

## **ADMINISTRATIVE PANEL DECISION**

**British American Tobacco (Brands) Limited v. Contact Privacy Inc.,  
Customer 7151571251 / Antonio Da Silva, Bat Gps  
Case No. D2022-2495**

### **1. The Parties**

The Complainant is British American Tobacco (Brands) Limited, United Kingdom, represented by Demys Limited, United Kingdom.

The Respondent is Contact Privacy Inc., Customer 7151571251, Canada / Antonio Da Silva, Bat Gps, Gambia.

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

The disputed domain name <bat-careers.net> is registered with Google LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 8, 2022. On the same day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 9, 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 July 18, 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 also on July 18, 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 19, 2022. In accordance with the Rules, paragraph 5, the due date for Response was August 8, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 15, 2022.

The Center appointed William F. Hamilton as the sole panelist in this matter on August 22, 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 member of the British American Tobacco Group and owns the mark BAT (the "Mark"). The British American Tobacco Group is a British multinational cigarette and tobacco manufacturing conglomerate headquartered in London, United Kingdom and is the largest publicly traded tobacco company in the world operating in 180 countries and employing over 95,000 staff.

The Complainant owns the domain name <bat.com>. The British American Tobacco Group operates the website "www.bat.com" and a careers specific website at the sub-domain <careers.bat.com> to advertise vacancies and other career opportunities.

The Complainant owns a large global portfolio of registrations for the Mark, the earliest of which is United Kingdom Trademark Registration No. 2135480, registered on February 27, 1998.

The disputed domain name was registered on March 3, 2022. The disputed domain name does not resolve to an active website.

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

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

The Complainant asserts that the disputed domain name is confusingly similar to the Mark because the disputed domain name is composed of the Complainant's Mark and the dictionary term "careers".

The Complainant assert that the Complainant never authorized the Respondent to use the disputed domain name, that the Respondent is not generally known by the disputed domain name, and that the Respondent has never engaged in any *bona fide* commercial activity in connection with the disputed domain name.

The Complainant further assert that the Respondent registered and used the disputed domain name in bad faith as part of a scheme to trick unsuspecting persons to provide information and/or money to the Respondent while believing they were seeking employment with the Complainant.

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

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

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

Under paragraph 4(a) of the Policy, to succeed the Complainant must satisfy the Panel that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (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.

## A. Identical or Confusingly Similar

The Panel finds that the disputed domain name is confusingly similar to the Complainant's Mark.

The disputed domain name is composed of the Complainant's Mark, a hyphen, and the dictionary word "careers". A domain name which wholly incorporates a complainant's registered mark is sufficient to establish confusingly similarity for the purposes of the Policy. The addition to the Mark of a generic or dictionary term does not prevent a finding of confusing similarity. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), section 1.7; *Nomura International Plc / Nomura Holdings, Inc. contre Global Domain Privacy / Nicolas Decarli*, WIPO Case No. [D2016-1535](#) (transferring <nomura-bank.com>). See [WIPO Overview 3.0](#), section 1.8 ("where the relevant trademark is recognizable with the disputed domain name, the additions of other terms (whether descriptive, geographic, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element"); *British American Tobacco (Brands) Limited v. Contact Privacy Inc. Customer 0163501448 / James Onuoha Doe, Bat Corps*, WIPO Case No. [D2022-1353](#) (transferring <careers-bat.com>).

The generic Top-Level Domain ("gTLD") of the disputed domain name, in this case ".net", may be disregarded for the purposes of assessment under the first element, as it is viewed as a standard registration requirement. See [WIPO Overview 3.0](#), section 1.11.1. *Monster Energy Company, a Delaware Corporation v. J.H.M. den Ouden*, WIPO Case No. [D2016-1759](#) (transferring <monsterenergy.world>).

The Complainant has met its burden under paragraph 4(a)(i) of the Policy.

## B. Rights or Legitimate Interests

The facts and circumstances presented to the Panel demonstrate that the Respondent does not have any rights or legitimate interests in the disputed domain name.

The Complainant has specifically disavowed providing the Respondent with permission to use the disputed domain name or the Mark. The Respondent is not affiliated with the Complainant in any way and does not have any business relationship with the Complainant. There is no evidence that the Respondent has conducted any *bona fide* business under the disputed domain name or is commonly known by the disputed domain name.

The Complainant has thus established a *prima facie* case in its favor, which shifts the burden of production on this point to the Respondent. The Respondent, however, has failed to come forth with any evidence showing any rights or legitimate interests in the disputed domain name. *Compagnie de Saint Gobain v. Com-Union Corp.*, WIPO Case No. [D2000-0020](#).

Furthermore, the disputed domain name carries a risk of implied affiliation with the Complainant. See [WIPO Overview 3.0](#), section 2.5.1. The association of the word "careers" attached to the Mark clearly suggests to that the disputed domain name will resolve to a website offering employment opportunities with the Complainant.

The Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

## C. Registered and Used in Bad Faith

The Panel finds the disputed domain name was registered and is being used in bad faith.

Under paragraph 4(b) of the Policy, bad faith may be established by any one of the following scenarios:

(i) circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name 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

the respondent's 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 on-line 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 the respondent's website or location.

On the evidence presented, it is obvious that the disputed domain name was registered and used in bad faith as part of a scheme to obtain money and/or personally identifying information from unsuspecting persons who falsely believed they were seeking employment with the Complainant. An Annex to the Complaint and amended Complainant is an email from an unsuspecting person reporting a fraudulent email utilizing the disputed domain name. The utilization of a disputed domain name in such a scheme is paradigmatic bad faith registration and use. *Pfizer Inc. v. Sarthak Kapoor*, WIPO Case No. [D2019-0292](#); *Desko GmbH v. Mustafa Mashari*, WIPO Case No. [D2015-0817](#).

Under the circumstances of this case, the fact that the disputed domain name does not resolve to an active website is of no consequence for the purposes of this decision and a finding of bad faith registration and use. *British American Tobacco (Brands) Limited v. Contact Privacy Inc. Customer 0163501448 / James Onuoha Doe, Bat Corps*, WIPO Case No. [D2022-1353](#) (transferring <careers-bat.com>); [WIPO Overview 3.0](#), section 3.4. Additionally, the Respondent's failure to respond to the Complaint further supports an inference of bad faith registration and use in the circumstances of this case. *The Argento Wine Company Limited v. Argento Beijing Trading Company*, WIPO Case No. [D2009-0610](#).

Even disregarding the foregoing analysis, it is difficult to conceive of any use that the Respondent might make of the disputed domain name without the Complainant's consent that would not involve bad faith. *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#); *Verner Panton Design v. Fontana di Luce Corp*, WIPO Case No. [D2012-1909](#) ("where the reputation of a complainant in a given mark is significant and the mark bears strong similarities to the disputed domain name, the likelihood of confusion is such that bad faith may be inferred"); *DPDgroup International Services GmbH & Co. KG v. Wise One, Wilson TECH*, WIPO Case No. [D2021-0109](#); *Monster Energy Company v. PrivacyDotLink Customer 116709 / Ferdinand Nikolaus Kronschnabl*, WIPO Case No. [D2016-1335](#).

The Complainant has met its burden under 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 <bat-careers.net> be transferred to the Complainant.

/William F. Hamilton/

**William F. Hamilton**

Sole Panelist

Date: August 31, 2022