

ADMINISTRATIVE PANEL DECISION

Juniper Networks, Inc. v. Alejandro de Marrón
Case No. D2024-4502

1. The Parties

The Complainant is Juniper Networks, Inc., United States of America (the “United States”), represented by Hanson Bridgett LLP, United States.

The Respondent is Alejandro de Marrón, Argentina.

2. The Domain Name and Registrar

The disputed domain name <junipe.net> is registered with Realtime Register B.V. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 1, 2024. On November 1, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 4, 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 November 5, 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 November 7, 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 November 11, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 1, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 2, 2024.

The Center appointed Marilena Comanescu as the sole panelist in this matter on December 5, 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, a Delaware company founded in 1996, is one of the global leaders in the development and marketing of customized, next-generation networking hardware and software and related goods and services. The Complainant's products include networking hardware including advanced, enterprise-grade routers, switches, network access point, and gateways; a range of associated software and software hosted services which operate in conjunction with Complainant's hardware products, as well as, generally to provide customers advanced network-management functionality, automated wide-area networking, AI-driven enterprises, and cloud-ready data centers. The Complainant operates around the world and, in 2023 alone, its net revenues exceeded USD 5.5 billion.

The Complainant owns registered trademarks for or including JUNIPER, such as the following:

- the United States trademark registration number 4122106 for JUNIPER (word), filed on July 29, 2008, registered on April 3, 2012, covering goods and services in International classes 9, 37, and 42; and
- the United States trademark registration number 4129171 for JUNIPER (word), filed on February 23, 2010, registered on April 17, 2012, covering goods and services in International classes 9, 37, 41, and 42.

The Complainant holds, and is using as its main website, the domain name <juniper.net>, registered on August 8, 2012.

The disputed domain name was registered on June 17, 2024, and, at the time of filing of the Complaint, it was used to resolve to a webpage listing pay-per-click ("PPC") pages with sponsored links with goods and services similar to those provided by 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 it holds valuable common law trademark rights in JUNIPER, which it is using since at least 1996, owns several United States trademark registrations and applications for or including JUNIPER, and, due to its promotional efforts, and the success of its products and services, the JUNIPER trademark has achieved broad recognition among the consuming public; the disputed domain name is identical to its trademark and domain name but for the omission of one character, the letter "r", which is a common, obvious or intentional misspelling of the Complainant's mark; the Respondent is not an affiliated company or licensee of the Complainant; the Respondent has no rights or legitimate interests in respect of the disputed domain name; the Respondent's registration and use of the disputed domain name, which is one character omission off from the Complainant's mark, is a classic bad faith typosquatting scheme; the disputed domain name intentionally diverts users seeking the Complainant's computer networking solutions to online listings for links to third parties, including competitors to Complainant, and this is likely to cause consumer confusion and deception; the Respondent registered the disputed domain name using, what appears to be, fake contact information since the Complainant searched the location and telephone number provided in the Whois and found such details as being associated with a famous hotel in Buenos Aires, Argentina.

B. Respondent

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

6. Discussion and Findings

Under the Policy, the Complainant is required to prove on the balance of probabilities that:

- (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 in 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 Panel finds the mark is recognizable 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 omission of the last letter composing the mark, the letter "r", may bear on assessment of the second and third elements, the Panel finds the omission of such letter, a misspelling of the mark, 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.

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 further notes the composition of the disputed domain name, reproducing the Complainant's trademark, trade name and domain name, with a minor alteration. There is a risk that Internet users will not notice the subtle misspelling. In the present case, the Panel therefore finds that the composition of the disputed domain name, together with the content, creates a risk of confusion between the disputed domain name and the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

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.

In the present case, the Panel notes that the disputed domain name was registered in bad faith, with knowledge of the Complainant and its trademark particularly because it reproduces the Complainant's mark (being used since at least 1996), company name, and domain name (registered since 1996) with an obvious minor misspelling.

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.

At the time of filing the Complaint, the disputed domain name resolved to a page providing PPC links promoting various goods and services similar to those provided by the Complainant.

Paragraph 4(b)(iv) of the Policy provides that the use of a domain name to intentionally attempt "to attract, for commercial gain, Internet users to [the respondent's] website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of [the respondent's] website or location or of a product or service on [the respondent's] website or location" is evidence of registration and use in bad faith.

The Respondent was using without permission the Complainant's trademark, in order to get traffic on its web portal and to misleadingly divert Internet users to third parties' websites, and thus to potentially obtain commercial gain from the false impression created with regard to a potential affiliation or connection with the Complainant.

Further, the Panel notes the distinctiveness and reputation of the Complainant's trademark in its field, the Respondent's failure to provide a response in this proceeding, the Respondent's provision of inaccurate contact details in the Whois (as per Annex 7 to Complaint), and finds that, in the circumstances of this case, such facts are further evidence 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 name <junipe.net> be transferred to the Complainant.

/Marilena Comanescu/

Marilena Comanescu

Sole Panelist

Date: December 16, 2024