

ADMINISTRATIVE PANEL DECISION

American Airlines, Inc. v. Selina Day
Case No. D2023-2463

1. The Parties

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

Respondent is Selina Day, United States.

2. The Domain Names and Registrar

The disputed domain names <americanairlinesjob.com> and <careersamericanairlines.com> (hereinafter referred to collectively as the “Disputed Domain Names”) are registered with Google LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 6, 2023. On June 7, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Names. On June 7, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Disputed Domain Names, which differed from the named Respondent (Contact Privacy, Inc. Customer 7151571251) and contact information in the Complaint. The Center sent an email communication to Complainant on June 8, 2023, 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 12, 2023.

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 19, 2023. In accordance with the Rules, paragraph 5, the due date for Response was July 9, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on July 12, 2023.

The Center appointed Lawrence K. Nodine as the sole panelist in this matter on July 26, 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.

The Panel confirmed that both of the Disputed Domain Names are registered by Respondent. Accordingly, the Complaint complies with Rule 3(c).

4. Factual Background

Complainant is one of the largest airlines in the world. Complainant owns United States Trademark Registration No. 0514294 (registered August 23, 1949) for the trademark AMERICAN AIRLINES (the “Mark”). Complainant has also obtained trademark registrations incorporating its AMERICAN AIRLINES mark in over 75 countries. Complainant submits substantial evidence that it is well-known. According to one web analytics resource, Complainant has been ranked the number one website in the world in the category of Air Travel. Complainant is also active on social media and has over 2.6 million followers on Facebook and 1.6 million followers of Twitter. Previous panels have recognized that Complainant’s AMERICAN AIRLINES and AMERICAN name and Mark are well-known worldwide. See *American Airlines, Inc. v. Ramadhir Singh, WhoisGuard Protected, WhoisGuard, Inc. et al.*, WIPO Case No. [D2021-0294](#) (finding that Complainant “indisputably has rights in the registered trademark AMERICAN, both by virtue of its numerous trademark registrations and as a result of its global goodwill and reputation”; and that Complainant’s “AMERICAN mark has extensive presence over the Internet and is well known worldwide”).

Both Disputed Domain Names were registered on February 28, 2023, and resolve to inactive websites.

5. Parties’ Contentions

A. Complainant

Complainant contends that it has rights in the trademark AMERICAN AIRLINES and that the Disputed Domain Names incorporate Complainant’s trademark in full, changing the Mark only by adding the terms “careers” and “job” to the Mark, which do not dispel a likelihood of confusion.

Complainant contends that Respondent has no rights or legitimate interests in respect of the Disputed Domain Names; that Respondent is not commonly known by the Disputed Domain Names; that Respondent has not used or prepared to use the Disputed Domain Names in connection with a *bona fide* offering of goods or services; and that Complainant has not authorized, licensed, or otherwise permitted Respondent to register or use the Disputed Domain Names. There is no content posted on the websites associated with the Disputed Domain Names and Complainant is not aware of any content ever having been posted on these websites.

Complainant contends that Respondent registered and uses the Disputed Domain Names in bad faith. Respondent was aware of Complainant when it registered the Disputed Domain Names without any plausible good faith purpose. Complainant contends that Respondent’s passive use constitutes bad faith use.

B. Respondent

The Respondent did not submit a response to the Complaint.

6. Discussion and Findings

A. Identical or Confusingly Similar

The Panel finds that Complainant has rights in the AMERICAN AIRLINES trademark, as evidenced by its multiple trademark registrations including United States Trademark Registration No. 0514294 (registered 1949). The Panel also finds that both of the Disputed Domain Names are confusingly similar to Complainant's trademark as they include identical reproductions of the whole Mark.

The addition of the terms "job" and "careers" does not dispel the confusion. See *Magna International Inc. v. Tony Hess*, WIPO Case No. [D2022-1305](#) ("The addition of the word "jobs" and a hyphen does not prevent a finding of confusing similarity under Policy, paragraph 4(a)(i)). See also *Bayer AG v. Melissa Solis, et al*, WIPO Case No. [D2022-4127](#) ("The addition of the terms "career/careers" does not avoid a finding of confusing similarity between the disputed domain names and the Complainant's trademark.") See also WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.8.

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

B. Rights or Legitimate Interests

The Panel finds that Respondent does not have rights or a legitimate interest in either of the Disputed Domain Names.

Complainant has presented a *prima facie* case for Respondent's lack of rights or legitimate interests in the Disputed Domain Names, which Respondent has not rebutted. Complainant has not authorized Respondent to use the Mark. 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 Names or that Respondent is using the Disputed Domain Names in connection with a *bona fide* offering of goods or services. Rather, the Disputed Domain Names resolve to inactive websites and not to any website offering any goods or services, legitimate or otherwise.

The Panel finds 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 is using the Disputed Domain Names in bad faith.

The panel finds that Complainant's AMERICAN AIRLINES Mark is well-known around the world. The Panel finds, based on a preponderance of the evidence, that Respondent was likely aware of Complainant's rights when it registered the Disputed Domain Names and that it registered them in bad faith with no plausible good faith purpose.

The Panel also finds bad faith use under the passive holding doctrine. As section 3.3 of the [WIPO Overview 3.0](#) explains, "factors that have been considered relevant in applying the passive holding doctrine include:

- (i) the degree of distinctiveness *or* reputation of the complainant's mark,
- (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use,
- (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement); and
- (iv) the implausibility of any good faith use to which the domain name may be put" (emphasis added).

Here, three of the four of the factors strongly support a finding of bad faith passive holding. First, Complainant has submitted substantial evidence that its AMERICAN AIRLINES Mark is well-known worldwide, and the Panel so finds. Second, Respondent has not submitted a Response, and there is no evidence in the record from which the Panel could conclude that Respondent has any actual or contemplated good faith use. Third, there is no plausible explanation for any good faith use of the Disputed Domain Names. Indeed, the addition of the terms “job” and “careers” indicates that it is probable that Respondent intended falsely to promote any future associated websites or email communications as fake resources for securing employment with Complainant.

The Panel also finds that the Disputed Domain Names follow a pattern often used in phishing scams. Given this risk, the Panel exercises its discretion to draw adverse inferences from Respondent’s failure to submit a response, which negative inferences buttress its finding of bad faith use.

Given these facts, it is more likely than not that Respondent had Complainant’s Mark in mind when he registered the Disputed Domain Names, and that Respondent registered and used the Disputed Domain Names in bad faith.

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 names, <americanairlinesjob.com> and <careersamericanairlines.com> be transferred to Complainant.

/Lawrence K. Nodine/

Lawrence K. Nodine

Sole Panelist

Date: August 9, 2023