

ADMINISTRATIVE PANEL DECISION

The American Automobile Association, Inc. v. Stephen Sasnowitz, Own Your Keys

Case No. D2024-2822

1. The Parties

The Complainant is The American Automobile Association, Inc., United States of America (“United States”), represented by Covington & Burling, United States.

The Respondent is Stephen Sasnowitz, Own Your Keys, United States.

2. The Domain Name and Registrar

The disputed domain name <aaa.forsale> is registered with IONOS SE (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 10, 2024. On July 11, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 19, 2024, 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 (*REDACTED FOR PRIVACY*) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 23, 2024, 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 amendment to the Complaint on July 26, 2024.

The Center verified that the Complaint together with the amendment to 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 August 23, 2024. In accordance with the Rules, paragraph 5, the due date for Response was September 12, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 23, 2024.

The Center appointed W. Scott Blackmer as the sole panelist in this matter on October 4, 2024. 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 not-for-profit corporation organized under the laws of the State of Connecticut, United States, with a principal place of business in Heathrow, Florida, United States. The Complainant was launched in 1902 as a federation of independent motor clubs and is now the preeminent motoring association of affiliated motor clubs in the United States and Canada, with more than 1,000 offices and 61 million members. The Complainant offers travel, roadside assistance, insurance, financial, retail discount, and other services and operates a principal website at "www.aaa.com" (the "Complainant's website").

The Complainant's AAA word and figurative marks have been advertised extensively in signage, in print and broadcast media, online, and on social media platforms. Previous WIPO UDRP panels have found the AAA marks to be well-known to the public in the United States. See, e.g., *American Automobile Association, Inc. v. Spins Unlimited*, WIPO Case No. [D2013-1827](#).

The Complainant holds numerous AAA and AAA-derivative trademark registrations, including the following United States trademark registrations:

Mark	Registration Number	Registration Date	Goods or Services
AAA (word)	829265	May 23, 1967	International Class 35, 36, 37, 38, 41, 42; arranging discount purchases; providing bail bond; emergency road service; travel information; teaching vehicle operation and safety; automobile association services
AAA (word)	1782222	July 13, 1993	International Class 36, financial services, namely, time deposits and investment counseling
AAA (figurative, AAA in ovals)	2158654	May 19, 1998	International Class 16, 35, 36, 37, 39, 42; magazines, pamphlets, and maps; arranging discount purchases; insurance claims and brokerage; emergency road services; travel agency services; automobile club services

The Registrar reports that the disputed domain name was created on February 1, 2024, and is registered to the Respondent Stephen Sasnowitz, listing the organization Own Your Keys, with a postal address in the State of Pennsylvania, United States and a Gmail contact email address. The Panel notes that no organization with such a name appears as a registered entity in the online "Business Search" database operated by the Pennsylvania Department of State.

At the time of this Decision, the disputed domain name does not resolve to an active website. However, screenshots attached to the Complaint show that the disputed domain name formerly resolved to a landing page with third-party, pay-per-click (“PPC”) advertising links. One of these redirected users to the website headed “AAA Loans” offering loan services in competition with those offered by the Complainant (as indicated on the “Financial Services” page of the Complainant’s website, including auto loans, student loans, mortgages, and credit cards).

5. Parties’ Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name is “substantially and confusingly similar to” its registered and common law AAA marks. The Complainant has not licensed the Respondent to use the marks, and the Complainant asserts that the Respondent has no rights or legitimate interests in the disputed domain name, using it only for PPC advertising, including links to competing financial services, with no indication that the Respondent is known by a corresponding name or legitimately does business using the disputed domain name and chose it for reasons unrelated to the Complainant. The Complainant’s mark is well known in the United States, and its use for a parking page dilutes the value of the mark, as well as misdirecting Internet users to competing sites for financial services – compelling a finding of bad faith.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy provides that a complainant must demonstrate each of the following:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights;
- (ii) and the respondent has no rights or legitimate interests in respect of the disputed domain name;
- (iii) and the disputed domain name has been registered and is being used in bad faith.

Under paragraph 15(a) of the Rules, “[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant’s trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ([“WIPO Overview 3.0”](#)), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. The registered AAA word marks and figurative marks with a dominant “AAA” textual element suffice; it is not necessary to examine the claims of common law protection in addition.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. As is normally the case, the top level domain, here “.forsale”, does not avoid a finding of identity or confusing similarity. [WIPO Overview 3.0](#), section 1.11.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise. The PPC landing page formerly associated with the disputed domain name does not establish rights or legitimate interests. There is no indication in the record that the Respondent has been known by a corresponding name. Simply redirecting Internet users to unrelated or competing commercial sites does not support a claim to rights or legitimate interests. [WIPO Overview 3.0](#), section 2.5.3.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that the Complainant’s AAA marks are long established and very well known in the United States, where the Respondent is located. It is likely, therefore, that the Respondent was aware of the AAA marks when registering the disputed domain name. While there are other possible meanings for this acronym, the Respondent has not come forward to offer an alternative explanation for the registration of the disputed domain name, and the only use to which it was put resulted in redirecting Internet users to the website of the Complainant’s competitors for certain financial services, misleadingly headed “AAA Loans”. The Respondent evidently allowed the disputed domain name, identical to the Complainant’s well-known mark, to be parked with PPC advertising for months after registering it. The Respondent may or may not have profited from this use of the disputed domain name, but the Respondent remains accountable for the use of the disputed domain name under the registration agreement, even if these links were automatically generated. [WIPO Overview 3.0](#), section 3.5. This represents an instance of bad faith under the Policy, paragraph 4(b)(iv) (misdirection for commercial gain by creating a likelihood of confusion with the complainant’s mark).

The Panel finds that the Complainant has established the third element 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 <aaa.forsale> be transferred to the Complainant.

/W. Scott Blackmer/

W. Scott Blackmer

Sole Panelist

Date: October 16, 2024