ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

Telefonaktiebolaget LM Ericsson v. 石磊 (Lei Shi)
Case No. D2024-5076

1. The Parties

The Complainant is Telefonaktiebolaget LM Ericsson, Sweden, represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is 石磊 (Lei Shi), China.

2. The Domain Names and Registrars

The disputed domain names <ericssonenterprisebenefits.com>, <ericssonenterprisewierelessbenefit.com>, <ericssonenterprisewierelessbenfits.com>, <ericssonenterprisewierelessbenifits.com>, <ericssonenterprisewierlessbenefits.com>, and <wwwericssonenterprisewierelessbenefits.com> are registered with Chengdu West Dimension Digital Technology Co., Ltd.

The disputed domain name <ericssonenterprisewierelesbenefits.com> is registered with Cloud Yuqu LLC (collectively, the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on December 10, 2024, involving the disputed domain names and another domain name. On December 10, 2024, the Center transmitted by email to the Registrar and another registrar a request for registrar verification in connection with the disputed domain names. On December 10, 11, and 17, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (REDACTED FOR PRIVACY and Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 17, 2024 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar and another registrar, requesting the Complainant to either file separate complaint(s) for the disputed domain names and another domain name associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint in English on December 19, 2024.

On December 17, 2024, the Center informed the Parties in Chinese and English, that the language of the Registration Agreements for the disputed domain names is Chinese. On December 19, 2024, the Complainant requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant's submission.

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 in English and Chinese of the Complaint, and the proceedings commenced on December 20, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 9, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 10, 2025.

On January 10, 2025, the Complainant requested to remove one domain name from the proceeding. On January 13, 2025, the Center invited the registrant of that domain name to comment if it had any objection to the Complainant's request by January 18, 2025. In the absence of any objection from the registrant of that domain name, the Center confirmed that the requested domain name had been removed from the proceeding on January 20, 2025.

The Center appointed Francine Tan as the sole panelist in this matter on January 23, 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 is one of the world's leading providers of communications technology and services around the world. Founded in 1876, the Complainant developed the 500 Switch in 1923, which powered telephone networks at the time to the first generation of mobile telephony under the name Nordic Mobile Telephony, launched in 1981. Other key innovations include the development of the first smartphone in 1997, Bluetooth connectivity in 1998, and its research on 3G and 4G networks.

Today, the Complainant offers services, software and infrastructure in information and communications technology for telecommunications operators, traditional telecommunications and Internet Protocol networking equipment, mobile and fixed broadband, operations and business support services, cable television, IPTV, and video systems.

The Complainant is listed on Nasdaq Stockholm, and on NASDAQ in New York. The Complainant employs over 103,000 employees worldwide.

The Complainant maintains a strong Internet presence through its primary domain name, <ericsson.com> and its various social media profiles on Facebook, X (formerly known as Twitter), and Instagram, where it has 570,179 likes, 266,700 followers, and 32,200 followers, respectively.

The Complainant owns various trade mark registrations for ERICSSON worldwide, including the following:

- China trade mark registration No. 3124289, registered on June 21, 2003;

- China trade mark registration No. 3124286, registered on July 14, 2003;

- United States of America ("U.S.") trade mark registration No. 1313196, registered on January 8, 1985;

- U.S. trade mark registration No. 2665187, registered on December 24, 2002; and

- European Union registration No. 000107003, registered on March 23, 1999.

The Complainant's primary domain name, <ericsson.com>, was registered on July 25, 1989.

The disputed domain names were registered on August 15, 2024.

At the time of filing the Complaint, the disputed domain names resolved to various parking page displaying Pay-Per-Click ("PPC") links.

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 names.

Notably, the Complainant contends that:

- The disputed domain names are confusingly similar to the Complainant's ERICSSON trade mark. The disputed domain name <ericssonenterprisebenefits.com> comprises the string "Ericsson Enterprise Benefits". In creating the other disputed domain names, the Respondent added mis-spellings of the generic, descriptive terms "enterprise wireless benefits" to the ERICSSON trade mark. The various misspellings are as follows:

a. <ericssonenterprisewierlessbenefits.com> - reversal of the letters "r" and "e" in the term "wireless";
b. <ericssonenterprisewierelessbenfits.com> - addition of the letter "e" in "wireless", and omission of the letter "e" in "benefits";
c. <ericssonenterprisewierelessbenefit.com> - addition of the letter "e" in "wireless", and omission of "s" in "benefits";
d. <ericssonenterprisewierelessbenifits.com> - addition of the letter "e" in "wireless", and substitution of the letter "e" with "i" in "benefits";
e. <ericssonenterprisewierelesbenefits.com> - addition of the letter "e", and omission of one letter "s" in "wireless"; and
f. <wwwericssonenterprisewierelessbenefits.com> - addition of "www" prior to the string, and addition of the letter "e" in "wireless".

