

## **ADMINISTRATIVE PANEL DECISION**

Howmet Aerospace Inc. v. Ralf Weiss  
Case No. D2024-5041

### **1. The Parties**

Complainant is Howmet Aerospace Inc., United States of America, represented by Greenberg Traurig, LLP, United States of America.

Respondent is Ralf Weiss, United States of America.

### **2. The Domain Name and Registrar**

The disputed domain name <howmetusa.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 December 6, 2024. On December 9, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 9, 2024, the Registrar transmitted by email to the Center its verification response confirming that Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 Respondent of the Complaint, and the proceedings commenced on December 10, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 30, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on January 6, 2025.

The Center appointed Bradley A. Slutsky as the sole panelist in this matter on January 13, 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

Complainant manufactures components for jet engines, fasteners, titanium structures for aerospace applications, and forged aluminum wheels for heavy trucks. Complainant was established in the 1920s and currently has over 23,000 employees in 23 countries with total revenue in excess of USD 6.6 billion. Complainant has facilities around the world, including in the United States of America, United Kingdom, China, France, Australia, Canada, Germany, Hungary, Japan, Morocco, and Mexico. Complainant also is a publicly traded company on the New York Stock Exchange, trading under the symbol HWM. Complainant is the registrant for <howmet.com>, which was registered on August 18, 1994, and uses the <howmet.com> domain name for Complainant's primary website and for Complainant's company email. Complainant also has registered over 180 additional domains incorporating the HOWMET trademark, all of which redirect to <howmet.com>.

Complainant has more than 100 trademarks worldwide for the HOWMET mark, including the following:

| Mark   | Goods/Services  | Jurisdiction             | Reg. No.  | Reg. Date  |
|--------|---|--------------------------|-----------|--|
| HOWMET | Cores made of ceramic and patterns made of wax and plastic for metal casting                                  | United States of America | 6,290,120 | March 9, 2021 (date of first use: April 1, 2020)     |
| HOWMET | Land vehicles; vehicle wheels; components for land vehicles and aircraft, namely, drive shafts and propellers | United States of America | 6,273,498 | February 16, 2021 (date of first use: April 1, 2020) |
| HOWMET | Metal alloy plates, forgings, and blocks used for making molds and tooling; etc.                              | United States of America | 6,170,464 | October 6, 2020 (date of first use: April 1, 2020)   |
| HOWMET | Treatment of materials, namely, metal alloys  | United States of America | 6,131,359 | August 18, 2020 (date of first use: April 1, 2020)   |

Respondent registered the disputed domain name on September 25, 2024. The disputed domain name does not lead to an active website. However, the annexes to the Complaint contain emails from an email address using the disputed domain name, beginning just eight days after the registration of the disputed domain name, in which the sender attempts to obtain goods from a supplier using a credit application and "Purchase Order" in the name of "Howmet Aerospace Inc".

#### 5. Parties' Contentions

##### A. Complainant

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

Notably, Complainant contends that the disputed domain name incorporates Complainant's HOWMET mark in full, adding only "usa" (for United States of America, where Complainant has its headquarters) and the ".com" generic Top-Level Domain ("gTLD"). Complainant also asserts that Respondent has no rights or legitimate interests in the disputed domain name, because Respondent registered the disputed domain name long after Complainant established rights in the HOWMET mark, Respondent has not used or prepared to use the disputed domain name in connection with a bona fide offering of goods or services, Respondent is not authorized, licensed, or otherwise permitted by Complainant to register or use the disputed domain name, Respondent registered the disputed domain name in order to perpetrate a fraud by

ordering goods on credit due to confusion with and the reputation associated with Complainant's mark, Respondent is known as "Ralf Weiss" - not <howmetusa.com>, and "to Complainant's knowledge, there are no prior trademark applications or registrations in the name of Respondent for any mark incorporating Complainant's Marks anywhere in the world." Complainant further asserts that Respondent registered and is using the disputed domain name in bad faith, in that Respondent registered the disputed domain name long after Complainant established rights in the HOWMET trademark, with actual or constructive knowledge of Complainant's trademark, in order to impersonate Complainant and defraud third parties, and engage in opportunistic bad faith.

## **B. Respondent**

Respondent did not reply to Complainant's contentions.

## **6. Discussion and Findings**

Pursuant to paragraph 15(a) of the Rules, a panel in UDRP proceedings "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".

Under paragraph 4(a) of the Policy, Complainant must prove the following:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) 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 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.

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 entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of another term here – namely, "usa" – may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8. Further, the addition of the ".com" generic Top-Level Domain similarly "is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test." [WIPO Overview 3.0](#), section 1.11.1.

