

ADMINISTRATIVE PANEL DECISION

Cisco Technology, Inc. v. Khushi Pabari
Case No. D2023-3409

1. The Parties

The Complainant is Cisco Technology, Inc., United States of America (“United States”), represented by Fenwick & West, LLP, United States.

The Respondent is Khushi Pabari, Canada.

2. The Domain Name and Registrar

The disputed domain name <ciscoca.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 9, 2023. On August 10, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 10, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on August 11, 2023, 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 August 16, 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 the Respondent of the Complaint, and the proceedings commenced on August 17, 2023. In accordance with the Rules, paragraph 5, the due date for Response was September 6, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 8, 2023.

The Center appointed Beatrice Onica Jarka as the sole panelist in this matter on September 13, 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 worldwide technology conglomerate, providing a wide array of products and services ranging from networking and communications equipment and software, including telephone communications systems, video conferencing systems, and collaboration products and services, to financing services, retail store services, training and certification programs and blogs.

The Complainant provides its varied products and services to a diverse customer base that spans all industries and includes individual consumers, small to medium-sized businesses, enterprises, service providers and governmental entities. The Complainant's affiliate, Cisco Systems, Inc., a public company traded on NASDAQ and listed in the Dow Jones Industrial Average, has more than 75,000 employees in countries throughout the world.

The Complainant owns worldwide trademark registrations for its well-known CISCO trademark, such as Canadian trademark registrations TMA577771 and TMA520923, registered on March 20, 2003, and December 23, 1999, respectively.

The Complainant has used its famous CISCO trademark to market and sell its products since 1984.

The Complainant has expended considerable resources in promoting and advertising its CISCO products and services, and in building valuable goodwill in its CISCO brand. As a consequence of such longstanding use and extensive promotional efforts, the CISCO trademark can be considered an internationally famous trademark, and has been found to be "well-known" and famous in prior WIPO UDRP decisions.

In addition, the Complainant is the registrant of various domain names and country-code domain names comprised of its CISCO trademark, including, but not limited to, the following: <cisco.com>, <cisco.co.uk>, <cisco.us>, <cisco.net>, <cisco.biz>, <cisco.info>, <cisco.mobi>.

This disputed domain name <ciscoca.com> was registered on April 1, 2023. At the time of this decision, the disputed domain name resolves to a parked page displaying pay-per-click links.

5. Parties' Contentions

A. Complainant

By the Complaint, the Complainant contends that:

- The disputed domain name is effectively identical to the Complainant's CISCO trademark and domain names as it wholly incorporates the well-known CISCO trademark and name and CISCO is the dominant and distinctive element of the disputed domain name.
- The Respondent's inclusion of the geographic identifier ("CA") falsely implies that that the disputed domain name is affiliated with Cisco's Canadian presence. Additionally, the Complainant has offices and employees in Canada.
- Given the Complainant's well-established rights in the CISCO trademark, it is clear that Respondent cannot have rights or legitimate interests to the disputed domain name.
- The Respondent's lack of rights or legitimate interests in the disputed domain name is demonstrated by the following: the Respondent has not been commonly known by the disputed domain name at the time of registration, and the Respondent is not using the disputed domain name in connection with a *bona fide*

offering of goods or services, nor making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain.

- The Respondent does not use the disputed domain name in connection with a *bona fide* offering of goods or services or legitimate noncommercial or fair use. The disputed domain name resolves to a parked webpage which contains three links entitled “Network Server”, “Business Wifi Internet Services”, and “Wifi Setup”, each of which links users to a secondary page containing sponsored ads for companies that operate in the Complainant’s field. The Respondent’s use of the disputed domain name to capitalize on the Complainant’s CISCO trademark by hosting third party advertising until the disputed domain name can be sold, does not constitute a legitimate noncommercial or fair use, or a *bona fide* offering of goods or services.
- The Respondent uses the disputed domain name in connection with a “phishing” scheme and potential fraudulent conduct, designed to deceive Internet users into applying for jobs at, what they believe to be, the Complainant’s Canadian office.
- The Respondent had actual knowledge of Complainant’s well-known CISCO trademark and name and the Respondent’s registration and use of the disputed domain name is clearly in bad faith.
- The Respondent used the disputed domain name to contact Internet users and deceive them into sending funds by impersonating the Complainant, including emailing those Internet users unauthorized, fraudulent offers of employment for what they believe is a job at the Complainant’s Canadian office.
- The Respondent registered the disputed domain name despite its actual or constructive notice of the Complainant’s rights to the CISCO trademark.
- The disputed domain name fully incorporates the Complainant’s trademark without authorization; and the Respondent’s registration of the disputed domain name prevents the Complainant from using it for legitimate purpose.
- The Respondent’s use of the disputed domain name containing the CISCO trademark followed by the geographic identifier “CA”, prevents the Complainant from registering and using such CISCO-based domain names. Because many companies purchase domain names combining their trademark with descriptive or generic wording precisely to avoid consumer confusion, it is reasonable to believe that the disputed domain name would resolve to a website owned or operated by the Complainant.

