

ADMINISTRATIVE PANEL DECISION

Jones Lang LaSalle IP, Inc. v. ATS Support
Case No. D2023-1056

1. The Parties

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

Respondent is ATS Support, United States of America.

2. The Domain Name and Registrar

The disputed domain name <jllusproperties.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 9, 2023. On March 9, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 9, 2023, 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 (Privacy Service Provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to Complainant on March 10, 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 March 14, 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 March 15, 2023. In accordance with the Rules, paragraph 5, the due date for Response was April 4, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on April 11, 2023.

The Center appointed Timothy D. Casey as the sole panelist in this matter on April 19, 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

Jones Lang LaSalle IP, Inc., a wholly-owned subsidiary of Jones Lang LaSalle Incorporated, is the owner of trademark registrations in the United States of America, Canada and the European Union (“EU”) for JLL or incorporating JLL as part of the mark (the “JLL Marks”). Jones Lang LaSalle Incorporated, collectively along with Complainant and other subsidiaries, is listed on The New York Stock Exchange under the symbol “JLL” and is headquartered in Chicago, Illinois, United States of America. Since 2014, Complainant has used the JLL Marks related to real estate market research, real estate services, real estate development services, and planning and layout design services of retail business establishment interiors. The JLL Marks include the following:

Mark	Jurisdiction	Class(es)	Registration No.	Registration Date
JLL	United States of America	35, 36, 37, 42	4,564,654	July 8, 2014
JLL	United States of America	36, 37, 42	4,709,457	March 24, 2015
JLL	Canada	35, 36, 37, 42	TMA875711	April 15, 2014
JLL	EU	36, 37, 42	010603447	August 31, 2012

The disputed domain name was registered October 20, 2022 in the name of Privacy Service provided by Withheld for Privacy ehf.

Complainant provided evidence showing that the disputed domain name has been used in association with a website providing a listing of redirect links including topics such as “Investments” and “Office Space Spaces.”

5. Parties’ Contentions

A. Complainant

Complainant contends that the above-noted registrations satisfy the threshold requirement of Complainant having trademark rights in the JLL Marks. Complainant contends that it is standard practice to disregard an applicable Top-Level Domain (“TLD”) when comparing a disputed domain name to a complainant’s trademark. Complainant notes that the disputed domain name is confusingly similar to the JLL Marks because it incorporates the JLL Marks and merely adds the descriptive terms “us properties,” which serve to underscore and increase the confusing similarity.

Complainant contends that Respondent is not sponsored by or affiliated with Complainant and Complainant has not granted any permission to Respondent’s use of the JLL Marks in any way, including in domain names. Complainant alleges Respondent is not commonly known by the dispute domain name, evidencing a lack of rights or legitimate interest, and notes that Respondent’s name “ATS Support” does not resemble the disputed domain name in any manner.

Complainant contends that disputed domain name redirects Internet user to a website featuring links to third-party websites, some of which compete with Complainant’s business from which Respondent presumably receives pay-per-click (“PPC”) fees and is therefore not a *bona fide* offering of goods or service that would give rise to rights or a legitimate interest in the disputed domain name. Complainant further contends that Respondent registered the disputed domain name significantly after Complainant filed to register the JLL Marks and significantly after the JLL Marks were registered.

Complainant contends that the JLL Marks are known internationally, and that Complainant has marketed and sold its goods and service using the JLL Marks since 2014, which is well before Respondent’s registration of the disputed domain name. Complainant contends that Respondent knew or should have known of the

existence of the JLL Marks at the time of registration of the disputed domain name, such that the mere registration constitutes bad faith *per se*. Complainant further contends that Respondent's use of the descriptive terms "us properties" in the disputed domain name with the JLL Marks suggests that Respondent was aware of Complainant's business at the time of registration and/or that an Internet search by Respondent prior to registering the disputed domain name would have alerted Respondent of Complainant's presence.

