

ADMINISTRATIVE PANEL DECISION

Scan Global Logistics A/S v. Domain Sales - (Expired domain caught by auction winner) c/o Dynadot
Case No. D2022-4937

1. The Parties

The Complainant is Scan Global Logistics A/S, Denmark, represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Domain Sales - (Expired domain caught by auction winner) c/o Dynadot, United States of America.

2. The Domain Names and Registrar

The disputed domain names, <scangloballogistic.com> and <scangloballogistics.com>, are both registered with Dynadot, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 22, 2022. On December 22, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On December 23, 2022, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 27, 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 December 29, 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 January 4, 2023. In accordance with the Rules,

paragraph 5, the due date for Response was January 24, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 25, 2023.

The Center appointed David Stone as the sole panelist in this matter on January 31, 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

The Complainant is a global logistics provider headquartered in Copenhagen, Denmark, offering airfreight, sea freight, trucking, and logistics warehousing services. It employs more than 3,000 employees in over 140 offices around the world, and in 2021 reported group turnover of USD 2.3 billion. It is also a major provider of global aid and relief logistics solutions to non-government organizations.

The Complainant owns the following trade marks (the Marks):

SCAN GLOBAL LOGISTICS: United States registration number 5771945, registered on June 11, 2019, in international classes 35, 36, and 39;

SCAN GLOBAL LOGISTICS: International registration number 962852, registered on December 14, 2007, in international classes 35, 36, and 39;

SCAN GLOBAL LOGISTICS: International registration 1516772, registered on September 18, 2019, in international classes 35, 36, and 39; and

SCAN GLOBAL LOGISTICS: European Union registration number 016975435, registered on February 7, 2018, in international classes 35, 36, and 39.

In addition, the Complainant operates a website at the domain name <scangl.com> and in total owns more than 40 domain names, 15 of which incorporate the mark SCAN GLOBAL LOGISTICS either in full or in an abbreviated form.

The Complainant sent the Respondent three cease-and-desist letters, respectively dated August 22, August 29, and September 5, 2022, asking the Respondent repeatedly to transfer the disputed domain name <scangloballogistics.com> to the Complainant and offering to reimburse the Respondent for the out-of-pocket expenses incurred in doing so. The Respondent did not reply to any of these letters.

The disputed domain name <scangloballogistics.com> was registered on September 16, 2021.

The disputed domain name <scangloballogistic.com> was registered on July 6, 2022.

According to the evidence provided by the Complainant, at the time of filing the Complaint, both disputed domain names resolve to parking pages, offering them for sale for respective amounts of USD 15,000, and USD 4,995.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain names are identical or confusingly similar to the Marks. Disregarding the top-level domain ".com", the disputed domain name <scangloballogistics.com> consists solely of the text of the Marks, that is SCAN GLOBAL LOGISTICS, minus the spaces between the words. Similarly, the disputed domain name <scangloballogistic.com> varies from the text of the Marks only in the

omission of the final letter “s”, which constitutes typosquatting.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain names. The Respondent is not sponsored by or affiliated with the Complainant, and the Complainant has not given the Respondent permission or license to use the Marks in any way. The Respondent is using a privacy service to hide its identity, and so, on the information available to the Complainant, the Respondent is not commonly known by either of the disputed domain names. The only use being made of the disputed domain names is to redirect to a domain name marketplace, where each is for sale for an amount far in excess of the Respondent’s out-of-pocket expenses in registering them. This cannot be considered legitimate use.

The Complainant contends that the Respondent registered and is using the disputed domain names in bad faith. Because the disputed domain names are either identical or almost identical to the text of the Marks, the Respondent must have known of the Complainant’s brand and business, and must have specifically targeted the Complainant, when registering the disputed domain names. The Respondent’s use of the disputed domain names to redirect to a website where they are for sale at excessive prices is evidence of bad faith use, as is its failure to respond to the Complainant’s cease-and-desist letters. There is no plausible good-faith reason for the Respondent to have registered the disputed domain names, and the Respondent must intend to hold the disputed domain names for some purpose detrimental to the Complainant. Previous panels have found, in relation to other domain names, that the Respondent engaged in cybersquatting for the purpose of selling those domain names to the corresponding rights-holders. The present proceedings are another example of that pattern of bad faith behaviour.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy sets out the three requirements that the Complainant must prove in order to succeed:

- (i) that the disputed domain names are identical or confusingly similar to a trade mark or service mark in which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain names; and
- (iii) that the disputed domain names have been registered and are being used in bad faith.

