

## ADMINISTRATIVE PANEL DECISION

Amdocs Development Ltd. and Amdocs Software Systems Ltd. v. 林凡  
Case No. D2022-1535

### 1. The Parties

The Complainants are Amdocs Development Ltd (“First Complainant”), Cyprus, and Amdocs Software Systems Ltd. (“Second Complainant”), Ireland (jointly “the Complainants”), represented by Liad Whatstein & Co., Israel.

The Respondent is 林凡, China.

### 2. The Domain Names and Registrar

The disputed domain names <a-amdocs.com>, <c-amdocs.com>, <i-amdocs.com>, <k-amdocs.com>, <n-amdocs.com>, <v-amdocs.com>, <x-amdocs.com>, <y-amdocs.com>, and <z-amdocs.com> (the “Domain Names”) are registered with Name.com, Inc. (Name.com LLC) (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 28, 2022. On April 28, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On April 28, 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.

The Center verified that 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 April 29, 2022. In accordance with the Rules, paragraph 5, the due date for Response was May 19, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 20, 2022.

The Center appointed Nicholas Smith as the sole panelist in this matter on May 24, 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 Complainants are part of the Amdocs group of companies, a series of related multinational companies that develop and market software solutions in various fields. The Complainants employ approximately 25,000 employees and operate in over 85 countries. In the 2019 fiscal year the Amdocs group had revenue of USD 4.1 billion.

The Complainants are the owner of trade mark registrations for trade marks consisting of the word “AmDocs” (the “AMDOCS Mark”), with the First Complainant being the owner of (amongst other registrations) International registration No. 1302596 for the AMDOCS Mark registered on April 11, 2016, designating Switzerland, Israel, India, and Mexico.

The Domain Names were all registered in January or February 2022. The Domain Names <a-amdocs.com>, <c-amdocs.com>, <v-amdocs.com>, <x-amdocs.com>, and <z-amdocs.com> (“Active Domain Names”) have resolved or presently resolve to websites (the “Respondent’s Websites”) offering sponsored listings (often referred to as pay-per-click advertisements), some of which refer to the Complainants software services. The remaining Domain Names (“Inactive Domain Names”) are inactive and there is no evidence that they have been used for any purpose since registration.

#### **5. Parties’ Contentions**

##### **A. Complainants**

The Complainants make the following contentions:

- (i) that the Domain Names are identical or confusingly similar to the AMDOCS Mark;
- (ii) that the Respondent has no rights nor any legitimate interests in respect of the Domain Names; and
- (iii) that the Domain Names have been registered and are being used in bad faith.

The Complainants are the owners of the AMDOCS Mark, having registered the AMDOCS Mark in various jurisdictions since 2000. Each of the Domain Names wholly incorporates the AMDOCS Mark along with the addition of a letter and a hyphen.

There are no rights or legitimate interests held by the Respondent in respect of the Domain Names. The Respondent is not commonly known as the Domain Names, nor does the Respondent have any authorization from the Complainants to register the Domain Names. The Respondent does not use any of the Domain Names for a *bona fide* purpose or legitimate noncommercial purpose. Rather the Domain Names are either inactive or resolve to pages with links to advertisements, including advertisements for products and services directing competing with the Complainants’; which does not provide the Respondent with rights or legitimate interests.

The Domain Names were registered and are being used in bad faith. The Respondent is using the Domain Names for pay-per-click sites (some of which contain advertisements referring to the Complainants’ products and services) which shows awareness of the Complainants and amounts to bad faith use.

##### **B. Respondent**

The Respondent did not reply to the Complainants’ contentions.

## 6. Discussion and Findings

### A. Consolidation of Multiple Complainants

The WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”) provides at section 4.11.1, in respect of the issue “Multiple complainants filing against a single respondent” that:

“Paragraph 10(e) of the UDRP Rules grants a panel the power to consolidate multiple domain name disputes. At the same time, paragraph 3(c) of the UDRP Rules provides that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain-name holder.

In assessing whether a complaint filed by multiple complainants may be brought against a single respondent, panels look at whether (i) the complainants have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants in a similar fashion, and (ii) it would be equitable and procedurally efficient to permit the consolidation.”

The present proceeding involves two Complainants bringing a single Complaint against a single Respondent. The Complainants have made a request for consolidation and bear the *onus* of establishing that such a consolidation is justified.

The Panel is satisfied, based on the material filed, that the Complainants have a specific common grievance against the Respondent, in that the Complainants are related entities that both at various points have held and use the AMDOCS Mark.

The Panel has considered whether it would be equitable and procedurally efficient to permit the consolidation. The Panel finds that it is equitable and procedurally efficient to grant the Complainants’ request for consolidation and grants the request.

### 6.2. Substantive Matters

#### A. Identical or Confusingly Similar

To prove this element the Complainants must have trade or service mark rights and each Domain Name must be identical or confusingly similar to the Complainants’ trade or service mark.

