

ADMINISTRATIVE PANEL DECISION

Jones Lang LaSalle IP, Inc. v. Privacy Service Provided by Withheld for Privacy ehf / Chiboy Mgbaka, compact LTD
Case No. D2022-0388

1. The Parties

The Complainant is Jones Lang LaSalle IP, Inc., United States of America, represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Privacy Service Provided by Withheld for Privacy ehf, Iceland / Chiboy Mgbaka, compact LTD, Nigeria.

2. The Domain Name and Registrar

The disputed domain name <eu-jii.com> (the “Disputed 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 February 4, 2022. On February 4, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On February 4, 2022, 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 February 8, 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 amended Complaint on February 16, 2022.

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 February 18, 2022. In accordance with the Rules, paragraph 5, the due date for Response was March 10, 2022. The Respondent did not submit any

response. Accordingly, the Center notified the Respondent's default on March 11, 2022.

The Center appointed Nick J. Gardner as the sole panelist in this matter on March 23, 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 is a wholly owned subsidiary of Jones Lang LaSalle Incorporated, which is a professional services and investment management firm specializing in real estate. It was formed by the merger of Jones Lang Wootton and LaSalle Partners in 1999, and is a publicly traded company. Jones Lang LaSalle Incorporated and its various subsidiaries are referred to in this decision as the "JLL Group".

The JLL Group is an industry leader in property and corporate facility management services, with a portfolio of 5 billion square feet worldwide. With a workforce of approximately 91,000, the JLL Group serves clients in over 80 countries from more than 300 corporate office locations worldwide. In 2020, the JLL Group reported a revenue of USD 6.1 billion.

The Complainant is the owner of various registered trademarks for the term JLL – see for example European Union trademark 010603447 registered on August 8, 2012. These trademarks are referred to in this decision as the "JLL trademark". In addition, the Complainant has registered various domain names which include the term "jll", in particular <jll.com> and has acquired the rights to use the dot-jll (.jll) Top Level Domain. The Complainant's website at its primary domain name <jll.com> received 1.19 million visitors during the period of February 2021 to July 2021. The JLL Group uses the sub-domain <eu.jll.com> for e-mail addresses.

The Disputed Domain Name was registered on March 9, 2021, and previously resolved to a "pay-per-click" ("PPC") website which features links to third-party websites. The Disputed Domain Name does currently not resolve to an active website.

The Complainant sent a cease and desist letter to the Respondent on November 15, 2021, prior to filing the Complaint in the present proceeding, and two reminders on November 25, 2021, and December 6, 2021, which remained unanswered.

5. Parties' Contentions

A. Complainant

The Complainant's contentions are set out in some detail but can be summarised as follows.

The Disputed Domain Name is confusingly similar to the Complainant's JLL trademark. It is a typographical variation combined with a non-distinctive geographical term.

The Respondent has no rights or legitimate interests in the term "JLL" or "jll".

The Disputed Domain Name was registered and is being used in bad faith. The Complainant says the use of the Disputed Domain Name for a PPC website amounts to evidence of bad faith. It also says the Disputed Domain Name must have been deliberately registered as a typosquatted version of Complainant's trademark, with the JLL Group in mind and was deliberately intended to be confusing which itself establishes bad faith.

B. Respondent

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

6. Discussion and Findings

Preliminary Matters

The Panel notes that no communication has been received from the Respondent. However, given that the Complaint and Written Notice were sent to the relevant addresses disclosed by the Registrar, then the Panel considers that this satisfies the requirement in paragraph 2(a) of the UDRP Rules to “employ reasonably available means calculated to achieve actual notice”. Accordingly, the Panel considers it is able to proceed to determine this Complaint and to draw inferences from the Respondent’s failure to file any Response. While the Respondent’s failure to file a Response does not automatically result in a decision in favor of the Complainant, the Panel may draw appropriate inferences from the Respondent’s default (see, e.g., *Verner Panton Design v. Fontana di Luce Corp*, WIPO Case No. [D2012-1909](#)).

The Panel also notes this is a case where the Respondent appears to have used a privacy or proxy service.

The Panel in this case adopts the approach of most UDRP panels, as outlined in WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”) at section 4.4.5, as follows:

“Panel discretion

In all cases involving a privacy or proxy service and irrespective of the disclosure of any underlying registrant, the appointed panel retains discretion to determine the respondent against which the case should proceed.

Depending on the facts and circumstances of a particular case, e.g., where a timely disclosure is made, and there is no indication of a relationship beyond the provision of privacy or proxy registration services, a panel may find it appropriate to apply its discretion to record only the underlying registrant as the named respondent. On the other hand, e.g., where there is no clear disclosure, or there is some indication that the privacy or proxy provider is somehow related to the underlying registrant or use of the particular domain name, a panel may find it appropriate to record both the privacy or proxy service and any nominally underlying registrant as the named respondent.”

In the present case the Panel considers the substantive Respondent to be Chiboy Mgbaka, compact LTD and references to the Respondent are to that person.

Substantive Matters

To succeed, in accordance with paragraph 4(a) of the Policy, the Complainant must satisfy the Panel that:

- (i) the Disputed Domain Name is identical with 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.

A. Identical or Confusingly Similar

The Panel finds the Disputed Domain Name is confusingly similar to the JLL trademark. The Panel agrees in this regard with the approach set out in WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.9, namely:

“Is a domain name consisting of a misspelling of the complainant’s trademark (*i.e.*, typosquatting) confusingly similar to the complainant’s mark?”

