

## **ADMINISTRATIVE PANEL DECISION**

American Airlines, Inc. v. Contact Privacy, Inc., Customer 0161294199 /  
Milen Radumilo, Milen Radumilo  
Case No. D2022-2326

### **1. The Parties**

The Complainant is American Airlines, Inc., United States of America (“United States”), represented by Greenberg Traurig, LLP, United States.

The Respondent is Contact Privacy, Inc., Customer 0161294199, Canada / Milen Radumilo, Milen Radumilo, Romania.

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

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

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 27, 2022. On June 28, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 28, 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 June 29, 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 July 6, 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 July 7, 2022. In accordance with the Rules, paragraph 5, the due date for Response was July 27, 2022. The Respondent did not submit any Response. Accordingly, the Center notified the Respondent’s default on July 28, 2022.

The Center appointed Kiyoshi Tsuru as the sole panelist in this matter on August 3, 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 company based in the United States with more than 90 years of existence and is amongst the largest air carriers in the world. Before the Covid-19 pandemic it served over 350 destinations in over 50 countries with nearly 7,000 daily flights.

Among other trademark registrations around the world, the Complainant owns the following:

Trademark	No. Registration	Registration Date	Jurisdiction
American Airlines	4939082	April 19, 2016	United States
American Airlines	5279167	September 5, 2017	United States
American Airlines	000153726	March 29, 1999	European Union
American Airlines	013617527	May 28, 2015	European Union
American Airlines	460360	May 16, 1994	Mexico
American Airlines	UK00900153726	March 29, 1999	United Kingdom

The Complainant owns the domain names <aa.com>, and <americanairlines.com> since January 2, and April 17, 1998, respectively. The domain name <americanairlines.com> redirects to <aa.com>.

The Complainant is very active on social media and has over 2.6 million followers on Facebook and 1.6 million followers on Twitter.

The disputed domain name <americanairlines.com> was registered on March 31, 2021, and, at the time of the filing of the Complaint, it resolved to a parked website comprising pay-per-click links.

#### 5. Parties' Contentions

##### A. Complainant

That the Complainant is the largest air carrier in the world that enjoys a worldwide reputation with over 350 destinations in over 50 countries around the world, and nearly 7,000 flights a day.

That in over 90 years of existence, the Complainant has invested billions of dollars in its intellectual property.

That according to the web analytics platform at <similarweb.com> the Complainant's website has been ranked the number one website in the world in the category of Air Travel.

That the Complainant is very active on social media and has over 2.6 million followers on Facebook and over 1.6 million followers on Twitter.

That due to the above, the Complainant's trademarks have achieved worldwide fame and recognition.

That previous panels appointed under the Policy have recognized that the Complainant's trademarks AMERICAN and AMERICAN AIRLINES are well known.

##### I. Identical or Confusingly Similar

That the Complainant owns numerous trademark registrations for AMERICAN and AMERICAN AIRLINES around the world.

That the Complainant does not need to have a trademark registration where the Respondent is purportedly located, to demonstrate its rights.

That the disputed domain name incorporates the Complainant's AMERICAN AIRLINES, adding an "I" to the term "airlines", plus the generic Top-Level-Domain ("gTLD") ".com".

That numerous panels have found that the mere additions of a gTLD, and a typosquatted version of famous trademarks result in confusing similarity.

That pursuant to paragraph 4(a)(i) of the Policy the disputed domain name is confusingly similar to the Complainant's trademarks.

## II. Rights or Legitimate Interests

That, without the Complainant's authorization or consent, the Respondent registered the disputed domain name, which misappropriates and is confusingly similar to the Complainant's trademarks.

That the Respondent is not commonly known by the disputed domain name, nor has she used or prepared to use the disputed domain name in connection with a *bona fide* offering of goods and services.

That the Respondent has not been authorized, licensed, or otherwise permitted by the Complainant to register and/or use the disputed domain name.

That the Respondent has never operated any *bona fide* or legitimate business under the disputed domain name and is not making a protected noncommercial or fair use of the disputed domain name.

