

ADMINISTRATIVE PANEL DECISION

Amazon Technologies, Inc. v. julan pirali, justinow justin, james kualan,
jukalee alec

Case No. DIO2022-0058

1. The Parties

The Complainant is Amazon Technologies, Inc., United States of America (“United States”), represented Richard Law Group, United States.

The Respondents are julan pirali, United States, justinow justin, United States, james kualan, United States, and jukalee alec, United States.

2. The Domain Names and Registrars

The disputed domain names <amazontoken.io>, <amazonwallets.io>, and <amzpresale.io> are registered with Hosting Concepts B.V. d/b/a Registrar.eu.

The disputed domain name <amznpresales.io> is registered with Eranet International Limited.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 21, 2022. On December 21, 2022, the Center transmitted by email to the Registrars requests for registrar verification in connection with the disputed domain names. On December 22, 2022, 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 (Whois Privacy Protection Foundation) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 22, 2022, 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 December 22, 2022.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the .IO Domain Name Dispute Resolution Policy (the “Policy”), the Rules for .IO Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for .IO 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 December 27, 2022. In accordance with the Rules, paragraph 5, the due date for Response was January 16, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 17, 2023.

The Center appointed Evan D. Brown as the sole panelist in this matter on January 20, 2023. 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 a leading retailer offering a wide variety of products and services. It owns the trademark AMAZON, which it has registered in many jurisdictions, including the United States (Reg. No. 2,078,496, registered on July 15, 1997).

According to the Whois records, the disputed domain names were registered on various dates in October through December 2022 as follows:

- <amazontoken.io> on October 25, 2022;
- <amazonwallets.io> on November 1, 2022;
- <amzpresale.io> on November 20, 2022; and,
- <amznpresales.io> on December 6, 2022.

The disputed domain names resolve or have resolved to substantially similar or identical websites that impersonate the Complainant and promote a fake "Amazon Crypto" or "AMZ" cryptocurrency scheme. The websites display the Complainant's AMAZON mark, together with the Complainant's logo, in the favicon, masthead, and elsewhere without authorization, and there are no disclaimers. The copyright legends attribute authorship of these websites to the Complainant's parent entity or its affiliates. The landing page footers for websites at three of the four disputed domains state, "Amazon Crypto, Amazonwallet, AMZ token are registered trademarks by Amazon.com, Inc. - All rights reserved."

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain names are identical or confusingly similar to the Complainant's trademark; that the Respondents have no rights or legitimate interests in respect of the disputed domain names; and that the disputed domain names were registered or are being used in bad faith.

B. Respondent

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

6. Discussion and Findings

The Panel draws on decisions and principles established under the Uniform Domain Name Dispute Resolution Policy (the UDRP) since requirements under the .IO Domain Name Dispute Resolution Policy are

similar and prior Panels have seen fit to draw on this jurisprudence. See, e.g., *International Business Machines Corp. v. Murat Satir*, [DIO2021-0001](#) (“As will be appreciated, [IO DRP] requirements are very similar to the requirements under the [UDRP] save that, in particular, it is necessary for the Complainant to establish only that the disputed domain name was registered in bad faith or is being used in bad faith”).

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 Respondents have no rights or legitimate interests in respect of the disputed domain names, and (iii) the disputed domain names have been registered or are being used in bad faith. The Panel finds that all three of these elements have been met in this case.

A. Consolidation of Respondents

There are four named Respondents (four nominal underlying registrants disclosed by the Registrar) – one for each of the disputed domain names. The Complainant requests that all four be consolidated into this matter. Consolidation is proper, so the Complainant’s request for consolidation is granted.

Paragraph 10(e) of the Rules states that a “[p]anel shall decide a request by a Party to consolidate multiple domain name disputes in accordance with the Policy and these Rules”. Paragraph 10(c) of the Rules provides, in relevant part, that “the [p]anel shall ensure that the administrative proceeding takes place with due expedition”. Section 4.11.2 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”) summarizes the consensus view of UDRP panels on the consolidation of multiple respondents and provides that where a complaint is filed against multiple respondents, panels consider whether the domain names or corresponding websites are subject to common control, and whether the consolidation would be fair and equitable to all parties.

The record indicates the disputed domain names are under common control. The following facts support this conclusion:

- The disputed domains all resolved to substantially identical websites.
- The disputed domain names were registered within a short period of time (late October to early December 2022).
- All the nominal registrants use email addresses with the same extension.
- All the nominal registrant addresses reference New York and lack street numbers.

The Respondents have not presented any arguments as to why consolidation would be unfair or inequitable. Accordingly, conditions for proper consolidation of the disputed domain names into one matter are present here.

B. Identical or Confusingly Similar

This element requires the Panel to consider two issues: first, whether the Complainant has rights in a relevant mark; and second, whether the disputed domain names are identical or confusingly similar to that mark. This element under the Policy functions primarily as a standing requirement. [WIPO Overview 3.0](#), section 1.7.

