

ADMINISTRATIVE PANEL DECISION

Magna International Inc. v. Tony Hess
Case No. D2022-1305

1. The Parties

The Complainant is Magna International Inc., Canada, represented by Gowling WLG (Canada) LLP, Canada.

The Respondent is Tony Hess, Nigeria.

2. The Domain Name and Registrar

The disputed domain name <jobs-magna.com> is registered with OwnRegistrar, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 12, 2022. On April 12, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 13, 2022, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. In response to a notification by the Center that the Complaint was administratively deficient, the Complainant filed an amended Complaint to the Complaint on April 13, 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 April 14, 2022. In accordance with the Rules, paragraph 5, the due date for Response was May 4, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 5, 2022.

The Center appointed Andrea Mondini as the sole panelist in this matter on May 13, 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 global automotive supplier with 342 manufacturing facilities in 27 countries and over 158,000 employees worldwide.

The Complainant owns several trademarks with the element MAGNA, *inter alia*, the Canadian Trademark Registration No. TMA303870 (registered on June 21, 1985), the United States of America Trademark Registration No. 1837713 (registered on May 31, 1994), and the European Union Trade Mark Registration No. 011330529 (registered on April 12, 2013).

The Complainant also holds the domain name <magna.com> and posts employment opportunities under <jobs.magna.com>.

The disputed domain name was registered on February 18, 2022.

The disputed domain name resolves to a website purporting to be that of the Complainant's business.

5. Parties' Contentions

A. Complainant

The Complainant contends as follows:

The disputed domain name is confusingly similar to the MAGNA trademark in which the Complainant has rights, because it incorporates this trademark in its entirety, and the addition of the word "jobs" is not sufficient to avoid confusing similarity.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The mark MAGNA is associated with the Complainant and is well-known if not famous, since the trademark MAGNA has been extensively used to identify the Complainant and its products in the automotive industry. The Respondent is not known by the disputed domain name and has not been authorized by the Complainant to use this trademark.

The Respondent used the disputed domain name to host a fake website which purports to be that of the Complainant's business, for the apparent purpose of soliciting job applications and offering employment with "Magna" but for the actual purpose of conducting a phishing scam to collect confidential personal information from those third parties, all in connection with fake websites associated with the disputed domain name, fake email addresses associated with the disputed domain name, and the MAGNA trademarks. The Respondent's fake website features the Complainant's MAGNA trademarks (including logo formats of those trademarks), and lists the street address of one of the Complainant's global head office, though coupled with a telephone number and email address that are not those of the Complainant, apparently for the purpose of fraudulently soliciting inquiries from prospective employees.

Such fraudulent use shows that the disputed domain name was registered for the purpose of disrupting the business of the Complainant and is being used in bad faith to deceive Internet users for fraudulent purposes.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, in order to succeed, a complainant must establish each of the following elements:

- (i) the disputed domain name is identical or confusingly similar to the 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 is satisfied that the Complainant owns trademark registrations for its MAGNA trademark.

The Panel notes that the disputed domain name incorporates the MAGNA trademark in its entirety. The addition of the word “jobs” and a hyphen does not prevent a finding of confusing similarity under Policy, paragraph 4(a)(i). See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.8.

For these reasons, the Panel concludes that the disputed domain name is confusingly similar to the Complainant’s mark MAGNA.

The first element of paragraph 4(a) of the Policy has been met.

B. Rights or Legitimate Interests

The Complainant states that the Respondent is not known by the disputed domain name and that the Complainant has not authorized the Respondent to use the trademark MAGNA. The Panel does not see any contrary evidence from the record.

In the view of the Panel, the Complainant has succeeded in raising a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. For its part, the Respondent failed to provide any explanations as to any rights or legitimate interests. Therefore, the Panel finds that the Respondent does not have any rights or legitimate interests in the disputed domain name.

Furthermore, the nature of the disputed domain name, comprising the Complainant’s trademark and the term “jobs”, carries a risk of implied affiliation. See [WIPO Overview 3.0](#), section 2.5.1.

The second element of paragraph 4(a) of the Policy has been met.

C. Registered and Used in Bad Faith

The Complainant has shown to the satisfaction of the Panel that its MAGNA trademark is well-known. In the view of the Panel, it is inconceivable that the Respondent could have registered the disputed domain name without knowledge of the Complainant’s well-known trademark. In the circumstances of this case, this is evidence of registration in bad faith.

Further, the Complainant has shown that the Respondent used the disputed domain name to host a fake website which purports to be that of the Complainant’s business, purporting to solicit job applications and offer employment with the Complainant but for the actual purpose of conducting a phishing scam to collect confidential personal information from those third parties. The Complainant has also shown that it received reports from third party victims of the Respondent’s phishing scam, advising that they had received emails from persons posing as human resources personnel of the Complainant. Such fraudulent use shows that

the disputed domain name was registered for the purpose of disrupting the business of the Complainant and is being used in bad faith to deceive Internet users for fraudulent purposes.

The Panel thus finds that the disputed domain name was registered and is being used in bad faith.

The third element of paragraph 4(a) of the Policy has been met.

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, <jobs-magna.com>, be transferred to the Complainant.

/Andrea Mondini/

Andrea Mondini

Sole Panelist

Date: May 23, 2022