That the Respondent is using the disputed domain name to divert Internet traffic to various third-party websites to earn a commission through an affiliate advertising program. That several panels have found that this use neither demonstrates a *bona fide* offering of goods and services under the Policy, nor a legitimate noncommercial or fair use of the disputed domain name.

That the Respondent used a privacy service, and that therefore, she is not commonly known by the disputed domain name, and thus lacks rights to and legitimate interests in the disputed domain name.

## III. Registered and Used in Bad Faith

That the Respondent registered and is using the disputed domain name in bad faith.

That long after the Complainant established its rights in its famous trademarks, and with knowledge of those trademarks, the Respondent acquired the disputed domain name.

That the Respondent is intentionally attempting to attract Internet users to the Respondent's website for commercial gain by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation, or endorsement of the Respondent's website.

That the Respondent knew the Complainant's trademarks when she registered the disputed domain name, which amounts to bad faith.

That the mere fact that the Respondent registered the disputed domain name which incorporates the well-known Complainant's trademark is sufficient to infer bad faith.

That the disputed domain name has active mail exchange records, which evidences the likelihood of additional bad faith use of the disputed domain name to engage in fraudulent email or phishing schemes. That the Respondent was aware of the Complainant's well-known trademarks when she acquired the disputed domain name because it resolves to various third-party websites related with the Complainant's

business.

That the Respondent listed the disputed domain name for sale for USD 1,687 on “Afternic”, a domain name and auction platform, which is far in excess of the Respondent’s investment in the disputed domain name, which constitutes bad faith registration and use of the disputed domain name.

That the Respondent has incurred in a pattern of prior bad faith registration of several domain names which is further evidence of bad faith registration and use of the disputed domain name.

## **B. Respondent**

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

## **6. Discussion and Findings**

In accordance with paragraph 4(a) of the Policy, the Complainant is required to prove that each of the three following elements is satisfied:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name was registered and is being used in bad faith.

Given the Respondent’s failure to submit a formal Response, the Panel may decide this proceeding based on the Complainant’s undisputed factual allegations, in accordance with paragraphs 5(f), 14(a), and 15(a) of the Rules, (see *Joseph Phelps Vineyards LLC v. NOLDC, Inc., Alternative Identity, Inc., and Kentech*, WIPO Case No. [D2006-0292](#)).

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

The disputed domain name is confusingly similar to the AMERICAN AIRLINES trademark since said disputed domain name includes it entirely, with the addition of the letter “l” between the “a” and “irlines” in “airlines”, which makes this a typical case of typosquatting, considering that it is an intentional misspelling of the Complainant’s trademark (see section 1.9 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”); see also *Schneider Electric S.A. v. Domain Whois Protect Service / Cyber Domain Services Pvt. Ltd.*, WIPO Case No. [D2015-2333](#); *Rolls-Royce plc v. John Holt.*, WIPO Case No. [D2017-1842](#); *Mastercard Prepaid Management Services Limited v. Cash SDSD*, WIPO Case No. [D2020-1938](#); and *ZB, N.A., a national banking association, dba Zions First National Bank v. Sharon White*, WIPO Case No. [D2017-1769](#)).

The addition of the gTLD “.com” to the disputed domain name constitutes a technical requirement of the Domain Name System. Thus, it has no legal significance in assessing identity or confusing similarity in the present case (see *CARACOLITO S SAS v. Nelson Brown, OXM.CO*, WIPO Case No. [D2020-0268](#); *SAP SE v. Mohammed Aziz Sheikh, Saptiq Global Consulting Services*, WIPO Case No. [D2015-0565](#); and *Bentley Motors Limited v. Domain Admin / Kyle Rocheleau, Privacy Hero Inc.*, WIPO Case No. [D2014-1919](#)).

Therefore, the first element of the Policy has been met.

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

Paragraph 4(c) of the Policy sets forth the following examples as circumstances where a respondent may have rights to or legitimate interests in the disputed domain name:

(i) before any notice to the respondent of the dispute, the use by the respondent of, or demonstrable preparations to use, the disputed 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 (as an individual, business, or other organization) has been commonly known by the disputed domain name, even if it did not acquire 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.