Complainant contends that Respondent has, in bad faith, purposely tried to create a likelihood of confusion with Complainant and the JLL Marks by registering the disputed domain name, which consists of the JLL Marks and the mere addition of the related terms "us properties", and that by doing so Respondent has used the disputed domain name to confuse unsuspecting Internet users looking for Complainant's services, and to mislead Internet users as to the source of the disputed domain name and Respondent's website. Respondent's actions thereby create a misperception as to the source, sponsorship, affiliation, or endorsement of the disputed domain name and that such actions demonstrate a nefarious intent to capitalize on the fame and goodwill of the JLL Marks for Respondent's pecuniary gain. Complainant contends that such actions by Respondent indicate that Respondent was holding the disputed domain name in order to compete with Complainant or for some other detrimental purpose in the future and that is not possible to conceive of some use of the disputed domain name by Respondent that would not be illegitimate.

Complainant contends that by employing a privacy service, Respondent sought to hide its identity, which is an indication of bad faith. Complainant also notes that Respondent ignored the cease-and-desist letters sent to Respondent, which is a further indicator of bad faith. Finally, Complainant contends that the above facts, on balance, make it more likely than not that Respondent had the JLL Marks in mind when it registered and used the disputed domain name and therefore such registration and use were in bad faith.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

Complainant's use of the JLL Marks and registrations are more than sufficient to establish that Complainant has trademark rights in the JLL Marks prior to registration of the disputed domain name.

Complainant contends that the disputed domain name is confusingly similar to the JLL Marks.

Given that Complainant's JLL Mark are recognizable in the disputed domain name the Panel agrees and finds that the disputed domain name is confusingly similar to the JLL Marks.

B. Rights or Legitimate Interests

The Panel finds that Respondent has no rights or legitimate interests in the disputed domain name. Respondent does not appear to be commonly known by the disputed domain name. Complainant has not permitted Respondent to use the JLL Marks.

Respondent's use of the disputed domain name with a website featuring links related to real estate business, for which Respondent may be remunerated on a PPC basis, or that results in some form of competition with Complainant's business, is not a *bona fide* offering of goods or service that would give rise to rights or a legitimate interest in the disputed domain name.

Furthermore, the nature of the disputed domain name, comprising the JLL Marks and adding the descriptive terms "us properties," which are related to Complainant's business, carries a risk of implied affiliation with

Complainant as it effectively impersonates or suggests sponsorship or endorsement by Complainant, and accordingly cannot constitute a fair use in these circumstances. See section 2.5.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

Respondent has not rebutted Complainant's *prima facie* case and has provided no arguments or evidence showing potential rights or legitimate interests in the disputed domain name. For these reasons, the Panel finds that Respondent has no rights or legitimate interests in the disputed domain name.

C. Registered and Used in Bad Faith

Given i) the timing of Complainant's first use of the JLL Marks in 2014 and the first registration of the JLL Marks, predating registration of the disputed domain name by about 8-10 years, Complainant being headquartered in the United States of America, and Complainant's use of the JLL Marks in association with real estate services, ii) the misleading nature of the disputed domain name as a unique combination of the JLL Marks with the descriptive term "us properties", in combination with a website including links labeled in a competitive manner that appear designed to trick third party's into believing some affiliation with Complainant, and iii) the timing of the registration of the disputed domain name and use of the disputed domain name, indicates that Respondent had clear knowledge of the JLL Marks and Complainant's business prior to registration.

The Panel finds that Respondent's registration of the disputed domain name was in bad faith.

In addition, the Panel finds Respondent usage of the disputed domain name to create a likelihood of confusion as to the sponsorship or endorsement by Complainant constitutes use in bad faith consistent with paragraph 4(b)(iv) of the Policy.

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

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, <jllusproperties.com> be transferred to Complainant.

/Timothy D. Casey/

Timothy D. Casey

Sole Panelist

Date: May 3, 2023