

ADMINISTRATIVE PANEL DECISION

American Airlines, Inc. v. JODY M CARRERA
Case No. D2023-4175

1. The Parties

Complainant is American Airlines, Inc., United States of America, represented by Greenberg Traurig, LLP, United States of America.

Respondent is JODY M CARRERA, United States of America.

2. The Domain Name and Registrar

The disputed domain name <american-airlines.org> is registered with Network Solutions, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 6, 2023. On October 9, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 11, 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 (PERFECT PRIVACY, LLC5335 Gate Parkway care of Domain Privacy Service FBO Registrant) and contact information in the Complaint. The Center sent an email communication to Complainant on October 12, 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 October 18, 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 October 20, 2023. In accordance with the Rules, paragraph 5, the due date for Response was November 9, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on November 14, 2023.

The Center appointed Gregory N. Albright as the sole panelist in this matter on November 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

Complainant is a well-known international air carrier. Complainant owns multiple trademark registrations around the world for the AMERICAN AIRLINES service mark, including Registration No. 514294, for air transport of passengers and freight in Class 39, issued by the United States Patent and Trademark Office (“USPTO”) on August 23, 1949.

The disputed domain name was registered on September 2, 2023 and redirects to an inactive webpage.

5. Parties’ Contentions

A. Complainant

Complainant is one of the largest air carriers in the world with an international reputation as a premier airline for business and leisure travelers. Complainant and its affiliates serve over 350 destinations in over fifty countries, with nearly 7,000 daily flights.

During its more than 90-year history, Complainant has developed global name-recognition and goodwill. Complainant’s brands, trade names, and other intellectual property are the result of significant investment and are worth billions of dollars. In addition to its strong common law service mark rights, Complainant owns multiple trademark registrations issued by the USPTO for its AMERICAN and AMERICAN AIRLINES marks, many of which have achieved incontestable status. Complainant has also obtained trademark registrations incorporating its AMERICAN AIRLINES mark in over 75 other countries.

Complainant also owns the domain name <americanairlines.com>, which redirects to Complainant’s primary website at <aa.com>. Complainant’s website provides general information about Complainant, allows customers to book travel reservations, and provides other related services.

The disputed domain name incorporates Complainant’s AMERICAN AIRLINES mark in full, changing the mark only by adding a hyphen and the generic Top Level Domain (“gTLD”) “.org.” The disputed domain name is nearly identical to Complainant’s domain name <americanairlines.com>. The disputed domain name therefore is confusingly similar to Complainant’s AMERICAN and AMERICAN AIRLINES marks.

Complainant did not authorize Respondent to register the disputed domain name. Respondent is not commonly known by the disputed domain name. Respondent has not used or prepared to use the disputed domain name in connection with the *bona fide* offering of goods or services, and Complainant has not authorized, licensed or otherwise granted permission for Respondent to use the disputed domain name. The website to which the disputed domain name resolves is a parked WordPress web page, which to Complainant’s knowledge has never contained any real content. Respondent’s passive holding of the disputed domain name, which incorporates Complainant’s well-known mark, does not constitute a *bona fide* or legitimate business use. For these reasons, Respondent lacks rights or legitimate interests in the disputed domain name.

Respondent registered and is using the disputed domain name in bad faith. Passive holding of the disputed domain name demonstrates Respondent’s bad faith. Moreover, bad faith may be inferred from Respondent’s incorporation of the famous AMERICAN and AMERICAN AIRLINES marks, owned by the largest airline in the world, into the disputed domain name. Respondent also has constructive knowledge of Complainant’s AMERICAN and AMERICAN AIRLINES marks because of Complainant’s many trademark

registrations. The disputed domain name is so obviously connected with Complainant and its services that its use by someone like Respondent, who has no connection to Complainant, is opportunistic bad faith.

In addition, the disputed domain name has active MX (mail exchange) records, which evidences a risk of bad-faith use of the disputed domain name to engage in fraudulent email or phishing communications.

Finally, Respondent used a proxy service to register the disputed domain name. This effort to shield identity and elude enforcement efforts by the legitimate trademark owner demonstrate Respondent's bad faith registration and use of the disputed domain name.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Paragraph 4(a) of the Policy requires a complainant to prove 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 respect of the disputed domain name; and (iii) the disputed domain name has been registered and is being used in bad faith.

Paragraph 4(b) of the Policy elaborates some circumstances that shall be evidence of the registration and use of the disputed domain name in bad faith. Paragraph 4(c) sets out various circumstances which, if found by the Panel to be proved based on the evaluation of all the evidence presented, shall demonstrate that the respondent has rights or legitimate interests in the disputed domain name.

A. Identical or Confusingly Similar

The disputed domain name is confusingly similar to Complainant's AMERICAN AIRLINES service mark, in which Complainant has owned rights for decades. The disputed domain name incorporates the entirety of the mark, and the addition of a hyphen between "american" and "airlines" does not dispel confusing similarity. The gTLD ".org" in a domain name is disregarded for purposes of the similarity analysis. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.11.1.

The first element of paragraph 4(a) of the Policy is satisfied.

B. Rights or Legitimate Interests

"While 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 often impossible 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. 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.

Complainant has made a *prima facie* case that Respondent does not have rights or legitimate interests in respect of the disputed domain name by asserting that Complainant has not granted Respondent any right to use the disputed domain name.

In addition, Respondent has not responded to the Complaint to assert any rights or legitimate interests in respect to the disputed domain name. There is no evidence that “american-airlines” is Respondent’s personal name, or that Respondent is known by or has acquired any trademark rights in “american-airlines.”

The second element of paragraph 4(a) of the Policy is satisfied.

C. Registered and Used in Bad Faith

The Panel finds sufficient evidence that Respondent registered the disputed domain name in bad faith. It may be inferred that Respondent registered the disputed domain name with knowledge of Complainant’s AMERICAN AIRLINES service mark, because the mark is very well-known and Complainant first obtained registration of its mark with the USPTO decades before Respondent registered the disputed domain name on September 2, 2023. In addition, Respondent’s incorporation of the entire AMERICAN AIRLINES mark in the disputed domain name is evidence Respondent intended to create the false impression that the disputed domain name is associated with and/or authorized by Complainant.

The Panel also finds, under all the circumstances, that Respondent’s passive holding of the disputed domain name does not prevent a finding of bad faith use. See [WIPO Overview 3.0](#), section 3.3. “While panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant’s mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent’s concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put.” *Id.* Here, Complainant’s AMERICAN AIRLINES mark has a long-established world-wide reputation. Respondent failed to submit any response to the Complaint or provide any evidence of actual or contemplated good-faith use. Respondent used a privacy service to register the disputed domain name, which suggests an effort to conceal Respondent’s identity. Finally, the Panel finds it implausible that Respondent might make any good faith use of the disputed domain name under the circumstances. To the contrary, there is a risk that Respondent might use the active MX (mail exchange) aspect of the disputed domain name to engage in fraudulent email or phishing communications.

The third element of paragraph 4(a) of the Policy is satisfied.

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 <american-airlines.org> be transferred to Complainant.

/Gregory N. Albright/

Gregory N. Albright

Sole Panelist

Date: December 5, 2023