Parties**

The Complainant is RAB Lighting Inc., United States of America (“United States”), represented by Frost Brown Todd LLC, United States.

The Respondent is Destiny Greg, Rab Lighting, United States.

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

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

#### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 2, 2024. On May 3, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On May 3, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 7, 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 May 8, 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 May 14, 2024. In accordance with the Rules, paragraph 5, the due date for Response was June 3, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 4, 2024.

The Center appointed Colin T. O'Brien as the sole panelist in this matter on June 12, 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**

Complainant is a producer of indoor and outdoor lighting fixtures, sensors and controls as well as parts and electrical equipment therefor, with over seventy years of experience in the lighting industry. Complainant sells a wide selection of lighting products under an assortment of trademarks throughout the United States, but all of which under its primary brand RAB and RAB LIGHTING. Complainant has continuously used its RAB trademark to identify and distinguish its aforementioned lighting products since at least as early as January 1, 1948. Complainant has continuously used its RAB LIGHTING trademark to identify and distinguish its aforementioned lighting products since at least as early as April 2004.

Complainant also owns the following Federal Trademark Registrations in the United States in connection with its use of the RAB and RAB LIGHTING Marks:

Trademark	Filing Date	Reg. Date	Reg. No.	Goods / Services
RAB	March 31, 2005	October 17, 2006	3160726	Class 9: Electrical equipment-namely, junction boxes, outlet boxes, cover plates and plugs for lighting fixtures. Class 11: Electric lighting fixtures and parts thereof
RAB LIGHTING	March 31, 2005	June 3, 2008	3442298	Class 9: Electrical equipment, namely, junction boxes, outlet boxes, cover plates, plugs for lighting fixtures Class 11: Electric lighting fixtures and parts thereof; Electrical equipment, namely, indoor and outdoor motion- activated lighting fixtures with explosionproof, vaporproof, weatherproof and vandalproof features

Since at least as early as July 24, 2004, Complainant has owned the <rablighing.com> domain name. Today, consumers can find product information, obtain customer support, locate training events, find utility rebates, and find distributors of Complainant’s products through the “www.rablighing.com” website. Further, that website also has a link to a career page in which visitors can see current job openings at RAB Lighting.

Complainant recently became aware that Respondent had registered the Disputed Domain Name after being contacted by an individual who wanted to confirm the legitimacy of email communications the individual had received from someone claiming to be on the “hiring team” at RAB Lighting that was using a “rablighingcareers.com” email address. The individual became suspicious of the correspondence from the “rablighingcareers.com” email address after receiving a job offer for a position with RAB Lighting that included a check to purchase “office supplies and software”, which appeared to be fake.

Complainant was not in fact affiliated with such “recruiting” efforts. Instead, Respondent appears to be engaging in what is often referred to as a “job phishing” or “fake job scam” in which scammers impersonate job recruiters for well-known companies to obtain personal information and/or money from unknowing job candidates.

The Disputed Domain Name was registered on April 1, 2024.

## **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.

The Disputed Domain Name is confusingly similar to the RAB Marks as it incorporates both marks in their entirety. Moreover, the addition of the ".com" suffix does nothing to obviate this confusion. The use of the term "CAREERS" in the Disputed Domain Name suggests that this domain name is associated with RAB Lighting's human resources department and can be used to aid individuals seeking jobs with Complainant, and Respondent undoubtedly selected this wording as part of its domain name to further such a misconception.

Respondent has no legitimate interest in the Disputed Domain Name. Respondent is neither a licensee of, nor otherwise currently affiliated with, Complainant. Respondent is under no contractual relationship with Complainant to find and onboard employees and is therefore not partaking in a bona fide offering of services in connection with the Disputed Domain Name. Using a domain name in connection with an employment phishing scam, as Respondent is doing here, can never convey rights or legitimate interests.

Respondent's use of the Disputed Domain Name is neither a legitimate, nor good faith, use of this domain, as it is a virtually exact replication of Complainant's RAB Marks and falsely implies that Internet browsers can go to the domain to receive information regarding career opportunities with Complainant.