The Complainant has proven to be the owner of several registrations for the AMERICAN AIRLINES trademark in different jurisdictions.

The Complainant has asserted that there is no relationship or affiliation between the Complainant and the Respondent, that it has not granted any license, permission, authorization, or other rights to the Respondent to use its trademark, and that the Respondent has not been commonly known by the disputed domain name (see cases *Beyoncé Knowles v. Sonny Ahuja*, WIPO Case No. [D2010-1431](#); and *Six Continents Hotels, Inc. v. IQ Management Corporation*, WIPO Case No. [D2004-0272](#)). The Respondent did not contest these allegations.

The Respondent's election of the disputed domain name, which consists of a typosquatted version of the Complainant's trademark, shows that the Respondent has targeted the Complainant, its trademarks, and its business. The website to which the disputed domain name resolved consisted of a parked website comprising pay-per-click links, some of which were related to the Complainant's products and services. Therefore, the Respondent's conduct cannot be considered as a legitimate noncommercial or fair use of the disputed domain name (see *Wachovia Corporation v. Peter Carrington*, WIPO Case No. [D2002-0775](#) and *Edmunds.com, Inc. v. Digi Real Estate Foundation*, WIPO Case No. [D2006-1043](#)).

As mentioned above, the disputed domain name resolves to a parked website comprising pay-per-click links, some of which are related to the Complainant's business. Paragraph 4(c) of the Policy establishes that this cannot constitute a *bona fide* offering, because said links capitalize on the reputation and goodwill of the Complainant's trademark, or otherwise mislead Internet users into thinking that there is some sort of relationship or association between the Complainant and the Respondent (see section 2.9 of the [WIPO Overview 3.0](#); see also *ABSA Bank Limited v. Domain Administrator, See PrivacyGuardian.org / Sidoti Parmer*, WIPO Case No. [D2020-2992](#); *Archer-Daniels-Midland Company v. Wang De Bing*, WIPO Case No. [D2017-0363](#); *Fontem Holdings 4, B.V. v. J- B-, Limestar Inc.*, WIPO Case No. [D2016-0344](#); *Barceló Corporación Empresarial, S.A. v. Hello Domain*, WIPO Case No. [D2007-1380](#); and *Merck Sharp & Dohme Corp. v. Domain Administrator, PrivacyGuardian.org / George Ring, DN Capital Inc.*, WIPO Case No. [D2017-0302](#)).

The Complainant has established a *prima facie* case asserting that the Respondent lacks rights to or legitimate interests in the disputed domain name. The Respondent did not submit any evidence or arguments to challenge the Complainant's assertions.

Accordingly, the Complainant has satisfied the requirements of the second element of the Policy.

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

Bad faith under the Policy is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant's mark. According to paragraph 4(b) of the Policy, the following circumstances, in particular but without limitation, shall be evidence of registration and use 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 is the owner of the trademark or service mark or to a competitor of that 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 trademark 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 its website or location.

The Complainant has ascertained its rights over the AMERICAN AIRLINES trademark in several jurisdictions. The dates of registration of the Complainant's trademarks significantly precede the date of registration of the disputed domain name.

The Panel agrees with previous panels appointed under the Policy, in that the AMERICAN AIRLINES trademark is well known (see *American Airlines, Inc. v. Domains By Proxy, LLC / Carolina Rodrigues, Fundacion Comercio Electronico*, WIPO Case No. [D2022-1048](#); *American Airlines, Inc. v. Bob Phua*, WIPO Case No. [D2022-0012](#); *American Airlines, Inc. v. Super Privacy Service LTD c/o Dynadot / Milen Radumilo*, WIPO Case No. [D2021-1242](#), and *American Airlines, Inc. v. Ramadhir Singh, WhoisGuard Protected, WhoisGuard, Inc. / Reema Gupta, Ballu Balwant, Domain Admin, Privacy Protect, LLC (PrivacyProtect.org) / Lucy Lionel, Lucy99, Red Keep*, WIPO Case No. [D2021-0294](#)).

