

ADMINISTRATIVE PANEL DECISION

Jones Lang LaSalle IP, Inc. v. 杨智超 (Zhi Chao Yang)
Case No. D2023-0175

1. The Parties

The Complainant is Jones Lang LaSalle IP, Inc., United States of America (“United States”), represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is 杨智超 (Zhi Chao Yang), China.

2. The Domain Names and Registrars

The disputed domain names <joneslangasalle.com> and <joneslanglaalle.com> are registered with Chengdu West Dimension Digital Technology Co., Ltd., and the disputed domain name <joneslanglsalle.com> is registered with Cloud Yuqu LLC (the “Registrars”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on January 13, 2023. On January 13, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On January 16, 2023, the Registrars each transmitted by email to the Center their verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on January 16, 2023 providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. On the same day, the Center transmitted another email communication to the Parties in English and Chinese regarding the language of the proceeding. The Complainant filed an amended Complaint in English on January 18, 2023 including a request for English to be the language of the proceeding. The Respondent did not comment on the language of the proceeding.

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 in Chinese and English of the Complaint, and the proceedings commenced on January 25, 2023. In accordance with

the Rules, paragraph 5, the due date for Response was February 14, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 15, 2023.

The Center appointed Rachel Tan as the sole panelist in this matter on February 23, 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 wholly owned subsidiary of Jones Lang LaSalle Incorporated, forming part of the JLL group. The JLL group was formed by the merger of Jones Lang Wootton and LaSalle Partners in 1999. It is a service and investment management firm specializing in real estate, and its common stock is listed on The New York Stock Exchange under the symbol "JLL".

The Complainant is the owner of trade mark registrations for the JONES LANG LASALLE mark across different jurisdictions. For example, United States Trade Mark Registration No. 2616175, registered on September 10, 2002 in classes 36 and 37; China Trade Mark Registration No. 1475961, registered on November 14, 2000 in class 36; and China Trade Mark Registration No. 1683589, registered on December 14, 2001 in class 37.

The Complainant is the owner of a range of domain names, including <joneslanglasalle.com>.

The Respondent is 杨智超 (Zhi Chao Yang), China.

The disputed domain names were registered on August 25, 2022. All disputed domain names resolve to an active pay-per-click ("PPC") webpage that lists out multiple third-party links related to different advertisements covering contents such as "Real Estate Investing", "Investment Property" and "Commercial Real Estate Investing". According to the evidence provided by the Complainant, each of the disputed domain names is also listed for sale for USD 7,950 on an online platform.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain names are confusingly similar to the Complainant's JONES LANG LASALLE mark. The disputed domain names are purposeful misspellings of the Complainant's JONES LANG LASALLE mark. Each of the disputed domain names varies from the Complainant's mark by one letter. Further, the generic Top-Level Domain ("gTLD") in the disputed domain names is a standard registration requirement which should be disregarded under the first element confusing similarity test.

The Complainant further alleges that the Respondent is not sponsored by or affiliated with the Complainant in any way. There is no evidence to suggest that the Respondent is commonly known by the disputed domain names. The Respondent is using the disputed domain names to redirect Internet users to websites featuring links to third-party websites, some of which directly compete with the Complainant's business. It is presumed that the Respondent receives PPC fees from the linked websites that are listed at the resolved websites of the disputed domain names. Therefore, the Respondent is not using the disputed domain names to provide a *bona fide* offering of goods or services. Further, the Complainant claims that each of the disputed domain names is being offered for USD 7,950 which is an amount that far exceeds the Respondent's out-of-pocket expenses in registering the disputed domain names.

The Complainant finally asserts that the Respondent should have known of the existence of the Complainant's mark at the time of registration of the disputed domain names. The Respondent creates a

likelihood of confusion with the Complainant and its marks by registering the disputed domain names that comprise clear intentional misspellings of the Complainant's mark. As evidenced by the presence of multiple PPC links posted to the resolved websites of the disputed domain names, the Respondent has demonstrated a nefarious intent to capitalize on the fame and goodwill of the Complainant's marks in order to increase traffic to the disputed domain names' websites for the Respondent's own pecuniary gain. Further, the Respondent is offering to sell the disputed domain names which constitute bad faith because the Respondent has demonstrated an intent to sell, rent, or otherwise transfer the disputed domain names for a valuable consideration in excess of his out-of-pocket expenses. Moreover, the Complainant alleges that the Respondent has engaged in a bad faith pattern of "cybersquatting".