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. See *Advance Magazine Publishers Inc., Les Publications Conde Nast S.A. v. Voguechen*, WIPO Case No. [D2014-0657](#). The Complainant has demonstrated its rights in the AMAZON mark by providing evidence of its trademark registrations.

Two of the disputed domain names (<amazontoken.io> and <amazonwallets.io>) incorporate the AMAZON mark in its entirety. That is sufficient to establish confusing similarity for these disputed domain names. The additional words “token” and “wallets” in these two disputed domain names do not prevent a finding of confusing similarity.

The <amznpresales.io> and <amzpresale.io> disputed domain names are also confusingly similar to the AMAZON mark, not because the disputed domain names incorporate the AMAZON mark in its entirety (they do not), but because an overall visual and aural comparison between, on one hand, the combination of the letters “a”, “m”, “z” (and “n”) and the AMAZON mark on the other hand, reveal such similarity. The presence of the words “presales” and “presale” in these two disputed domain names does not prevent a finding of confusing similarity. Additionally, the content of the websites associated with these two disputed domain names (namely, websites that incorporate the Complainant’s AMAZON mark and indeed appear to imitate the Complainant) confirms confusing similarity. See [WIPO Overview 3.0](#), section 1.15 (“In some instances, panels have however taken note of the content of the website associated with a domain name to confirm confusing similarity whereby it appears *prima facie* that the respondent seeks to target a trademark through the disputed domain name.”). Based on the content of the websites found at these disputed domain names, it appears, *prima facie*, that the Respondents sought to target the Complainant’s mark through the disputed domain names.

The Complainant has established this first element under the Policy.

C. Rights or Legitimate Interests

The Panel evaluates this element of the Policy by first looking to see whether the Complainant has made a *prima facie* showing that the Respondents lack rights or legitimate interests in respect of the disputed domain names. If the Complainant makes that showing, the burden of production of demonstrating rights or legitimate interests shifts to the Respondents (with the burden of proof always remaining with the Complainant). See [WIPO Overview 3.0](#), section 2.1; *AXA SA v. Huade Wang*, WIPO Case No. [D2022-1289](#).

On this point, the Complainant asserts, among other things, that: (1) the Respondents are not making a noncommercial or fair use of the disputed domain names, (2) the Respondents have never been legitimately known as or referred to as “amazon”, “amzn”, “amz”, or any variations thereof, and (3) the Respondents have not used the disputed domain names in connection with a *bona fide* offering of goods or services. Instead, the Respondents have used the disputed domain names to fraudulently imitate the Complainant in connection with evidently fake cryptocurrency services.

The Panel finds that the Complainant has made the required *prima facie* showing. The Respondents have not presented evidence to overcome this *prima facie* showing. And nothing in the record otherwise tilts the balance in the Respondents’ favor.

Accordingly, the Panel finds that the Complainant has established this second element under the Policy.

D. Registered or Used in Bad Faith

The Policy requires a complainant to establish that the disputed domain names were registered or are being used in bad faith. The Policy describes several non-exhaustive circumstances demonstrating a respondent’s bad faith registration and use. Under paragraph 4(b)(iv) of the Policy, a panel may find bad faith when a respondent “[uses] the domain name to intentionally attempt to attract, for commercial gain, Internet users to [respondent’s] website or other online location, by creating a likelihood of confusion with complainant’s mark as to the source, sponsorship, affiliation, or endorsement of [respondent’s] website or location or a product or service on [the respondent’s] website or location”.

The record indicates that the Respondents targeted the Complainant when it registered the disputed domain names. Because the Complainant and its AMAZON mark are so well known, it is implausible to believe that

the Respondents were not aware of them when they registered the disputed domain names. After having registered the disputed domain names, the Respondents set up bogus websites that use the Complainant's marks, thereby making an obvious attempt to deceive Internet users, by prominently using the Complainant's trademark and logos on the websites. This rises to the level of bad faith registration. See *Urban Outfitters Inc. v. Tatiana Vera*, WIPO Case No. [D2022-2176](#); *Golden Goose S.P.A. v. Whoisguard Inc. / Wei Zhang*, WIPO Case No. [D2017-2444](#).

The facts also indicate that the Respondent used the disputed domain names in bad faith, by intentionally attempting to divert, for commercial gain, Internet users to one or more competing websites in an effort to confuse and mislead consumers. *Deutsche Lufthansa AG v. Domain Admin, Whois Privacy Corp / Ryan G Foo, PPA Media Services*, WIPO Case No. [D2015-2346](#); *NET2PHONE INC (Complainant) v. DYNASTY SYSTEM SDN BHD*, WIPO Case No. [D2000-0679](#). One cannot reasonably conclude that the Respondent set up the websites at the disputed domain names without the intention to trade on the goodwill of the Complainant's mark and/or to confuse Internet users.

For these reasons, the Panel finds that the Complainant has established this third element under 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, <amazontoken.io>, <amazonwallets.io>, <amznpresales.io>, and <amzpresale.io>, be transferred to the Complainant.

/Evan D. Brown/

Evan D. Brown

Sole Panelist

Date: February 5, 2023