

ADMINISTRATIVE PANEL DECISION

Amazon Technologies, Inc. v. Tuk Anthony
Case No. DIO2024-0024

1. The Parties

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

The Respondent is Tuk Anthony, Bangladesh.

2. The Domain Name and Registrar

The disputed domain name <awssum.io> (the “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 August 5, 2024. On August 8, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On August 8, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Redated for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 9, 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 the same day.

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 August 19, 2024. In accordance with the Rules, paragraph 5, the due date for Response was September 8, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 9, 2024.

The Center appointed Dawn Osborne as the sole panelist in this matter on September 18, 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 one of the world's leading retailers, offering a wide variety of goods and services. In 2006, Complainant's Amazon Web Services ("AWS") division began offering IT infrastructure services under the AWS brand to businesses in the form of web services, commonly known as cloud computing. Currently, AWS is one of the world's most comprehensive and broadly adopted clouds.

The Complainant is the owner of the trade mark AWS, registered, inter alia, as United States trade mark registration number 5676725 for cloud computing services since February 12, 2019.

The Domain Name was registered on April 28, 2024, and has been used for a website using the Complainant's AWS mark in its masthead whilst purporting to sell credentials and credits for accounts with the Complainant and also offering third party competing services.

5. Parties' Contentions

A. Complainant

The Complainant owns the AWS trade mark registered, inter alia, as United States trade mark registration number 5676725 for cloud computing services since February 12, 2019.

The Domain Name registered in 2024 incorporates the Complainant's mark in its entirety adding only the generic word "sum" and the country-code Top Level Domain ("ccTLD") ".io", for British Indian Ocean Territory, making it confusingly similar to the Complainant's trade mark.

The Domain Name has been used for a site purporting to sell credentials and credits for accounts with the Complainant and offering competing services.

The Respondent is not commonly known by the Domain Name and is not authorised by the Complainant. Using a domain name containing a complainant's trade mark to drive traffic to an unauthorised commercial website purporting to sell credentials and account credits for the Complainant's cloud computing services in breach of the Complainant's terms and conditions is not a bona fide offering of goods or services or a legitimate noncommercial fair use, nor is offering third party competing services to the Complainant. The Respondent does not have rights or a legitimate interest in the Domain Name.

The reference to the Complainant's services on the Respondent's website shows that the Respondent is aware of the Complainant and its rights, business and services. The Respondent's conduct is in breach of the Complainant's terms of service, and offering competing services to the Complainant is opportunistic registration and use in bad faith.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Domain Name incorporates the Complainant's AWS mark (registered, inter alia, in the United States for cloud computing services since 2019) in its entirety adding only the word "sum" and the ccTLD ".io".

Previous panels have found confusing similarity when a respondent merely adds a word to a complainant's mark. The Panel agrees that the addition of the dictionary word "sum" to the Complainant's AWS mark does not prevent confusing similarity between the Domain Name and that mark pursuant to the Policy.

A ccTLD such as ".io" (in this case designating British Indian Ocean Territory) does not serve to prevent confusing similarity between the Domain Name and the Complainant's mark. See *Government Employees Insurance Company ("Geico") v. Privacy.cc / Bulent Tekmen*, WIPO Case No. [DIO2020-0003](#) and [WIPO Overview 3.0](#), section 1.11.1.¹

Accordingly, the Panel holds that the Domain Name is confusingly similar for the purpose of the Policy to a mark in which the Complainant has rights.

B. Rights or Legitimate Interests

The Complainant has not authorised the use of its mark. There is no evidence or reason to suggest the Respondent is, in fact, commonly known by the Domain Name. The use made of the Domain Name is commercial which is, therefore, not legitimate noncommercial fair use.

The website at the Domain Name is using the Complainant's AWS word mark in its masthead for a competing site purporting to offer credentials and credits for the Complainant's accounts and also pointing to third party competing services. It does not make it clear that there is no commercial connection with the Complainant. The Panel finds this use creates a risk of Internet user confusion with the Complainant. The Respondent's use of the Domain Name does not amount to the bona fide offering of goods or services.

The Respondent has not answered the Complaint or rebutted the prima facie case evidenced by the Complainant as set out herein.

As such the Panel finds that the Respondent does not have rights or a legitimate interest in the Domain Name and that the Complainant has satisfied the second limb of the Policy.

C. Registered or Used in Bad Faith

In the opinion of the Panel, the use made of the Domain Name in relation to the Respondent's website is confusing and disruptive in that visitors to the Respondent's website might reasonably believe it is connected to or approved by the Complainant due to the use of the Complainant's AWS word mark in its masthead to offer competing services both in relation to the Complainant's business and also to offer competing third party services. The reference to the Complainant's services on the Respondent's web site shows that the Respondent is aware of the Complainant and its rights, business and services, but the website does not disclose that the website is not connected to the Complainant.

¹So far as the Policy is concerned, the Panel notes that it is substantially similar to (though not identical to) the Uniform Domain Name Dispute Resolution Policy (the "UDRP") as adopted by the Internet Corporation for Assigned Names and Numbers ("ICANN"). The Panel will, where appropriate, apply principles that have been established in relation to the UDRP in determining this dispute.

Accordingly, the Panel holds that the Respondent has intentionally attempted to attract for commercial gain Internet users to its website by creating a likelihood of confusion with the Complainant's trade mark as to the source, sponsorship, affiliation or endorsement of the web site and services offered on it likely to disrupt the business of the Complainant.

The Policy establishes that it is only necessary to show registration or use in bad faith for a transfer of a domain name. However, in this case the Panel believes that the Complainant has made out its case that the Domain Name was both registered and used in bad faith satisfying the third limb 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 Domain Name, <awssum.io> be transferred to the Complainant.

/Dawn Osborne/

Dawn Osborne

Sole Panelist

Date: October 2, 2024