

ADMINISTRATIVE PANEL DECISION

Autodesk, Inc. v. Super Privacy Service LTD c/o Dynadot / 小林 王

Case No. D2022-0360

1. The Parties

The Complainant is Autodesk, Inc., United States of America (“United States” or “US”), represented by Donahue Fitzgerald, United States.

The Respondent is Super Privacy Service LTD c/o Dynadot, United States / 小林 王, China.

2. The Domain Name and Registrar

The disputed domain name <autocadtranslator.com> (the “Domain Name”) is registered with Dynadot, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 1, 2022. On February 2, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On February 3, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on February 4, 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 amendment to the Complaint on February 4, 2022.

The Center verified that the Complaint together with the amendment to the 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 February 17, 2022. In accordance with the Rules, paragraph 5, the due date for Response was March 9, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 11, 2022.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on March 29, 2022. 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 sells licenses for its various software products under the trademark AUTOCAD. There are over 9,000,000 users of the Complainant's products. The Complainant works with approximately 1,700 channel partners, 3,300 development partners, and 2,000 authorized training centers to assist its customers. The Complainant advertises its products globally.

The Complainant owns numerous trademark registrations for AUTOCAD in 72 countries, including US registration number 1316773 dating back to 1985, European Union registration number 004036745 registered on July 17, 2006. The Complainant has registered the domain name <autocad.com> since 1998.

The Domain Name appears to be registered by the Respondent on August 3, 2021. The Respondent has used the Domain Name to resolve to a commercial landing page displaying pornography content and links to pornography websites. At the time of drafting the Decision, the Domain Name resolved to an error page.

5. Parties' Contentions

A. Complainant

The Complainant provides evidence of trademark registration, and argues that it has common law rights in its mark. The Domain Name is confusingly similar to the Complainant's trademark. The Domain Name contains the Complainant's trademark, with the addition of "translator". The addition does nothing to remove the confusing similarity between the Domain Name and the Complainant's trademark.

The Complainant asserts that it has no association with the Respondent and it has never authorized or licensed the Respondent to use its trademark. The Respondent cannot establish rights in the Domain Name, as it has not made any use of, or demonstrable preparations to use, the Domain Name in connection with a *bona fide* offering of goods or services. On the contrary, the Complainant submits that the Respondent's use of the Domain Name to display pornography content and links is evidence of bad faith.

The Complainant argues *inter alia* that it would be implausible for the Respondent to assert that it registered the Domain Name in good faith and without knowledge of the Complainant's trademark rights. The Respondent has used the Domain Name in bad faith with the intention to attract, for commercial gain, users to a pornography website.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has established that it has rights in the trademark AUTOCAD. The test for confusing similarity involves a comparison between the trademark and the Domain Name. The Domain Name incorporates the Complainant's trademark with the addition of the word "translator". The addition does not prevent a finding of confusing similarity between the Domain Name and the trademark.

For the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domains, see [WIPO Overview 3.0](#), section 1.11.

The Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Complainant has made unrebutted assertions that it has not granted any authorization to the Respondent to register the Domain Name containing the Complainant's trademark or otherwise make use of the Complainant's mark. There is no evidence that the Respondent has registered the Domain Name as a trademark or acquired unregistered trademark rights. The Domain Name has been used to display pornography and links to pornography. The Respondent's use of the Domain Name is clearly not *bona fide*, but rather evidence of bad faith.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name in accordance with paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds it probable that the Respondent was aware of the Complainant when the Respondent registered the Domain Name. The Respondent has used the renown of the Complainant's brand to attract, for commercial gain, users to pornography websites. The Respondent has not provided any evidence of good faith use. In this context, the Respondent's use of a privacy protection service to conceal its identity further points to bad faith.

For the reasons set out above, the Panel concludes that the Domain Name was registered and is being used in bad faith, within the meaning of paragraph 4(a)(iii) 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 <autocadtranslator.com> be transferred to the Complainant.

/Mathias Lilleengen/

Mathias Lilleengen

Sole Panelist

Date: April 6, 2022