Respondent is passively holding the Disputed Domain Name and preventing Complainant from obtaining its rightful ownership and control of the Disputed Domain Name.

Respondent registered the Disputed Domain Name without any legitimate right or interest in using that domain and is holding it in bad faith to defraud confused consumers who are seeking information on job opportunities with Complainant.

### **B. Respondent**

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

## **6. Discussion and Findings**

### **A. Identical or Confusingly Similar**

The Complainant has demonstrated it owns registered trademark rights in the RAB LIGHTING mark and has shown that no other entity has rights in or uses the Complainant's mark. The generic Top Level Domain ("gTLD") ".com" is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. Although the Disputed Domain Name contains the additional wording "careers", the Complainant's distinctive RAB LIGHTING trademark is incorporated in its entirety. With the Complainant's trademark being recognizable the additional term "careers" does not prevent a finding of confusing similarity between the Complainant's mark and the Disputed Domain Name. Therefore, the Disputed Domain Name is confusingly similar to a mark in which the Complainant has rights. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

## **B. Rights or Legitimate Interests**

The Complainant has presented a prima facie case that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name and has not been commonly known by the Disputed Domain Name. The fact that the Respondent obtained the Disputed Domain Name decades after the Complainant had begun using its RAB LIGHTING mark indicates the Respondent sought to piggyback on the mark for illegitimate reasons, namely, to associate itself and attract Internet users looking for the Complainant's services to illicit some commercial gain. This indicates to the Panel that the Respondent does not have any rights or legitimate interests in the Disputed Domain Name.

After a complainant has made a prima facie case, the burden of production shifts to a respondent to present evidence demonstrating rights or legitimate interests in the domain name. See, e.g., *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#).

Here, the Respondent has provided no evidence of any rights or legitimate interests in the Disputed Domain Name. Furthermore, the Panel finds that because the Disputed Domain Name incorporates the Complainant's mark entirely, any use of such domain name by the Respondent carries a risk of implied affiliation with the Complainant. See [WIPO Overview 3.0](#), section 2.5.1.

In the absence of any evidence rebutting the Complainant's prima facie case indicating the Respondent's lack of rights or legitimate interests in respect of the Disputed Domain Name, the Panel finds that the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

## **C. Registered and Used in Bad Faith**

The Disputed Domain Name was registered decades after the Complainant first registered and used its RAB LIGHTING trademark. The evidence on the record provided by the Complainant with respect to the extent of use of its RAB LIGHTING trademark, combined with the Respondent listing the Complainant's old address when it registered the Disputed Domain Name along with the absence of any evidence provided by the Respondent to the contrary, is sufficient to satisfy the Panel that, at the time the Disputed Domain Name was registered, the Respondent undoubtedly knew of the Complainant's RAB LIGHTING trademark.

There is prima facie no reason for the Respondent to have registered the Disputed Domain Name incorporating the Complainant's RAB LIGHTING trademark with the gTLD ".com" and additional generic term "careers", which can be associated with the Complainant's services.

Further, the non-use of the Disputed Domain Name by the Respondent does not prevent a finding of bad faith. While the Disputed Domain Name does not resolve to an active website, there is ample evidence of bad faith use on the part of the Respondent specifically using it to secure potentially sensitive personal information for individuals thinking they are applying to have a job with the Complainant. UDRP panels have found that the use of a domain name for purposes other than to host a website may constitute bad faith. Such purposes include sending email, phishing, identity theft, or malware distribution. See section 3.4 of the [WIPO Overview 3.0](#). This coupled with the fact that the Respondent registered the Disputed Domain Name impersonating the Complainant further demonstrates its bad faith to conceal its true identity. Additionally, the use of the Complainant's name and address in registration of the Disputed Domain Name further demonstrates the bad faith in impersonating the Complainant. In the absence of any evidence or explanation from the Respondent, the Panel finds that the only plausible basis for registering and using the Disputed Domain Name has been for bad faith purposes.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(iii) 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 <rablighingcareers.com> be transferred to the Complainant.

*/Colin T. O'Brien/*

**Colin T. O'Brien**

Sole Panelist

Date: June 26, 2024