A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element.”

In the present case the letters “ll” in the JLL trademark have been replaced with the letters “ii” which results in a term which is visually similar – “jii” can easily be misread as “jll”. The addition of a non-distinctive geographical term – “eu” – does not avoid a finding that the Disputed Domain Name is confusingly similar to the Complainant’s trademark. It is well established that the addition of a descriptive or geographic term (such as here “eu”) to a disputed domain name has little, if any, effect on a determination of confusing similarity between the domain name and the mark (*Quixtar Investments, Inc. v. Dennis Hoffman*, WIPO Case No. [D2000-0253](#)); furthermore, mere addition of a generic or descriptive term does not prevent a finding of confusing similarity under the first element (*PRL USA Holdings, Inc. v. Spiral Matrix*, WIPO Case No. D2006-0189).

It is well established that the generic Top-Level-Domain (“gTLD”), in this case “.com”, does not affect the Disputed Domain Name for the purpose of determining whether it is identical or confusingly similar. See, for example, *Rollerblade, Inc. v. Chris McCrady*, WIPO Case No. [D2000-0429](#).

Accordingly, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant’s trademark and hence the first condition of paragraph 4(a) of the Policy has been fulfilled.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances any of which is sufficient to demonstrate that a respondent has rights or legitimate interests in a domain name:

- (i) before any notice to the respondent of the dispute, use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a *bona fide* offering of goods or services; or
- (ii) the respondent has been commonly known by the domain name, even if the respondent has acquired no trademark or service mark rights; or
- (iii) the respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

None of these apply in the present circumstances. The Complainant has not authorised, licensed, or permitted the Respondent to register or use the Disputed Domain Name or to use the JLL trademark. The Complainant has prior rights in the JLL trademark which precede the Respondent’s acquisition of the Disputed Domain Name. The Complainant has therefore established a *prima facie* case that the Respondent does not have any rights or legitimate interests in the Disputed Domain Name and thereby the burden of production shifts to the Respondent to produce evidence demonstrating rights or legitimate interests in respect of the Disputed Domain Name (see, for example, *Do The Hustle, LLC v. Tropic Web*, WIPO Case No. [D2000-0624](#); *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. D2003-0455).

The Panel finds that the Respondent has failed to produce any evidence to establish its rights or legitimate interests in the Disputed Domain Name. Accordingly, the Panel finds the Respondent has no rights or any legitimate interests in the Disputed Domain Name and the second condition of paragraph 4(a) of the Policy has been fulfilled.

C. Registered and Used in Bad Faith

Under paragraph 4(b) of the Policy a non-exhaustive list of factors evidencing registration and use in bad faith comprises:

(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your website or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your website or location.

The Panel infers that the webpage to which the Disputed Domain Name resolves has been automatically created, possibly by the registrar. This does not however matter. It is well established that where a domain name is used to generate revenue in respect of "click-through" traffic, and that traffic has been attracted because of the name's association with the Complainant, such use amounts to use in bad faith, see for example *Shangri-La International Hotel Management Limited v. NetIncome Ventures Inc.*, WIPO Case No. D2006-1315; *Owens Corning v. NA*, WIPO Case No. [D2007-1143](#); *McDonald's Corporation v. ZusCom*, WIPO Case No. [D2007-1353](#); *Villeroy & Boch AG v. Mario Pingerna*, WIPO Case No. [D2007-1912](#); and *Rolex Watch U.S.A., Inc. v. Vadim Krivitsky*, WIPO Case No. [D2008-0396](#).

See also [WIPO Overview 3.0](#) section 3.5: "Can third-party generated material 'automatically' appearing on the website associated with a domain name form a basis for finding bad faith?"

Particularly with respect to 'automatically' generated pay-per-click links, panels have held that a respondent cannot disclaim responsibility for content appearing on the website associated with its domain name (nor would such links *ipso facto* vest the respondent with rights or legitimate interests).

Neither the fact that such links are generated by a third party such as a registrar or auction platform (or their affiliate), nor the fact that the respondent itself may not have directly profited, would by itself prevent a finding of bad faith."

If for any reason the above principles are not applicable the Panel would nevertheless find that the Disputed Domain Name had been registered and used in bad faith as there is no plausible good-faith reason or logic for the Respondent to have registered the Disputed Domain Name and the similarity between the Disputed Domain Name and the JLL Group's e-mail sub-domain suggest that the Disputed Domain Name may be intended for use for fraudulent purposes. In any event "typosquatting" itself raises a presumption of bad faith – see *Wal-Mart Stores, Inc. v. Longo*, WIPO Case No. [D2004-0816](#) "Furthermore, whether a registered domain name could be described as an incidence of typosquatting is a question of fact, and the Panel accepts that it is. Such a finding of fact is presumptive of registration in bad faith, and in the absence of any rebuttal, this criterion in made out".

Further the Panel notes that the Respondent has not filed a Response and hence has not availed itself of the opportunity to present any case of good faith that it might have. The Panel infers that none exists.

Accordingly, the Panel finds the Respondent has registered and used the Disputed Domain Name in bad faith and the third condition of paragraph 4(a) of the Policy has been fulfilled.

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 <eu-jii.com>, be transferred to the Complainant.

/Nick J. Gardner/

Nick J. Gardner

Sole Panelist

Date: April 6, 2022