

## **ADMINISTRATIVE PANEL DECISION**

Latham & Watkins LLP v. robert Iho, amex  
Case No. D2022-4808

### **1. The Parties**

Complainant is Latham & Watkins LLP, United States of America (“United States”), represented by Latham & Watkins LLP, United States.

Respondent is robert Iho, amex, United States.

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

The disputed domain name <lathamawatkins.com> is registered with Hostinger, UAB (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 14, 2022. On December 15, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 16, 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 originally-named Respondent (Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. The Center sent an email communication to Complainant on December 19, 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 December 21, 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 December 22, 2022. In accordance with the Rules, paragraph 5, the due date for Response was January 11, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on January 31, 2023.

The Center appointed Michael A. Albert as the sole panelist in this matter on February 9, 2023. 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 one of the world's top law firms with over 3,000 attorneys in thirty-two offices located in fourteen different countries. Since its founding in Los Angeles, California, United States, in 1934, Complainant has offered professional legal services under the LATHAM & WATKINS trademark and associated logos and terms. Complainant also owns a United States federal trademark registration (No. 2,413,795) for the LATHAM & WATKINS mark, registered on December 19, 2000, as well as several other trademark registrations. Complainant has also registered and owns numerous domain names consisting of or incorporating its LATHAM & WATKINS mark.

The disputed domain name was registered on November 9, 2022. The disputed domain name has been used as a part of a fraudulent email scheme, impersonating Complainant's former managing partner.

#### **5. Parties' Contentions**

##### **A. Complainant**

Complainant contends that the disputed domain name is clearly intended to play on the LATHAM & WATKINS mark. The disputed domain name, <lathamawatkins.com>, simply adds the letter "a" to the middle of the trademark and legitimate domain name <lathamwatkins.com>. The disputed domain name is nearly identical to the LATHAM & WATKINS trademark and the <lathamwatkins.com> domain name in all material respects, thereby leading to a likelihood of confusion.

Respondent has no rights or legitimate interests in the disputed domain name. Respondent (1) has no authorization, license, or permission to use the LATHAM & WATKINS mark or register this domain name; (2) has no reason to be commonly known by the famous LATHAM & WATKINS mark; (3) has not provided information evidencing a reason to use the LATHAM & WATKINS mark; (4) has not made a *bona fide* offering of goods and services in connection with, or other fair use of, the disputed domain name; and (5) has only used the domain name in an attempt to defraud Complainant's clients.

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

Respondent did not reply to Complainant's contentions.

#### **6. Discussion and Findings**

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

The Complainant has provided evidence attesting to its ownership of registered rights in the LATHAM & WATKINS trademark.

In registering the disputed domain name, Respondent has engaged in typosquatting, a practice by which "a registrant deliberately introduces slight deviations into [protectable] marks." See, e.g., *Byram Healthcare Centers, Inc. v. ICS Inc. / Contact Privacy Inc.*, WIPO Case No. [D2014-0027](#). Specifically, Respondent has added the letter "a" to the LATHAM & WATKINS trademark. Panels have consistently found that "[a] domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element" (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.9).

Further, Respondent's use of the ".com" generic Top-Level Domain ("gTLD") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test.

The Panel finds that Complainant has satisfied paragraph 4(a)(i) of the Policy.

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

There is no evidence demonstrating a *bona fide* offering of goods or services by Respondent. Once a complainant makes a *prima facie* showing that the respondent lacks any rights or legitimate interests, the respondent must demonstrate its rights or legitimate interest.

Complainant here has made such a *prima facie* showing. Complainant confirms that Respondent does not have license, permission, or authorization to use Complainant's mark. Furthermore, the disputed domain name does not resolve to a website. Non-use supports a finding of no rights or legitimate interest in a disputed domain name. See, e.g., *Welch Foods Inc. v. USCYB*, WIPO Case No. [D2001-1072](#); *Expedia, Inc. v. Miles Pennella*, WIPO Case No. [D2001-1416](#). Respondent's only known use of the domain name was an attempt to impersonate one of Complainant's former managing partners to fraudulently extract money from one of its clients. "Panels have categorically held that the use of a domain name for illegal activity. . . can never confer rights or legitimate interests on a respondent." [WIPO Overview 3.0](#), section 2.13.1; *Marlink SA v. Sam Hen, Elegant Team*, WIPO Case No. [D2019-1215](#).

Respondent has not rebutted or responded in any way to Complainant's *prima facie* showing.

Accordingly, the Panel finds that Complainant has satisfied paragraph 4(a)(ii) of the Policy.

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

Respondent's conduct in this case demonstrates bad-faith registration and use of the disputed domain name within the meaning of paragraph 4(a)(iii) of the Policy. As stated above, Complainant provided evidence that the disputed domain name was used to impersonate one of Complainant's attorneys and attempt to fraudulently extract money from one of its clients. Such conduct exemplifies bad faith. *Wiltons Holdings Ltd. v. Domain Administrator*, See *PrivacyGuardian.org / Johan Brolin*, WIPO Case No. [D2017-1161](#) ("Use of the disputed domain name for fraud constitutes bad faith."); see also *Marlink SA v. Sam Hen, Elegant Team*, WIPO Case No. [D2019-1215](#) (finding "clear" evidence a domain name was registered in bad faith where the respondent registered the domain name "for the purpose of intentionally attempting to mislead in order to commit fraud.").

The Panel finds that Complainant has satisfied 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 name <lathamawatkins.com> be transferred to Complainant.

*/Michael A. Albert/*

**Michael A. Albert**

Sole Panelist

Date: February 23, 2023