Accordingly, 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 Respondent may demonstrate rights or legitimate interests in a disputed domain name. “Any of the following circumstances, in particular but without limitation, if found by the Panel to be proved based on its evaluation of all evidence presented, shall demonstrate [Respondent’s] rights or legitimate interests to the domain name for purposes of paragraph 4(a)(ii):

(i) before any notice to [Respondent] of the dispute, [Respondent’s] use of, or demonstrable preparations to use, the [disputed] domain name or a name corresponding to the [disputed] domain name in connection with a bona fide offering of goods or services; or

(ii) [Respondent] (as an individual, business, or other organization) [has] been commonly known by the [disputed] domain name, even if [Respondent has] acquired no trademark or service mark rights; or

(iii) [Respondent is] making a legitimate noncommercial or fair use of the [disputed] domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue”. Policy, paragraph 4(c).

Although the overall burden of proof in UDRP proceedings is on 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 Respondent. As such, where a complainant makes out a prima facie case that Respondent lacks rights or legitimate interests, the burden of production on this element shifts to Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on Complainant). If Respondent fails to come forward with such relevant evidence, Complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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 only demonstrated use of the disputed domain name in this matter is the impersonation of Complainant, in an attempt to purchase goods without paying for them. Respondent apparently hoped that vendors would rely on Complainant’s reputation and allow goods to be collected based on the submission of a purchase order without payment. This is not a bona fide offering of goods or services, or a legitimate noncommercial or fair use of the disputed domain name. There also is no evidence that Respondent has been commonly known by the disputed domain name, especially in light of the recent registration of the disputed domain name and the use of it, shortly thereafter, to impersonate Complainant and attempt to obtain goods without payment. The only evidence of any name by which Respondent is known is the name of the registrant – Ralf Weiss. Further, Complainant asserts that “there are no prior trademark applications or registrations in the name of Respondent for any mark incorporating Complainant’s Marks anywhere in the world” – an allegation that Respondent has not rebutted.

Panels have held that the use of a domain name for illegal activity – here, claimed to be impersonation/passing off in an attempt to defraud suppliers into providing Respondent with goods based on Complainant’s reputation and credit – can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1; *Univar Solutions Inc. v. Name Redacted*, WIPO Case No. [D2024-1223](#) (“the Panel finds that the Complainant has proven that the Respondent has impersonated a Complainant employee and used a fraudulent purchase order in an email phishing scheme using the Domain Name in an attempt to fraudulently misdirect a shipment of goods for the commercial gain of the Respondent. Panels have held categorically that use of a domain name for impersonation to perpetrate a fraud can never confer rights or legitimate interests on a respondent”).

Accordingly, 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. Specifically, “the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

- (i) circumstances indicating that [Respondent has] registered or [Respondent has] acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of [Respondent’s] documented out-of-pocket costs directly related to the domain name; or
- (ii) [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 [Respondent has] engaged in a pattern of such conduct; or
- (iii) [Respondent has] registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, [Respondent has] intentionally attempted to attract, for commercial gain, Internet users to [Respondent’s] website or other online location, by creating a likelihood of confusion with Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of [Respondent’s] website or location or of a product or service on [Respondent’s] website or location.” Policy, paragraph 4(b).

“Given that the scenarios described in UDRP paragraph 4(b) are non-exclusive and merely illustrative, even where a complainant may not be able to demonstrate the literal or verbatim application of one of the above scenarios, evidence demonstrating that a respondent seeks to take unfair advantage of, abuse, or otherwise engage in behavior detrimental to Complainant’s trademark would also satisfy Complainant’s burden.” [WIPO Overview 3.0](#), section 3.1.

In the present case, the Panel notes that just eight days after registering the disputed domain name, Respondent used the disputed domain name to impersonate Complainant in an effort to convince a vendor to provide goods to Respondent without payment. This indicates that Respondent registered the disputed domain name with knowledge of Complainant’s HOWMET trademark and with the intent to trade off of the goodwill associated with Complainant’s trademark (and the confusion of the disputed domain name therewith) for commercial gain, as described in paragraph 4(b)(iv) of the Policy. Panels have held that the use of a domain name for such illegal activity constitutes bad faith. [WIPO Overview 3.0](#), section 3.4 (“Panels have held that the use of a domain name for purposes other than to host a website may constitute bad faith. Such purposes include sending email, phishing, identity theft, or malware distribution. ... Many such cases involve the respondent’s use of the domain name to send deceptive emails, e.g., to solicit payment of fraudulent invoices by the complainant’s actual or prospective customers.”); *Univar Solutions Inc. v. Name Redacted*, WIPO Case No. [D2024-1223](#) (“Respondent’s impersonation of Complainant’s employee in an attempt to perpetrate a fraud by misdirecting a shipment of goods to the Respondent for the account of the Complainant is per se illegitimate activity and a bad faith use of the Domain Name”). Thus, having reviewed the record, the Panel finds Respondent’s registration and use of the disputed domain name constitutes bad faith under the Policy.

Accordingly, the Panel finds that 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 <howmetusa.com> be transferred to Complainant.

*/Bradley A. Slutsky/*

**Bradley A. Slutsky**

Sole Panelist

Date: January 26, 2025