

ADMINISTRATIVE PANEL DECISION

Voxx International Corporation v. Michelle Tricia, fillrite
Case No. D2024-4931

1. The Parties

The Complainant is Voxx International Corporation, United States of America ("United States"), represented by SILKA AB, Sweden.

The Respondent is Michelle Tricia, fillrite, United States.

2. The Domain Name and Registrar

The disputed domain name <voxx-intl.com> is registered with Web Commerce Communications Limited dba WebNic.cc (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 28, 2024. On November 28, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 29, 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 Admin, Whoisprotection.cc) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 29, 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 December 2, 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 December 9, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 29, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 13, 2025.

The Center appointed William F. Hamilton as the sole panelist in this matter on January 16, 2025. 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, Voxx International Corporation, is a leading manufacturer and supplier of automotive and consumer electronics products. It operates under a portfolio of over 35 well-known brands, including Klipsch, RCA, and Acoustic Research. Formerly known as Audiovox Corporation, the company changed its name in 2011 and is publicly traded on the Nasdaq Stock Exchange under the ticker symbol "VOXX".

The Complainant holds multiple trademark registrations, including the following in the United States, which incorporate the trademark VOXX: VOXX (with design elements), Registration No. 5880398, registered on October 8, 2019, and MOVIESTOGO BY VOXX (with design elements), Registration No. 5229425, registered on June 20, 2017.

The Complainant has operated its primary domain, <voxxintl.com>, since its registration in 2011 and owns additional domains that incorporate the VOXX mark. The company's products are marketed through various channels and are supported by an active online presence and social media accounts.

The Respondent registered the disputed domain name <voxx-intl.com> on August 20, 2024. The domain does not resolve to an active website but has been used in an email phishing scheme to impersonate the Complainant and defraud its customers.

5. Parties' Contentions

A. Complainant

The Complainant asserts that it has met all the necessary elements under the Policy for transferring the disputed domain name. The Complainant argues that the disputed domain name is confusingly similar to its registered trademarks. It features the VOXX mark with the addition of "-intl," a slight modification that does not eliminate the likelihood of confusion. The Complainant contends that the Respondent has no rights or legitimate interests in the domain name. The Complainant has not granted the Respondent permission to use its mark, and the Respondent's use is neither bona fide nor legitimate. Lastly, the Complainant claims that the domain name was registered and is being used in bad faith. The Respondent has utilized the domain to impersonate the Complainant in a fraudulent scheme, causing financial harm to its clients.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed the Complainant must satisfy the Panel that:

- (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 was registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has established rights in the VOXX trademark through its United States registrations. The disputed domain name incorporates the VOXX mark in its entirety, with the addition of “-intl,” which does not prevent a finding of confusing similarity. The “.com” Top-Level Domain is disregarded as a standard domain name feature.

A domain name which wholly incorporates a complainant’s registered mark is sufficient to establish confusingly similarity for the purposes of the Policy when, as here, the mark is clearly recognizable within the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.8 (“where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographic, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element”). In this case, the mark is clearly recognizable in the disputed domain name notwithstanding the addition of the term “intl”.

The Top-Level Domain of the disputed domain name, in this case “.com”, may be disregarded for the purposes of assessment under the first element, as it is viewed as a standard registration requirement. See [WIPO Overview 3.0](#), section 1.11.1. *Monster Energy Company, a Delaware Corporation v. J.H.M. den Ouden*, WIPO Case No. [D2016-1759](#).

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. See [WIPO Overview 3.0](#), section 2.1.

The Complainant has never authorized or licensed the Respondent to use its mark. 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 this showing and has not provided evidence of any of the circumstances set forth in paragraph 4(c) of the Policy. The disputed domain name does not resolve to an active website. The Respondent’s use of the disputed domain name to effectuate a fraudulent scheme does not establish any rights or legitimate interests under the circumstances of this case. [WIPO Overview 3.0](#), section 2.13.1.

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

C. Registered and Used in Bad Faith

Under paragraph 4(b) of the Policy, bad faith may be established by any one of the following non-exhaustive scenarios:

- (i) circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the respondent’s documented out-of-pocket costs directly related to the domain name; or

- (ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or
- (iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the respondent's website or location.

The inclusion of the VOXX mark in the disputed domain name cannot be considered whimsical or accidental. The VOXX mark is distinctive. Moreover, the bad faith use of the VOXX mark in the disputed domain name is demonstrated by the fact that the disputed domain name is identical to the Complainant's website except for a hyphen between VOXX and the suffix abbreviation "intl". The Respondent registered the disputed domain name to impersonate the Complainant and to conduct a fraudulent scheme misleading customers and causing financial harm. Such use of the disputed domain name is paradigmatic evidence of bad faith registration and use. *Dm-Drogerie Markt GmbH & Co. KG v. WhoisGuard Protected, WhoisGuard, Inc. / Charlotte Meilleur*, WIPO Case No. [D2018-1248](#); *Johnson & Johnson v. Jerry Rice*, WIPO Case No. [D2022-0271](#); [WIPO Overview 3.0](#), section 3.4.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy. 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 <voxx-intl.com> be transferred to the Complainant.

/William F. Hamilton/

William F. Hamilton

Sole Panelist

Date: January 24, 2025