The typosquatting conduct of the Respondent amounts to bad faith registration of the disputed domain name (see *Lexar Media, Inc. v. Michael Huang*, WIPO Case No. [D2004-1039](#); *Wal-Mart Stores, Inc. v. Longo*, WIPO Case No. [D2004-0816](#); *Admiral Group Plc and EUI Limited v. Cimpress Schweiz, Cimpress Schweiz GmbH*, WIPO Case No. [DCO2017-0043](#); *MouseSavers, Inc. v. Mr. Henry Tsung d/b/a www.wwwmousesavers.com*, WIPO Case No. [D2004-1034](#); and *BOEHRINGER Ingelheim Pharma GmbH & Co. KG v. Martin Hughes*, WIPO Case No. [D2016-1546](#)).

Taking the above into consideration, as well as the fact that the Respondent has targeted the Complainant, its services, and its clients, it is clear that the Respondent knew about the Complainant and its trademarks when the disputed domain name was registered. This conduct constitutes opportunistic bad faith registration under the Policy (see section 3.2.1 of the [WIPO Overview 3.0](#); see also *L'Oréal v. Contact Privacy Inc. Customer 0149511181 / Jerry Peter*, WIPO Case No. [D2018-1937](#); *Gilead Sciences Ireland UC / Gilead Sciences, Inc. v. Domain Maybe For Sale c/o Dynadot*, WIPO Case No. [D2019-0980](#); and *Boehringer Ingelheim Pharma GmbH & Co. KG v. Marius Graur*, WIPO Case No. [D2019-0208](#)).

Moreover, as stated in the discussion of the preceding factor of the Policy, the disputed domain name resolves to a parked website comprising pay-per-click links related to the Complainant's business. Therefore, this Panel considers that the Respondent is trying to capitalize on the reputation and goodwill of the Complainant's trademark by misleading Internet users, for commercial gain, to the disputed domain name by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the disputed domain name, which constitutes bad faith under paragraph 4(b)(iv) of the Policy (see section 3.1.4 of the [WIPO Overview 3.0](#), see also *Fontem Holdings 4, B.V. v. J- B-, Limestar Inc., supra*; *Archer-Daniels-Midland Company v. Wang De Bing, supra*, and *Merck Sharp & Dohme Corp. v. Domain Administrator, PrivacyGuardian.org / George Ring, DN Capital Inc., supra*).

Another indicator of bad faith is the pattern of cybersquatting in which the Respondent has been involved (see *Sociedad de Ahorro y Credito Credicom, Sociedad Anonima v. Milen Radumilo*, WIPO Case No. [D2020-2885](#); *Aldi GmbH & Co. KG, Aldi Stores Limited v. Milen Radumilo*, WIPO Case No. [D2021-0470](#); *Oney Bank v. Milen Radumilo*, WIPO Case No. [D2021-1256](#); *Vorwerk International AG v.*

*Milen Radumilo*, WIPO Case No. [D2021-3194](#); *Caisse d'épargne et de prévoyance Ile-de-France v. Perfect Privacy, LLC / Milen Radumilo*, WIPO Case No. [D2021-4399](#); *Equifax Inc. v. Milen Radumilo*, WIPO Case No. [D2022-0780](#); *Colibri SAS v. Milen Radumilo*, WIPO Case No. [D2022-1027](#); *Andros v. Milen Radumilo*, WIPO Case No. [D2022-1209](#), and *Associated Newspapers Limited v. Milen Radumilo*, WIPO Case No. [D2022-2094](#)). This pattern further supports a finding of bad faith according to paragraph 4(b)(ii) of the Policy (see section 3.1.2 of the [WIPO Overview 3.0](#)).

The abovementioned facts show that not only the Respondent registered the disputed domain names in bad faith, but also, that the Respondent has been using the disputed domain names in bad faith. Therefore, the third element of the Policy has been proven.

## 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, <americanairlines.com> be transferred to the Complainant.

*/Kiyoshi Tsuru/*

**Kiyoshi Tsuru**

Sole Panelist

Date: August 18, 2022