

ADMINISTRATIVE PANEL DECISION

Goodwill Industries International, Inc. v. Federico Murua
Case No. D2022-1944

1. The Parties

Complainant is Goodwill Industries International, Inc., United States of America (“United States”), represented by Kilpatrick Townsend & Stockton LLP, United States.

Respondent is Federico Murua, United States.

2. The Domain Name and Registrar

The disputed domain name <goodwill.org> (hereinafter the “Disputed Domain Name”) is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 28, 2022. On May 30, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On June 1, 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 June 1, 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 on June 2, 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 Respondent of the Complaint, and the proceedings commenced on June 13, 2022. In accordance with the Rules, paragraph 5, the due date for Response was July 3, 2022. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on July 4, 2022.

The Center appointed Lawrence K. Nodine as the sole panelist in this matter on July 21, 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 nonprofit organization that has collected, repaired, and distributed household goods and clothing under the GOODWILL mark since at least 1915. Those operations expanded to include providing training and education to individuals to assist with finding employment. Complainant now is one of the largest charities in the United States with 155 community-based member agencies and more than 3,200 stores operating under the GOODWILL mark. In 2020, Complainant placed more than 126,000 people into jobs and provided digital awareness training to more than one million people in the United States. Complainant has received multiple recognitions, including a top ranking on the “Brand World Value Index” in 2016 and 2017, and inclusion in Forbes list of “The 100 Largest U.S. Charities” in 2021.

Complainant owns United States trademark registrations for the GOODWILL mark (Reg. No. 854,872, Registered August 13, 1968; Reg. No. 3,070,744, Registered March 21, 2006) (the “Mark”). Complainant also owns the domain name <goodwill.org> (registered in 1995), which it uses for its company email addresses for both internal and external communications.

Respondent registered the Disputed Domain Name on May 17, 2022, long after Complainant registered its GOODWILL mark. The Disputed Domain Name resolves to an inactive webpage.

5. Parties’ Contentions

A. Complainant

Complainant contends that the Disputed Domain Name is confusingly similar to its GOODWILL mark, as the Disputed Domain Name incorporates the entirety of the Mark, only containing an intentional misspelling - adding an additional letter “i” at the end of the Mark. Complainant alleges that Respondent also created an email address associated with the Disputed Domain Name to send emails purporting to be Complainant in order to obtain laptops fraudulently.

Next, Complainant states that Respondent has no rights or legitimate interests in the Disputed Domain Name, as Respondent is not affiliated with Complainant and Complainant has not authorized Respondent to use the Disputed Domain Name. According to Complainant, Respondent has been using the Disputed Domain Name to impersonate Complainant as part of a fraudulent scheme to trick unsuspecting vendors of Complainant into providing laptops to Respondent. Complainant contends that Respondent registered the Disputed Domain Name to take unfair advantage of the goodwill and reputation of Complainant’s GOODWILL mark for its own commercial gain.

Finally, Complainant alleges that Respondent registered and continues to use the Disputed Domain Name in bad faith. Complainant offered evidence that, in an email using the Disputed Domain Name, Respondent falsely identified itself as “we, the management of Goodwill Industries International Inc.” and fraudulently solicited orders for laptop computers. Complainant contends that Respondent’s use of the Disputed Domain Name to impersonate Complainant is evidence of bad faith as well as Respondent’s knowledge of the Mark.

B. Respondent

Respondent did not reply to Complainant’s contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

The Panel finds that Complainant's trademark registration establishes that it has rights in the GOODWILL mark. The Panel further finds that the Disputed Domain Name is confusingly similar to Complainant's Mark. Respondent's addition of an extra "l" is an example of an intentional misspelling of a trademark that results in a domain name that is confusingly similar to the Mark. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") at section 1.9; see also, e.g., *Accenture Global Services Limited v. Name Redacted*, WIPO Case No. [D2018-0777](#) (finding <acceature.com> confusingly similar to the ACCENTURE mark); and *Novartis AG v. Whois Agent (651421573)*, *Whois Privacy Protection Service, Inc. / Wis Inc, WIS INC.*, WIPO Case No. [D2021-1521](#) (finding <consentyx.com> confusing similar to the COSENTYX mark).

B. Rights or Legitimate Interests

Complainant has presented a *prima facie* case for Respondent's lack of rights or legitimate interests in the Disputed Domain Name, which Respondent has not rebutted. Complainant has not authorized Respondent to use its trademark. Respondent also has not answered this Complaint and there is no evidence or reason to suggest Respondent is, in fact, commonly known by the Disputed Domain Name or that Respondent is using the Disputed Domain Name in connection with a *bona fide* offering of goods or services.

Additionally, typosquatting is evidence of a lack of rights or legitimate interests in the Disputed Domain Name, see *Redbox Automated Retail, LLC d/b/a Redbox v. Milen Radumilo*, WIPO Case No. [D2019-1600](#), and the use of an email account to send emails falsely purporting to be Complainant also does not give rise to rights or legitimate interests in the Disputed Domain Name. Use of a domain name for illegal activity, such as impersonation, can never confer rights or legitimate interests on a respondent. See [WIPO Overview 3.0](#), section 2.13.

The Panel finds that Respondent does not have rights or a legitimate interests in the Disputed Domain Name and that Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds that Respondent registered and used the Disputed Domain Name in bad faith. First, typosquatting, such as the addition of a letter, is evidence that Respondent was aware of and sought to impersonate Complainant when it registered the Disputed Domain Name. See, e.g., *Redbox Automated Retail, LLC d/b/a Redbox v. Milen Radumilo*, *supra*. As such, typosquatting is evidence of bad faith registration of a domain name. See, *Longs Drug Stores Cal., Inc. v. Shep Dog*, WIPO Case No. [D2004-1069](#) (Finding typosquatting to be evidence of bad faith domain name registration); *Lexar Media, Inc. v. Huang*, WIPO Case No. [D2004-1039](#) ("Typosquatting has been held under the Policy to be evidence of bad faith registration of a domain name"); *Wal-Mart Stores, Inc. v. Longo*, WIPO Case No. [D2004-0816](#) ("[typosquatting] is presumptive of registration in bad faith"). In addition, Respondent explicitly impersonated Complainant through the use of an email associated with the Disputed Domain Name to send fraudulent solicitations asking vendors to ship laptops to Respondent. Respondent clearly intended that recipients of its emails would not notice the misspelling in the email address and assume that the emails were sent by Complainant. Such conduct amounts to bad faith use of the Disputed Domain Name. See *Super Cassettes Industries Private Limited v. Muhammad Irfan*, WIPO Case No. [D2022-0557](#); see also [WIPO Overview 3.0](#), section 3.1.3. ("[T]he use of a domain name for per se illegitimate activity . . . is manifestly considered evidence of 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, <goodwilll.org> be transferred to Complainant.

/Lawrence K. Nodine/

Lawrence K. Nodine

Sole Panelist

Date: August 3, 2022