B. Respondent

Although properly notified of the proceedings, the Respondent did not reply to the Complainant’s contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant holds trademarks registrations worldwide covering the term CISCO.

Considering the disputed domain name, the Panel finds that the disputed domain name is confusingly similar to the Complainant’s well-known trademark CISCO, the only difference between the disputed domain name and the CISCO trademark of the Complainant being the inclusion of the term “ca”, which does not prevent confusing similarity with the Complainant’s trademark. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.8

Also, the addition of the generic Top-Level domain (“gTLD”) “.com”, may be disregarded under the first element, as it is viewed as a standard registration requirement. See section 1.11. of the [WIPO Overview 3.0](#).

Based on the above, the Panel concludes that the Complainant has succeeded to demonstrate the first element of the Policy in respect of the disputed domain name.

B. Rights or Legitimate Interests

For the second element of the Policy, the Complainant has to show that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. If the Complainant makes that *prima facie* showing, the burden of production shifts to the Respondent, according to the section 2.1 of the [WIPO Overview 3.0](#).

In these proceedings, this Panel finds that the Complainant has made a *prima facie* showing that the Respondent lacks rights or legitimate interests in respect of the disputed domain name and such showing has not been rebutted by the Respondent, as it did not reply to the Complainant's contentions.

In addition, this Panel finds that the Respondent does not use the disputed domain name in connection with a *bona fide* offering of goods or services or legitimate noncommercial or fair use as the disputed domain name resolves to a parked webpage which contains three links entitled "Network Server", "Business Wifi Internet Services", and "Wifi Setup", each of which links users to a secondary page containing sponsored ads for companies that operate in Complainant's field. According to section 2.9 of the [WIPO Overview 3.0](#), the use of a domain name to host a parked page comprising PPC links does not represent a *bona fide* offering where such links compete with or capitalize on the reputation and goodwill of the complainant's mark or otherwise mislead Internet users.

Moreover, the disputed domain name was also being used in connection with a phishing scheme, where fraudulent emails, passing off as the Complainant, were sent to deceive Internet users. In this regard, the Panel notes that the use of a domain name for illegal activity can never confer rights or legitimate interests on a respondent. See section 2.13.1 of [WIPO Overview 3.0](#).

Accordingly, the Panel finds that the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name.

Therefore, in the opinion of this Panel, the Complainant has demonstrated that the Respondent lacks rights or legitimate interests in the disputed domain name, and consequently, the second element of the Policy is therefore established.

C. Registered and Used in Bad Faith

According to paragraph 4(a)(iii) of the Policy the Complainant has to prove both registration and use of the disputed domain name in bad faith.

The Panel agrees that the Complainant's trademark CISCO is well known. Thus, given the distinctiveness of the Complainant's trademark and reputation, it is reasonable to infer that the Respondent has registered the disputed domain name with full knowledge of the Complainant's trademark.

In its Complaint, the Complainant submits a series of bad faith registration and use allegations in respect of the disputed domain name as:

- the registration of the disputed domain name despite Respondent's actual or constructive notice of Complainant's rights to the CISCO trademark;
- the incorporation of the disputed domain name of the Complainant's trademark without authorization;
- the use of the disputed domain name to resolve parked webpage which contains three links entitled "Network Server", "Business Wifi Internet Services", and "Wifi Setup", each of which links users to a secondary page containing sponsored ads for companies that operate in the Complainant's field of activity;
- the use by the Respondent of the disputed domain name to contact Internet users and deceive them into sending funds by impersonating the Complainant, including emailing those Internet users unauthorized, fraudulent offers of employment for what they believe is a job at Complainant's Canadian office;

- the prevention of the Complainant from using the disputed domain name for the Complainant's legitimate purpose.

The Panel considers that the above conduct establishes that the Respondent has registered the disputed domain name and is using it in bad faith.

Therefore, the Panel concludes that the Complainant has established the third element of paragraph 4(a) 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, <ciscoca.com>, be transferred to the Complainant.

/Dr. Beatrice Onica Jarka/

Dr. Beatrice Onica Jarka

Sole Panelist

Date: September 27, 2023