A. Identical or Confusingly Similar

On the evidence provided by the Complainant, the Panel is satisfied that the Complainant has rights in the Marks. In assessing the similarity between the disputed domain names and the Marks, it is permissible to ignore the generic Top-Level-Domains. The disputed domain names then consist solely of the text of the Marks, either in its entirety or minus the final “s”. In the first case, the Panel finds the disputed domain name to be identical to the Marks. In the second case, the Panel finds that the omission of the letter “s” is, for reasons that will become apparent below, an intentional misspelling that renders the disputed domain names confusingly similar to the Marks. The condition in paragraph 4(a)(i) of the Policy is therefore satisfied.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy sets out the criteria that determine whether a domain name registrant has rights or legitimate interests in a domain name:

(i) before any notice to the respondent of the dispute, the respondent's use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a *bona fide* offering of goods or services; or

(ii) the respondent (as an individual, business or other organisation) has been commonly known by the disputed domain name, even if the respondent has acquired no trade mark or service mark rights; or

(iii) the respondent is making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trade mark or service mark at issue.

The Complainant makes out a *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain names, and the Respondent has provided no evidence to contradict it.

On the facts and contentions before the Panel, the Respondent is not commonly known by the disputed domain names, is not authorised to use the Marks and cannot claim any right or interest in them by virtue of prior registration.

The Complainant provided evidence that, at the time the Complaint was filed, the disputed domain name <scangloballogistics.com> redirected Internet users to a domain name marketplace where it was for sale for USD 15,000. As of the date of this decision, both disputed domain names redirect to the same marketplace, where each is for sale for USD 4,995. The Respondent provided no evidence that it is making any other use of the disputed domain names, and failed to respond to the Complainant's offers to, in effect, buy the disputed domain names at a cost equal to the original registration fees and any transfer costs.

In the Panel's opinion, and lacking evidence to the contrary, the price at which the Respondent is offering the disputed domain names for sale must, more likely than not, far exceed the Respondent's costs in registering the disputed domain names, maintaining them for sale and otherwise operating them. Under paragraph 4(b)(i) of the Policy, the offers to sell the disputed domain names at considerable profit are indicative of bad faith, noting that paragraph 4(b)(i) does not strictly require the offers to be made to the Complainant or one of its competitors (see *Microban Products Company v. Domain Sales - (Expired domain caught by auction winner) c/o Dynadot*, WIPO Case No. [D2022-2930](#)). Such use cannot confer rights or legitimate interests on the Respondent, and so the Panel concludes that the condition in paragraph 4(a)(ii) of the Policy is satisfied.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy sets out the non-exhaustive criteria for bad faith. Generally, for the purposes of the Policy, bad faith constitutes registration and use of a domain name in order to:

(i) sell, rent, or transfer the domain name to the trade mark owner (or a competitor thereof) for a profit;

(ii) prevent the trade mark owner from registering its trade mark in a domain name, provided that the respondent is engaged in a pattern of such conduct;

(iii) disrupt the business of a competitor; or

(iv) divert Internet traffic for commercial gain.

The Panel is satisfied that the Respondent has registered and is using the disputed domain names – in one case identical to the relevant mark and in another case a typo – to redirect Internet users to a marketplace where the disputed domain names can be bought at a price that would result in considerable profit. For this reason, the Panel believes that the Respondent knew of the Complainant and its business, and intentionally registered the disputed domain names in forms identical or confusingly similar to the Marks, for the purpose of selling them to the Complainant. The Panel can conceive of no other plausible explanation for the Respondent's behaviour, which falls squarely within paragraph 4(b)(i) of the Policy. The condition in

paragraph 4(a)(iii) of the Policy is therefore satisfied.

The Panel has taken note of the Respondent's "name" (also confirmed by the Registrar) which on a superficial level gives an indication that the disputed domain names were purchased in an auction after their expiration; given that the domain names were only registered (as is also confirmed by their creation date) in 2021 and 2022 respectively, this appears to be a naming convention of the Respondent (albeit a seemingly misleading one) and is not any indication of the actual registration status of the domain names.

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, <scangloballogistic.com> and <scangloballogistics.com>, be transferred to the Complainant.

/David Stone/

David Stone

Sole Panelist

Date: February 14, 2023