B. Respondent

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

6. Discussion and Findings

6.1 Language of the Proceeding

Initially, the Panel must address the language of the proceeding. Paragraph 11(a) of the Rules provides that the language of the administrative proceeding shall be the language of the Registration Agreement unless otherwise agreed by the parties, subject to the authority of the panel to determine otherwise, having regard to the circumstances of the administrative proceeding. The panel may choose to write a decision in either language, or request translation of either party's submissions.

In this case, the Registrar has confirmed to the Center that the language of the Registration Agreement as used by the registrant for the disputed domain names is Chinese. However, the Complainant has requested that English be adopted as the language of the proceeding for the reasons summarized below:

- (a) the Complainant is unable to communicate in Chinese and translation of the Complaint would unfairly disadvantage and burden the Complainant and delay the proceeding and adjudication of this matter;
- (b) the disputed domain names are comprised of Latin characters;
- (c) the resolved website of the disputed domain names features various phrases in English; and
- (d) the Complainant previously sent a cease-and-desist letter to the Respondent which gave him ample time and opportunity to respond to the letter and request that communications continue in Chinese. The Respondent neither issued such a request nor responded to the Complainant.

It is established practice to take paragraphs 10(b) and (c) of the Rules into consideration for the purpose of determining the language of the proceeding, in order to ensure fairness to the parties and the maintenance of an inexpensive and expeditious avenue for resolving domain name disputes. Language requirements should not lead to undue burdens being placed on the parties and undue delay to the proceeding. The Panel has considered the above circumstances, and finds that English shall be the language of this proceeding. The reasons are set out below:

- (a) the Complainant is a company based in the United States. Requiring the Complainant to submit documents in Chinese would lead to delay and cause the Complainant to incur translation expenses;
- (b) the Respondent's choice of Roman letters for the disputed domain names and the websites with PPC links in English to which the disputed domain names resolve indicate that the Respondent is familiar with the English language;

- (c) even if the Respondent does not possess a sufficient command of English to understand the Complaint, there were ample opportunities for the Respondent to raise an objection. The Center notified the Parties in English and Chinese of the Complainant's request for English to be the language of the proceeding, but the Respondent did not protest against this request;
- (d) the Respondent has failed to participate in the proceeding even though the Center sent the notification in English and Chinese of the Complaint; and
- (e) the Complaint has been submitted in English. No foreseeable procedural benefit may be served by requiring Chinese to be used. On the other hand, the proceeding may proceed expeditiously in English.

Accordingly, the Panel will proceed with issuing this Decision in English.

6.2 Substantive Issues

A. Identical or Confusingly Similar

The Panel is satisfied that the Complainant has adduced evidence to demonstrate its established rights in the JONES LANG LASALLE mark.

The Panel notes that each of the disputed domain names consists of a close misspelling of the JONES LANG LASALLE mark. In cases where a domain name consists of a common, obvious, or intentional misspelling of a trade mark, the domain name will normally be considered confusingly similar to the relevant mark for purposes of UDRP standing. See section 1.9 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"); *Mediarex Enterprises Limited v. Yong Woon Chin, Webolutions*, WIPO Case No. [DCO2020-0014](#).

Further, it is permissible for the Panel to ignore the gTLD, in this case ".com". See section 1.11.1 of the [WIPO Overview 3.0](#).

Consequently, the Panel finds that the disputed domain names are confusingly similar to the Complainant's mark. Accordingly, the Complainant has satisfied the first element under paragraph 4(a) of the Policy.

B. Rights or Legitimate Interests

In circumstances where the Complainant possesses exclusive rights to the JONES LANG LASALLE mark whereas the Respondent seems to have no trade mark rights, and considering the facts and arguments set out above, the Panel is satisfied that the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain names, and the burden of production shifts to the Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. See section 2.1 of the [WIPO Overview 3.0](#).

