

ADMINISTRATIVE PANEL DECISION

Infineon Technologies AG v. Name Redacted Case No. D2024-2024

1. The Parties

The Complainant is Infineon Technologies AG, Germany, represented internally.

The Respondent is Name Redacted¹.

2. The Domain Names and Registrars

The disputed domain name <inflneon.com> is registered with NameCheap, Inc.

The disputed domain name <Infineon.com> is registered with Squarespace Domains II LLC (altogether, the “Registrars”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 15, 2024. On May 16, 2024, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On May 16, 2024, the Registrars transmitted by email to the Center their verification responses disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Unknown / Privacy service) and contact information in the Complaint.

The Center sent an email communication to the Complainant on May 21, 2024, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on May 27, 2024.

¹ The Respondent appears to have used the name of a Complainant’s employee and the name of a famous actor when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted the Respondent’s names from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the names of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

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 June 5, 2024. In accordance with the Rules, paragraph 5, the due date for Response was June 25, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 26, 2024.

The Center appointed Mihaela Maravela as the sole panelist in this matter on July 2, 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

According to information in the Complaint, the Complainant was founded in 1999 and is a global leading provider of semiconductor solutions for power systems and the Internet of Things. It has approximately 58,600 employees worldwide, with 69 research and development facilities in 25 countries and regions, as well as 17 manufacturing sites. In the fiscal year 2023 (ending in September), the Complainant achieved a revenue of around EUR 16.3 billion. The goods and services of the Complainant are available worldwide.

The Complainant is the holder of various trademarks for INFINEON, such as the International trademark registration no. IR718087, registered on July 12, 1999, for goods and services in classes 9, 35 and 42, or the United States registration no. 2516259, registered on December 11, 2001, for goods and services in classes 9, 35 and 42.

The disputed domain name <inflneon.com> was registered on April 11, 2024, and does not resolve to an active website. According to information in the Complaint, the Respondent has used the mentioned disputed domain name in connection with an email address to impersonate the Complainant, in an attempt to obtain payments in a separate bank account from one of the Complainant’s distributors. The disputed domain name <Infineon.com> was registered on April 15, 2024, and resolves to a page under construction displaying “Infineon.com” and a message stating “We’re under construction. Please check back for an update soon.”

Based on the Whois record, the Respondent appears to be an individual under the name of a famous actor who passed away in 2014 for the disputed domain name <inflneon.com> and an individual apparently using the name of one of the Complainant’s employees for the disputed domain name <Infineon.com>.

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 names.

Notably, the Complainant contends that the disputed domain names are confusingly similar to its INFINEON trademarks, as they represent a misspelling of the Complainant’s trademark, with the replacement of “i” with an “l” at the beginning, respectively in the middle of the trademark INFINEON, which is difficult to recognize as the lower case “l” looks like an upper case “i”.

As regards the second element, the Complainant argues that the disputed domain name <inflneon.com> was used for emails requesting changes regarding transfer payments, using real names of the Complainant’s employees or units, which the Complainant argues constitutes fraudulent activity.

With respect to the third element, the Complainant argues that the registration of a well-known trademark as a domain name, decades after the registration of the Complainant's trademarks, by a party with no affiliation to the trademark owner, no authorization, and no legitimate intention to use the mark – strongly suggests bad faith. Further evidence of bad faith registration and use is demonstrated by the illegitimate use of the disputed domain names through an email address. Additionally, the bad faith use is clearly established by the use of the disputed domain names to perpetrate fraud targeted to a distributor of the Complainant. The use of a privacy service for the disputed domain names also provides further evidence of the Respondent's bad faith registration and use.

B. Respondent

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

6. Discussion and Findings

No response has been received from the Respondent in this case. Accordingly, the Panel considers it can proceed to determine the Complaint based on the statements and documents submitted by the Complainant as per paragraph 15(a) of the Rules. The applicable standard of proof in UDRP cases is the "balance of probabilities" or "preponderance of the evidence", and the Panel can draw certain inferences in light of the particular facts and circumstances of the case. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 4.2.

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (i) the disputed domain names are 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 respect of the disputed domain names, and (iii) the disputed domain names have been registered and are being used in bad faith.

Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain names registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules. The Complainant argues that both names of the disputed domain name registrants and relevant addresses are fictitious. The name used as the registrant's name for the disputed domain name <Infineon.com> was also associated with sending fraudulent emails via the disputed domain name <inflneon.com>. The registrant name for the disputed domain name <inflneon.com> is associated with a famous actor who passed away in 2014. The given address exists but it is neither a personal nor an office address. Also, according to registration data lookup tool the Registrant contact organization for the disputed domain name <Infineon.com> is "inflneon", which corresponds to the other disputed domain name, i.e. <inflneon.com>. Moreover, the disputed domain names target the same trademark and follow the same composition pattern. These findings strongly suggest, according to the Complainant, that both disputed domain names are under common control.

The disputed domain names registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See [WIPO Overview 3.0](#), section 4.11.2.

As regards the common control, the Panel notes that: (i) the disputed domain names were registered few days apart, on April 11, 2024, respectively on April 15, 2024, (ii) the disputed domain names are similar in

construction, respectively they are a misspelling version of the INFINEON mark (replacing an 'i' with 'l' at the beginning, respectively in the middle of the disputed domain names), (iii) the Registrant contact organization for the disputed domain name <Infineon.com> is "inflneon", which corresponds to the other disputed domain name, i.e. <inflneon.com>.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

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 names. [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of the INFINEON trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds that the Complainant's mark is recognizable within the disputed domain names which consists of the obvious misspelling of the INFINEON trademark of the Complainant, with the replacement of the letter "i" with an "l" at the beginning, respectively in the middle of the said trademark. This substitution by a similar-appearing character is hardly noticeable as a clear example of typosquatting, which does not prevent a finding of confusing similarity (see [WIPO Overview 3.0](#), section 1.9). Accordingly, the disputed domain names are confusingly similar to the Complainant's mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

It is the settled view of panels applying the Policy that the Top-Level Domain ("TLD") (here ".com") should be disregarded under the first element test.

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 names. 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 names such as those enumerated in the Policy or otherwise.

There is no evidence of the Respondent's use of, or demonstrable preparations to use, the disputed domain names or a name corresponding to the disputed domain names in connection with a bona fide offering of

goods or services. Rather, according to the unrebutted evidence provided by the Complainant, the disputed domain name <Infineon.com> resolves to a “coming soon” page and the disputed domain name <inflneon.com> was used for emails requesting changes regarding transfer payments, using real names of the Complainant’s employees or units. The Panel considers that neither use gives rise to any rights or legitimate interests in the disputed domain names. Also, with respect to the use of disputed domain name <inflneon.com>, panels have held that the use of a domain name for illegal activity (here, claimed phishing, impersonation/passing off) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Also, there is no evidence that the Respondent is commonly known by the disputed domain names within the meaning of paragraph 4(c)(ii) of the Policy.

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 the Respondent registered and used the disputed domain names in bad faith. The Complainant was founded in 1999 and its trademark is sufficiently distinctive and enjoys a certain level of reputation based on longstanding use. The Respondent has failed to provide any response to the Complaint and has therefore failed to provide any justification for the registration and use of the disputed domain names. Under such circumstances, given also that the disputed domain names represent typosquatted versions of the Complainant’s trademark, it is implausible that the Respondent was unaware of the Complainant when registering the disputed domain names.

With respect to the use, according to the unrebutted evidence in the case file, the disputed domain name <inflneon.com> was used in fraudulent email communications with one of the Complainant’s distributors under the impression of being from an employee of the Complainant in an attempt to direct their funds to the Respondent’s bank account, therefore the Panel finds that the Respondent has engaged in bad faith registration and use within the meaning of paragraph 4(b)(iv) of the Policy. Panels have held that the use of a domain name for illegal activity (here, claimed phishing, unauthorized account access/hacking, impersonation/passing off) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

As regards the disputed domain name <Infineon.com>, 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. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or long use of the Complainant’s trademark, the apparent intentional misspelling of the Complainant’s INFINEON trademark in the disputed domain name, and lack of a response from the Respondent, and finds that in the circumstances of this case the passive holding of the disputed domain name <Infineon.com> does not prevent a finding of 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 names <inflneon.com> and <Infineon.com> be transferred to the Complainant.

/Mihaela Maravela/

Mihaela Maravela

Sole Panelist

Date: July 16, 2024