

ADMINISTRATIVE PANEL DECISION

Iconectiv, LLC v. Domain Administrator, Fundacion Privacy Services LTD
Case No. D2022-0044

1. The Parties

The Complainant is Iconectiv, LLC, United States of America (“United States”), represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Domain Administrator, Fundacion Privacy Services LTD, Panama.

2. The Domain Name and Registrar

The disputed domain name <iconectiv.com> (the “Domain Name”) is registered with Media Elite Holdings Limited dba Register Matrix (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 6, 2022. On January 6, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On January 12, 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 January 14, 2022. In accordance with the Rules, paragraph 5, the due date for Response was February 3, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 8, 2022.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on February 11, 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 provides authoritative numbering intelligence to the global communications industry. The business was acquired by Ericsson in 2012, then restructured and rebranded as “iconectiv” in 2013. The Complainant’s solutions enable the interconnection of networks, devices and applications for more than two billion people every day to access and exchange information.

The Complainant owns trademark registrations for ICONECTIV, such as United States trademark registration number 4998490 registered on July 12, 2016. The Complainant maintains its primary website at “www.iconectiv.com” since September 2012. The website had a daily traffic of 412,266.19 in the past 12 months.

According to the Registrar, the Domain Name was registered on May 18, 2021. At the time of the Complaint and at the time of drafting the Decision, the Domain Name resolved to a webpage with pay-per-click (“PPC”) links.

5. Parties’ Contentions

A. Complainant

The Complainant provides evidence of trademark registration, and argues that the Domain Name is confusingly similar to the Complainant’s trademark. The Domain Name is purposeful misspelling of the Complainant’s ICONECTIV trademark. The Domain Name varies from the Complainant’s trademark by only one letter as the Respondent has removed the letter “c” from ICONECTIV. This must be considered as typosquatting.

The Complainant asserts that it has no association with the Respondent and has never authorized or licensed the Respondent to use its trademark. There is no evidence indicating that the Respondent has been commonly known by the Domain Name. The Respondent cannot establish rights in the Domain Name, as it has not made any use of, or demonstrable preparations to use, the Domain Name in connection with a *bona fide* offering of goods or services. The Respondent uses the Domain Name in connection with a parking page displaying PPC links. This is not a *bona fide* offering. The Complainant further argues that the Respondent has used a privacy service that points to a lack of legitimate interest.

The Complainant submits that the Respondent was or should have been aware of the Complainant prior to registering the Domain Name. The Complainant argues that it is a case of typosquatting that in itself is evidence of bad faith registration and use. Moreover, the Domain Name is offered for sale at Sedo for a minimum offer of USD 899, an amount that far exceeds the Respondent’s out-of-pocket expenses in registering the Domain Name. The Respondent creates a likelihood of confusion with the Complainant and its trademark by registering the Domain Name that misspells the Complainant’s trademark, in order to mislead Internet users. The Respondent’s use of a privacy service further indicates bad faith. As a final indication of bad faith, the Respondent has ignored the Complainant’s attempts to resolve this dispute outside of this administrative proceeding.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has established that it has rights in the trademark ICONECTIV. The test for confusing similarity involves a comparison between the trademark and the Domain Name. The Domain Name varies from the Complainant's trademark by only the removal of the letter "c". This minor misspelling does not prevent a finding of confusing similarity between the Domain Name and the trademark; see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.9.

For the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domain, see [WIPO Overview 3.0](#), section 1.11.

The Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Complainant has made unrebutted assertions that it has not granted any authorization to the Respondent to register a domain name containing the Complainant's trademark or otherwise make use of the Complainant's mark. There is no evidence that the Respondent has registered the Domain Name as a trademark or acquired unregistered trademark rights and the Panel finds no indication that the Respondent is commonly known by the Domain Name. The Respondent has not offered any explanation as to the registration of the Domain Name, and therefore not provided any evidence of good-faith use. The Respondent's use of the Domain Name to redirect to PPC links is not *bona fide*, but rather evidence of bad faith as the Respondent seeks to capitalize on the Complainant's trademark or mislead Internet users; see [WIPO Overview 3.0](#) section 2.9.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name in accordance with paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds it probable that the Respondent was aware of the Complainant and its business when the Respondent registered the Domain Name. The Complainant's trademark and domain name predate the registration of the Domain Name, and the Domain Name is nearly identical to the Complainant's trademark.

The Domain Name appears to be a misspelling of said trademark and the Respondent has not provided any evidence of actual or contemplated good-faith use. The Respondent has used the Domain Name to redirect to PPC links. The Panel finds that the Respondent has tried to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant's trademark.

There is also evidence that the Domain Name is offered for sale at an amount that likely exceeds the Respondent's out-of-pocket expenses in registering the Domain Name, see [WIPO Overview 3.0](#) section 3.1.1.

Furthermore, the Respondent has initially concealed its identity and not responded to the Complainant's contentions. These circumstances may further indicate bad faith.

For the reasons set out above, the Panel concludes that the Domain Name was registered and is being used in bad faith, within the meaning of 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 Domain Name <iconetiv.com> be transferred to the Complainant.

/Mathias Lilleengen/

Mathias Lilleengen

Sole Panelist

Date: February 14, 2022