The Respondent has not provided evidence of a legitimate use of the disputed domain names or reasons to justify the choice of the disputed domain names that are confusing similar to the Complainant's JONES LANG LASALLE mark. Further, there is no indication to show that the Respondent is commonly known by any of the disputed domain names or otherwise has rights or legitimate interests in them. In addition, the Complainant has not granted the Respondent a license or authorization to use the Complainant's JONES LANG LASALLE mark or register the disputed domain names. The Respondent is not making a legitimate noncommercial or fair use of the disputed domain names in the terms of paragraph 4(c)(iii) of the Policy since at the time of filing of the Complaint and, at the date of this Decision, each of the disputed domain names resolves to a PPC website with links to third-party websites, some of which are related to the Complainant's business. Such usage may reasonably be assumed to be commercial in its intent and effect. Prior UDRP panels have found that the use of a domain name to host a parked page comprising PPC links does not represent a *bona fide* offering of goods or services where such links compete with or capitalize on

the reputation and goodwill of the complainant's mark or otherwise mislead Internet users. See section 2.9 of the [WIPO Overview 3.0](#).

Therefore, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain names. Accordingly, the Panel finds that the Complainant has satisfied the second element under paragraph 4(a) of the Policy.

C. Registered and Used in Bad Faith

The Complainant's JONES LANG LASALLE mark has been registered in a range of jurisdictions, including in China. The disputed domain names were registered long after the registration of the Complainant's JONES LANG LASALLE mark. Through extensive use and advertising, the Complainant's JONES LANG LASALLE mark is known throughout the world. Search results using the key words "jones lang lasalle" on the Internet search engine direct Internet users to the Complainant and its business, which indicates that an exclusive connection between the JONES LANG LASALLE mark and the Complainant has been established. The Panel further notes that the disputed domain names redirect Internet users to websites featuring PPC links to third-party websites, some of which directly compete with the Complainant's business. As such, the Respondent clearly knew of the Complainant's JONES LANG LASALLE mark when registering the disputed domain names, and has exercised "the kind of willful blindness that numerous panels have held support a finding of bad faith". See *Barclays Bank PLC v. Andrew Barnes*, WIPO Case No. [D2011-0874](#).

Section 3.5 of the [WIPO Overview 3.0](#) states that "[p]articularly with respect to 'automatically' generated pay-per-click links, panels have held that a respondent cannot disclaim responsibility for content appearing on the website associated with its domain name (nor would such links *ipso facto* vest the respondent with rights or legitimate interests)". The Panel notes that the disputed domain names resolve to parked pages comprising PPC advertising links that divert Internet users to various content, some of which are related to the Complainant's business. The Panel finds the use of the confusingly similar disputed domain names to lure Internet users to third-party websites is evidence of bad faith. See *Sodexo v. 杨智超 (Zhi Chao Yang)*, WIPO Case No. [D2020-1171](#).

In addition, each of the disputed domain names is being offered for sale for USD 7,950 on an online platform, which is in excess of the normal costs for registering and maintaining a domain name. The absence of circumstances indicating that the Respondent has rights or legitimate interests in the disputed domain names leads the Panel to conclude that the Respondent's intent in registering the disputed domain names was in fact to profit in some fashion from or otherwise exploit the Complainant's mark. In this case, the Panel finds the sale of the disputed domain names as evidence of bad faith registration and use. See section 3.1.1 of the [WIPO Overview 3.0](#).

The Panel also notes that the Respondent appears to be engaged in a pattern of abusive registration having registered multiple domain names comprising third-party trade marks. The Panel finds this case is a continuation of that bad faith pattern. See *Asurion, LLC v. 杨智超 (Zhichao Yang)*, WIPO Case No. [D2021-4231](#). Such constitutes evidence of bad faith registration and use as contemplated under paragraph 4(b)(ii) of the Policy.

The Respondent has kept silent in the face of the Complainant's allegations of bad faith. Taking into account these circumstances, the Panel finds that the Respondent must have known of the Complainant before registering the disputed domain names and, considering the Respondent's lack of rights or legitimate interests, and by registering and using the disputed domain names as discussed above, the Panel is led to conclude that the disputed domain names were registered and are being used in bad faith.

Accordingly, the Panel finds that the Complainant has satisfied the third element under paragraph 4(a) 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 <joneslangasalle.com>, <joneslanglaalle.com>, and <joneslanglsalle.com> be transferred to the Complainant.

/Rachel Tan/

Rachel Tan

Sole Panelist

Date: March 9, 2023