

## **ADMINISTRATIVE PANEL DECISION**

Raytheon Technologies Corporation v. Private Whois, Knock Knock WHOIS  
Not There, LLC / Irma Altamirano  
Case No. D2022-1370

### **1. The Parties**

Complainant is Raytheon Technologies Corporation, United States of America (“United States”), represented by Cantor Colburn LLP, United States.

Respondent is Private Whois, Knock Knock WHOIS Not There, LLC, United States / Irma Altamirano, United States.

### **2. The Domain Name and Registrar**

The disputed domain name <prattswitney.com> is registered with Automattic Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 15, 2022. On April 19, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 21, 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 Complainant on April 22, 2022, 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 the same day.

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 May 5, 2022. In accordance with the Rules, paragraph 5, the due date for Response was May 25, 2022. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on May 30, 2022.

The Center appointed Timothy D. Casey as the sole panelist in this matter on June 9, 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

Complainant is a diversified aerospace and defense industrial company that designs, manufactures, sells, and provides services in connection with aircraft engines, power and marine turbines, and related parts through its Pratt & Whitney business. Complainant has used PRATT & WHITNEY as a trademark in connection with such products and services for almost 100 years. Complainant owns more than 170 trademark applications and registrations (including one alleging first use in April 1926) that comprise or include PRATT & WHITNEY in over 120 countries and jurisdictions, including the following representative marks (the “PRATT & WHITNEY marks”) registered in the United States:

| Mark  | International Class(es)    | Registration No. | Registration Date |
|---|----------------------------|------------------|-------------------|
| PRATT & WHITNEY                             | 35                         | 5,944,483        | December 24, 2019 |
| PRATT & WHITNEY DEPENDABLE ENGINES (DESIGN) | 43                         | 5,271,650        | August 22, 2017   |
| PRATT & WHITNEY DEPENDABLE ENGINES (DESIGN) | 9, 14, 16, 21, 24, 25, 28, | 3,337,906        | November 20, 2007 |
| PRATT & WHITNEY                             | 7                          | 1,274,850        | April 24, 1984    |
| PRATT & WHITNEY DEPENDABLE ENGINES (DESIGN) | 7                          | 790,295          | June 1, 1965      |
| PRATT & WHITNEY DEPENDABLE ENGINES (DESIGN) | 7                          | 272,651          | July 8, 1930      |

Complainant owns numerous domain names that include “pratt” or “pratt” and “whitney” in various combinations and features information about Complainant and its various products and services through a website associated with one or more of these domain names.

The disputed domain name was registered on March 8, 2022. The disputed domain name has been used for emails representing Respondent or someone associated with Respondent as an employee or otherwise associated with Complainant.

#### 5. Parties’ Contentions

##### A. Complainant

Complainant contends that the disputed domain name, which includes “pratt” and “whitney” separated by the letter “s”, is confusingly similar to the PRATT & WHITNEY Marks. Complainant contends that the use of the letter “s” between “pratt” and “whitney” is simply a substitution for the character “&”, which cannot be registered as part of a domain name and was therefore selected to intentionally mislead Complainant’s customer into believing that the disputed domain name was associated with Complainant.

Complainant provided copies of emails using the disputed domain name that were sent between March 8, 2022 and March 9, 2022 to the accounting department of a customer of Complainant in which Respondent or someone associated with Respondent impersonated an employee of Complainant and attempted to change ACH payment instructions associated with an invoice from Complainant to said customer.

Complainant further contends that Complainant is unaware of any prior right that Respondent has in the

PRATT & WHITNEY marks or any relationship between Complainant and Respondent that would result in Respondent having the right to use the PRATT & WHITNEY Marks. Complainant asserts that Respondent is not commonly known by or as the PRATT & WHITNEY Marks. Complainant contends that Respondent has attempted to intentionally mislead consumers into believing Respondent is Complainant by using the disputed domain name in emails attempting to collect on fraudulent invoices from recipients of said emails.

Complainant believes Respondent is using the disputed domain name in a deliberate attempt to deceive consumers by posing as an employee of Complainant's organization and that is not a legitimate noncommercial or fair use of the disputed domain name. Complainant further contends that Respondent intentionally registered the disputed domain name as part of a fraudulent scheme, namely to fraudulently obtain money by deceiving at least one of Complainant's customers.

## **B. Respondent**

Respondent did not reply to Complainant's contentions.

## **6. Discussion and Findings**

### **A. Identical or Confusingly Similar**

Complainant's use of the PRATT & WHITNEY Marks as early as 1926, almost 100 years prior to registration of the disputed domain name, and Complainant's registration of many PRATT & WHITNEY Marks since then, are more than sufficient to establish that Complainant has trademark rights in the PRATT & WHITNEY Marks.

Complainant contends that the disputed domain name is confusingly similar to the PRATT & WHITNEY Marks. Complainant contends that the substitution of the letter "s" for the character "&" does not prevent a finding of confusing similarity to Complainant's PRATT & WHITNEY Marks.

The Panel agrees and finds that the disputed domain name is confusingly similar to the PRATT & WHITNEY Marks.

### **B. Rights or Legitimate Interests**

The Panel finds that Respondent has no rights or legitimate interests in the disputed domain name. Respondent does not appear to be commonly known by the disputed domain name or the PRATT & WHITNEY Marks. Complainant has not licensed or authorized Respondent to use or register the disputed domain name. Regardless of what Respondent's true intention may have been in contacting Complainant's customer under false pretenses using the disputed domain name, that impersonating use alone is sufficient to support the Panel's conclusion that Respondent's use was not a legitimate noncommercial or fair use and does not constitute a *bona fide* offering of goods or services. Respondent has not rebutted Complainant's *prima facie* case and has provided no arguments or evidence showing potential rights or legitimate interests in the disputed domain name.

Furthermore, the nature of the disputed domain name, comprising substantially all of at least some of the PRATT & WHITNEY Marks and a substituted character, carries a risk of implied affiliation with Complainant as it effectively impersonates or suggests sponsorship or endorsement by Complainant, and accordingly cannot constitute a fair use in these circumstances. See section 2.5.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

Finally, Complainant has provided evidence that the disputed domain name is being used in connection with a fraudulent scheme via emails; such use can never confer rights or legitimate interests on Respondent. See in this regard [WIPO Overview 3.0](#), section 2.13.

For these reasons, the Panel finds that Respondent has no rights or legitimate interests in the disputed domain name.

### **C. Registered and Used in Bad Faith**

Given i) the timing of Complainant's first use and first registration of the PRATT & WHITNEY Marks and Complainant's use of the PRATT & WHITNEY Marks in association with the noted goods and services, ii) the nature of the disputed domain name in combination with fraudulent emails appears designed to trick Complainant's customers, iii) the subsequent timing of the registration of the disputed domain name, iv) Complainant's prior trademark rights in the United States and abroad, and v) evidence of Respondent's subsequent usage, the Panel finds that Respondent clearly knew of the PRATT & WHITNEY Marks at the time of registration of the disputed domain name. Respondent's registration of the disputed domain name was therefore in bad faith.

In addition, the Panel finds the subsequent fraudulent usage of the disputed domain name and the sending of email communications impersonating an employee of Complainant, to constitute use in bad faith consistent with paragraph 4(b)(iv) of the Policy.

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

### **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 <prattswitney.com> be transferred to the Complainant.

*/Timothy D. Casey/*

**Timothy D. Casey**

Sole Panelist

Date: June 27, 2022