

ADMINISTRATIVE PANEL DECISION

RTX Corporation v. Opio Bros
Case No. D2024-3951

1. The Parties

The Complainant is RTX Corporation, United States of America (“United States”), represented by Dinsmore & Shohl LLP, United States.

The Respondent is Opio Bros, United States.

2. The Domain Name and Registrar

The disputed domain name <prattwhitney.com> (“Disputed Domain Name”) is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 26, 2024. On September 27, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On September 28, 2024, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 October 4, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 24, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 25, 2024.

The Center appointed Peter J. Dernbach as the sole panelist in this matter on October 30, 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 an American multinational aerospace and defense conglomerate. The Complainant designs, manufactures and services aircraft engines and auxiliary power units through its Pratt & Whitney subsidiary.

The Complainant owns the following trademark registrations:

- United States Trademark Registration No. 1,274,850, registered on April 24, 1984, for the mark PRATT & WHITNEY, covering goods in Class 7.
- United States Trademark Registration No. 272,651, registered on July 8, 1930, for the mark PRATT & WHITNEY DEPENDABLE ENGINES, covering goods in Classes 6, 7, 8, 9, 11, 12, 16, 21, and 28.

The Complainant has been operating a website at the domain name <prattwhitney.com>, which was registered on May 30, 1996.

The Disputed Domain Name was registered by the Respondent on June 1, 2024, and it resolves to an inactive website displaying the message, "This site can't be reached." The Disputed Domain Name has been used to send a fraudulent email to one of the Complainant's clients regarding a payment plan agreement.

The Respondent, according to the information provided by the Registrar, appears to be an individual with an address located in New York, United States.

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:

- (i) The Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

The Complainant asserts that it is the owner of various marks containing the "PRATT & WHITNEY" elements ("PRATT & WHITNEY Mark") and has been operating a website at the domain name <prattwhitney.com>.

The Complainant argues that the Disputed Domain Name is confusingly similar to its PRATT & WHITNEY Mark because (1) the deletion of the ampersand sign fails to distinguish the Disputed Domain Name from the Complainant's trademark; (2) the inclusion of the extra letter "i" in the "whitney" portion of the Disputed Domain Name is an intentional misspelling of the Complainant's trademark; and (3) the Top-Level Domain ".com" cannot distinguish the Disputed Domain Name from the Complainant's trademark.

- (ii) The Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.

The Complainant asserts that the Respondent does not own any valid trademark rights for the Disputed Domain Name nor is the Respondent commonly known by the Disputed Domain Name. Also, the Complainant has not granted, authorized, licensed, or otherwise permitted the Respondent to register and/or use the Complainant's trademark in the Disputed Domain Name.

Moreover, the Complainant contends that the Respondent is not using the Disputed Domain Name in connection with a bona fide offering of goods or services or making a legitimate noncommercial or fair use of the Disputed Domain Name. Notably, the Complainant emphasizes that the Respondent is passively holding the Disputed Domain Name and has used it to send fraudulent emails.

(iii) The Disputed Domain Name has been registered and is being used in bad faith.

The Complainant contends that Respondent registered the Disputed Domain Name with knowledge of the Complainant's PRATT & WHITNEY Mark. The Complainant also argues that the Respondent used the Disputed Domain Name to send at least one fraudulent email and provided false contact information for its domain registration. Furthermore, the Complainant contends that the Respondent has previously been found to have engaged in bad faith registration of a domain name. All the above circumstances demonstrate that the Respondent registered and used the Disputed Domain Name in bad faith.

B. Respondent

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

6. Discussion and Findings

In accordance with paragraph 4(a) of the Policy, in order to succeed in this administrative proceeding and obtain the requested remedy (in this case, transfer of the Disputed Domain Name), the Complainant must prove that each of the three following elements are present:

- (i) the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of 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. The Complainant has shown that it owns rights in respect of the PRATT & WHITNEY Mark for the purposes of the Policy.

The Panel finds the mark is recognizable within the Disputed Domain Name. The omission of an ampersand in the Disputed Domain Name does not prevent confusing similarity between the Complainant's trademark and the Disputed Domain Name. In addition, a domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.9. Here, the inclusion of the extra letter "i" in the "whitiney" portion of the Disputed Domain Name appears to be a misspelling of the Complainant's trademark. Accordingly, the Disputed Domain Name is confusingly similar to the mark for the purposes of the Policy.

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 asserted that it has not authorized the Respondent to use the Complainant’s PRATT & WHITNEY Mark. There is no indication that the Respondent has ever been commonly known by the Disputed Domain Name. There is no evidence to show that the Respondent owns any trademarks for the Disputed Domain Name. Nor does the record reflect the Respondent’s use or demonstrable preparation to use the Disputed Domain Name in connection with a bona fide offering of goods or services prior to any notice of the dispute.

Panels have held that the use of a domain name for illegal activity - including the impersonation of the complainant and other types of fraud - can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1. Here, the Respondent impersonated a Complainant employee and used the Disputed Domain Name to send a fraudulent email to one of the Complainant’s clients regarding a payment plan agreement. Such cannot confer rights or legitimate interests in the Disputed Domain Name.

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 come forward with any relevant arguments or evidence to rebut the Complainant’s assertions or demonstrate rights or legitimate interests in the Disputed Domain Name.

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 impersonated a Complainant employee and used the Disputed Domain Name to send a fraudulent email to one of the Complainant’s clients regarding a payment plan agreement on June 1, 2024, the same day the Disputed Domain Name was registered. This conduct indicates that the Respondent attempted to unlawfully gain profit or access to the Complainant’s client information, and to disrupt the Complainant’s business operations. In addition, the use of false contact information in the registration of the Disputed Domain Name is an indication of bad faith. Here, the Respondent provided false contact information to the Registrar since the Respondent’s address does not exist.

Furthermore, according to the evidence provided by the Complainant, the Respondent has been involved in a prior UDRP proceeding and has been found to have acted in bad faith. In that case, the Respondent registered a domain name, which is a misspelling of the complainant in that case’s trademark. The panel in

that case also found that the Respondent attempt to send fraudulent email by using the domain name at issue. It appears that the Respondent has a pattern of bad faith conduct. See *Boehringer Ingelheim Pharma GmbH & Co.KG v. opio bros*, CAC-UDRP-105869.

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 <prattwhitney.com> be transferred to the Complainant.

/Peter J. Dernbach/

Peter J. Dernbach

Sole Panelist

Date: November 11, 2024