ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
American Airlines, Inc. v. John Moses, Aacargoo Official
Case No. D2024-4114

1. The Parties

The Complainant is American Airlines, Inc., United States of America ("United States"), represented by Greenberg Traurig, LLP, United States.

The Respondent is John Moses, Aacargoo Official, Nigeria.

2. The Domain Name and Registrar

The disputed domain name <aacargoo.com> is registered with NameSilo, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 7, 2024. On October 8, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 10, 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 (Domain Administrator, See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 11, 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 amended Complaint on October 14, 2024.

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 October 15, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 4, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 5, 2024.

The Center appointed Masato Dogauchi as the sole panelist in this matter on November 11, 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 an air carrier with over 90-year history. The Complainant and its affiliates currently serve over 350 destinations in over 50 countries, with nearly 7,000 daily flights. Additionally, for the past 75 years the Complainant has provided air cargo services worldwide.

The Complainant has registered trademarks such as:

- United States Registration No. 514292 for AA, registered on August 23, 1949;
- United States Registration No. 2356861 for AA, registered on June 13, 2000;
- United States Registration No. 2339639 for AA.COM, registered on April 11, 2000.

The Complainant created its websites at the domain names <aa.com> and <aacargo.com> in 1998, which it is has continuously used in commerce since that date.

The disputed domain name was registered on June 27, 2024. The website resolved by the disputed domain name copies the look and feel of the website of one of the Complainant's affiliates, AA Cargo, and it can potentially be used to improperly obtain personal and financial information from consumers.

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.

B. Respondent

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

6. Discussion and Findings

In accordance with the Rules, paragraph 15(a), a panel shall decide a case on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable. Since the Respondent has not made any substantive arguments in this case, the following decision is rendered on the basis of the Complainant's contentions and other evidence submitted by the Complainant.

In accordance with the Policy, paragraph 4(a), in order to qualify for a remedy, the Complainant must prove 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) The Respondent has no rights or legitimate interests in respect of the disputed domain name; and
(iii) The disputed domain name has been registered and is being used in bad faith.

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 for the purposes of the Policy. WIPO Overview 3.0, section 1.2.1.

The disputed domain name includes the Complainant's AA trademark as a whole. Such fact supports a finding that the disputed domain name is confusingly similar to the Complainant's AA trademark. The additional "cargoo" does not prevent the finding of confusing similarity.

In addition, the Panel notes the fact that the website resolved by the disputed domain name clearly shows an attempt to impersonate the Complainant's authentic website and affirms the finding of confusing similarity. WIPO Overview 3.0, section 1.15.

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.

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 clear attempt to impersonate the Complainant for the Respondent's own benefit, as well as the Respondent's absence from the proceeding, leads the conclusion that the Complainant satisfies the second element. WIPO Overview 3.0, section 2.1.

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, in consideration of the fact that the Complainant has been doing business as an air carrier for more than 90 years, it is highly unlikely that the Respondent could have been unaware of the Complainant's AA trademark at the time of registration of the disputed domain name on June 27, 2024. Given the use of the disputed domain name for a website impersonating the Complainant, such knowledge appears evident. Therefore, it is found that the Respondent registered the disputed domain name in bad faith.

With regard to the requirement that the disputed domain name is being used in bad faith, the disputed domain name is being intentionally used to divert Internet traffic to a website that purports to be the website for the Complainant's cargo and shipping services. This fact is enough to conclude that the use of the disputed domain name constitutes bad faith. WIPO Overview 3.0, section 3.1.

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 <aacargoo.com> be transferred to the Complainant.

/Masato Dogauchi/
Masato Dogauchi
Sole Panelist
Date: November 13, 2024