

ADMINISTRATIVE PANEL DECISION

Crowe & Dunlevy v. Oliver Twist
Case No. D2023-2127

1. The Parties

Complainant is Crowe & Dunlevy, United States of America (“United States”), represented internally.

Respondent is Oliver Twist, United States

2. The Domain Name and Registrar

The disputed domain name <crowedvnley.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 12, 2023. On May 15, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 15, 2023, 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, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to Complainant on May 19, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on June 6, 2023.

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 Respondent of the Complaint, and the proceedings commenced on June 9, 2023. In accordance with the Rules, paragraph 5, the due date for Response was June 29, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on July 11, 2023.

The Center appointed Georges Nahitchevansky as the sole panelist in this matter on July 24, 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

Complainant, Crowe & Dunlevy, is a law firm primarily based in Oklahoma City, Oklahoma, United States. Complainant has provided legal services since 1981 and owns a trademark registration in the United States for the mark CROWE & DUNLEVY in connection with legal services (Registration No.3,744,634) that issued to registration on February 2, 2010 with a claim of first use in commerce of July 1, 1981. Complainant owns and uses the domain name <crowedunlevy.com> for a website concerning Complainant and its services and for email purposes.

The disputed domain name was registered on May 4, 2023 using a privacy service. The underlying registrant, Oliver Twist, was disclosed by the Registrar after the Complaint was filed on May 12, 2023. The disputed domain name does not resolve to an active website or web page and appears to have been used in connection with an email address that purports to be associated with one of Complainant's attorneys.

5. Parties' Contentions

A. Complainant

Complainant maintains that it has rights in the CROWE & DUNLEVY mark by virtue of Complainant's use of such since 1981 in connection with its legal services and on the basis of its United States trademark registration for that mark.

Complainant asserts that the disputed domain name is confusingly similar to the CROWE & DUNLEVY mark and Complainant's <crowedunlevy.com> domain name as it consists of a typo version of that mark by changing the letter "u" in the Dunlevy portion of the disputed domain name with the letter "v."

Complainant contends that Respondent has no rights or legitimate interests in the disputed domain name as Respondent has (i) used the disputed domain name to impersonate an employee of Complainant as part of a fraudulent scheme to divert transaction funds from Complainant's clients to a bank account held by Respondent, and (ii) for a bogus email address used in connection with Respondent's fraudulent scheme.

Lastly, Complainant argues that Respondent has registered and used the disputed domain name in bad faith to "perpetrate a criminal impersonation scheme aimed at defrauding unwitting third parties with bogus contact and banking information."

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed Complainant must satisfy the Panel that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name was registered and is being used in bad faith.

A. Identical or Confusingly Similar

Ownership of a trademark registration is generally sufficient evidence that a complainant has the requisite rights in a mark for purposes of paragraph 4(a)(i) of the Policy. Section 1.2.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"). Complainant has provided evidence that it owns a trademark registration for the CROWE & DUNLEVY mark and that it has used that mark in connection with its legal services and for email purposes well before Respondent registered the dispute domain name.

With Complainant's rights in the CROWE & DUNLEVY mark established, the remaining question under the first element of the Policy is whether the disputed domain name (typically disregarding the generic Top Level Domain such as ".com") is identical or confusingly similar with Complainant's mark. See *B & H Foto & Electronics Corp. v. Domains by Proxy, Inc. / Joseph Gross*, WIPO Case No. [D2010-0842](#). The threshold for satisfying this first element is low and generally panels have found that fully incorporating the identical mark in a disputed domain name is sufficient to meet this standing requirement.

In the instant proceeding, the disputed domain name is confusingly similar to Complainant's CROWE & DUNLEVY mark as it fully and solely consists of a typo version of Complainant's mark in which the letter "u" in Dunlevy has been replaced by the letter "v." Section 1.9 of the [WIPO Overview 3.0](#). As Complainant's mark is clearly recognizable in the disputed domain name, the Panel finds that Complainant has satisfied the requirements of paragraph 4(a)(i) of the Policy in establishing its rights in Complainant's CROWE & DUNLEVY mark and in showing that the disputed domain name is confusingly similar to that trademark.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, the complainant must make at least a *prima facie* showing that the respondent possesses no rights or legitimate interests in a disputed domain name. *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. [D2008-1393](#). Once the complainant makes such a *prima facie* showing, the burden of production shifts to the respondent, though the burden of proof always remains on the complainant. If the respondent fails to come forward with evidence showing rights or legitimate interests, the complainant will have sustained its burden under the second element of the UDRP.

Here, Respondent has used the disputed domain name as part of a fraudulent scheme that appears to be attempting to divert transaction funds from Complainant's clients. Respondent has impersonated an employee of Complainant and used the disputed domain name based on a typo version of Complainant's CROWE & DUNLEVY mark for a bogus email address that supports the fraudulent scheme. Indeed, from the evidence submitted, none of which Respondent contests, Respondent may also be using other email addresses based on typo versions of domain names owned and used by third parties as part of the same scheme. In totality, Respondent's use of the disputed domain name for a fake email address that attempts to pass itself off as connected to an employee of Complainant is parasitic and does not constitute a legitimate interest or *bona fide* use. Section 2.13.1 of the [WIPO Overview 3.0](#) and case cited therein.

Given that Complainant has established with sufficient evidence that it owns rights in the CROWE & DUNLEVY mark, and given Respondent's above noted actions and failure to appear in this matter, the Panel concludes that Respondent does not have a right or legitimate interest in the disputed domain name and that none of the circumstances of Paragraph 4(c) of the Policy are evident in this case.

C. Registered and Used in Bad Faith

In view of Respondent's actions as noted above, the Panel finds that Respondent has more likely than not registered and used the disputed domain name in bad faith pursuant to paragraph 4(b) of the Policy.

Here, Respondent has registered and used the disputed domain name as part of a fraudulent scheme. Respondent has not only registered a domain name that is based on a typo version of the

CROWE & DUNLEVY mark, but has done so for purposes of impersonating Complainant and one its employees in an attempt to divert funds from Complainant's clients. Simply put, the evidence before the Panel, none of which is contested by Respondent, establishes that Respondent opportunistically and in bad faith registered and used the disputed domain name to profit at the expense of Complainant. Sections 3.2.1 and 3.4 of the [WIPO Overview 3.0](#).

Accordingly, the Panel finds that Complainant succeeds under this 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, <crowedvnlevy.com>, be transferred to Complainant.

/Georges Nahitchevansky/

Georges Nahitchevansky

Sole Panelist

Date: August 7, 2023