The Complainants are the owner of the AMDOCS Mark, having registrations for the AMDOCS Mark in various jurisdictions. Disregarding the respective Top-Level Domains as a necessary element of a domain name, each of the Domain Names wholly incorporate the AMDOCS Mark along with an additional letter and hyphen. Other UDRP panels have repeatedly held that where the relevant trade mark is recognizable within the disputed domain name, the addition of other terms does not prevent a finding of confusing similarity under the first element; see section 1.8 of [WIPO Overview 3.0](#).

The Panel finds that each of the Domain Names is confusingly similar to the Complainants’ AMDOCS Mark. Consequently, the requirement of paragraph 4(a)(i) of the Policy is satisfied.

#### B. Rights or Legitimate Interests

To succeed on this element, a complainant must make out a *prima facie* case that the respondent lacks rights or legitimate interests in the domain names. If such a *prima facie* case is made out, then the burden of production shifts to the respondent to demonstrate rights or legitimate interests in the domain names.

Paragraph 4(c) of the Policy enumerates several ways in which a respondent may demonstrate rights or legitimate interests in a domain name:

“Any of the following circumstances, in particular but without limitation, if found by the Panel to be proved based on its evaluation of all evidence presented, shall demonstrate your rights or legitimate interests to the domain name for purposes of paragraph 4(a)(ii):

- (i) before any notice to you of the dispute, your 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) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or
- (iii) you are 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.”

The Respondent is not affiliated with the Complainants in any way. The Respondent has not been authorized by the Complainants to register or use the Domain Names or to seek the registration of any domain name incorporating the AMDOCS Mark or a mark similar to the AMDOCS Mark. There is no evidence that the Respondent is commonly known by the Domain Names or any similar name. There is no evidence that the Respondent has used or made demonstrable preparations to use the Domain Names in connection with a legitimate noncommercial fair use or a *bona fide* offering of goods and services. Indeed the Inactive Domain Names do not resolve and on the evidence before the Panel have never resolved to active websites.

The use of the Active Domain Names for what appears to be parking pages with pay-per-click links including advertisements related to the Complainants' products and services does not amount to use for a *bona fide* offering of goods and services.

The Complainants have established a *prima facie* case that the Respondent lacks rights or legitimate interests in the Domain Names. The Respondent has had the opportunity to put on evidence of its rights or legitimate interests, including submissions as to why its conduct amounts to a right or legitimate interest in the Domain Names under the Policy. In the absence of such a Response, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Names under paragraph 4(a)(ii) of the Policy.

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

For the purposes of paragraph 4(a)(iii) of the Policy, the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

- (i) circumstances indicating that the Respondent has registered or has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the Complainant who are the owner of the trade mark or service mark or to a competitor of the Complainant, for valuable consideration in excess of its documented out-of-pocket costs directly related to the domain name; or
- (ii) the Respondent has registered the domain name in order to prevent the owner of the trade mark or service mark from reflecting the mark in a corresponding domain name, provided that the Respondent has engaged in a pattern of such conduct; or
- (iii) the Respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the

Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product or service on the Respondent's website or location. (Policy, paragraph 4(b)).

The Panel finds that the Respondent must have been aware of the Complainants and their reputation in the AMDOCS Mark at the time the Respondent registered the Domain Names. The Respondent has provided no explanation, and none is immediately obvious, why an entity would register 9 domain names incorporating the AMDOCS Mark (and an additional letter and hyphen) and direct 5 of the Domain Names to websites containing links referring to the Complainants and their services unless there was an awareness of and an intention to create a likelihood of confusion with the Complainants and their AMDOCS Mark. In these circumstances, the Respondent's conduct in registering the Domain Names when it was aware of the Complainants' rights and lacked rights or legitimate interests of its own amounts to registration in bad faith.

The Respondent's Websites contain what appear to be pay-per-click links, some of which purport to offer products and services in direct competition with the Complainants. In these circumstances where the Respondent has offered no plausible explanation for the registration of the Domain Names the Panel finds that the Respondent is using or has used the Active Domain Names to intentionally attempt to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the AMDOCS Mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's Websites. As such the Panel finds that the Active Domain Names are being used in bad faith.

The Panel finds that the passive holding of the Inactive Domain Names does not prevent a finding of use in bad faith (see section 3.3 of [WIPO Overview 3.0](#)). Furthermore the Panel is prepared to infer that the Inactive Domain Names are most likely being passively held for future use in the same manner as the Active Domain Names, namely for websites (or to redirect to websites) that will misleadingly create an association with the Complainants for commercial gain.

Accordingly, the Panel finds that the Respondent has registered and used the Domain Names in bad faith under 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 disputed domain names, <a-amdocs.com>, <c-amdocs.com>, <i-amdocs.com>, <k-amdocs.com>, <n-amdocs.com>, <v-amdocs.com>, <x-amdocs.com>, <y-amdocs.com>, and <z-amdocs.com>, be transferred to the Complainants.

*/Nicholas Smith/*

**Nicholas Smith**

Sole Panelist

Date: June 3, 2022