The descriptive terms "enterprise wireless benefits" and "enterprise benefits" are closely linked and associated with the Complainant's ERICSSON trade mark, and only serve to enhance the confusing similarity between the disputed domain names and the Complainant's trade mark. The Complainant offers a range of Enterprise Wireless Solutions through Private Networks or Wireless WAN solutions.

- The Respondent has no rights or legitimate interests in the disputed domain names. There is no evidence that the Respondent is commonly known by any of the disputed domain names. The Complainant has not authorized or permitted the Respondent to use the Complainant's trade marks in any manner including in domain names. The Respondent is not sponsored or affiliated with the Complainant in any way. The Respondent is not commonly known by the disputed domain names. The disputed domain names were registered long after the Complainant registered its ERICSSON trade mark. The Respondent is also utilizing a privacy service, which is an indication of lack of legitimate interests. The disputed domain names resolve to websites hosting PPC click links and the Respondent receives PPC fees from the links. The use of a domain name to host PPC links is not a bona fide offering of goods and/or services which would give rise to rights or legitimate interests in the disputed domain names.

- The disputed domain names were registered and are being used in bad faith. The Complainant and its ERICSSON trade mark are known internationally. The Complainant has marketed and sold its goods and services using the ERICSSON trade mark since 1876. Therefore, the Respondent knew or should have known of the Complainant's well-known ERICSSON trade mark at the time of the registration of the disputed

domain names. Further, the Respondent registered the seven disputed domain names that comprise misspellings of the strings "Ericsson enterprise wireless benefits" and/or "Ericsson enterprise benefits", which suggests that the Respondent was aware of the Complainant and its Enterprise Wireless Solutions. The Respondent is therefore attempting to confuse unsuspecting Internet users looking for the Complainant's website, and mislead them as to the source, sponsorship, affiliation, or endorsement of the disputed domain names and websites, by creating a likelihood of confusion between the Complainant and the disputed domain names. The Respondent has therefore demonstrated a nefarious intent to capitalize on the fame and goodwill of the Complainant's trade mark for the Respondent's own pecuniary gain. The disputed domain names comprise misspellings of the strings "Ericsson enterprise wireless benefits" and/or "Ericsson enterprise benefits" which must have been intended to cause confusion amongst Internet users as to the source of the dispute domain names. Therefore, these registrations must be considered to have been made in bad faith. The sheer number of disputed domain names also demonstrates that the Respondent is engaged in a pattern of cybersquatting, which is evidence of bad faith registration and use. This is confirmed by past numerous UDRP decisions of which the Respondent was listed as a respondent, and was found to be a serial cybersquatter. The use of a privacy service, and the ignoring of the Complainant's cease-and-desist letters are also further evidence of bad faith.

B. Respondent

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

6. Discussion and Findings

Language of the Proceeding

The language of the Registration Agreements for the disputed domain names is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons:

- The Complainant is unable to communicate in Chinese and requiring the Complaint to be translated into Chinese would cause the Complainant to be unfairly disadvantaged and burdened, and delay the proceeding and adjudication of the matter.

- Delaying the adjudication of the matter would allow the Respondent to generate revenue through PPC links, which poses continuing risk to the Complainant and unsuspecting consumers seeking the Complainant or its products.

- The disputed domain names comprise Latin characters.

- The PPC links on the webpages to which of the disputed domain names resolve are in English and feature English phrases.

- The term "Ericsson" has no meaning in Chinese.

- The Respondent did not provide a reply to the Complainant's cease-and-desist letters, despite having ample time and opportunity to respond. To allow the Respondent to dictate the course of the matter and further burden the Complainant at this juncture would contravene the spirit of UDRP and disadvantage the Complainant.

- The Respondent has been named as a respondent in numerous other UDRP decisions, all of which were conducted in English.

- It would unduly burden the Complainant to arrange and pay for translation of the Complaint where the Respondent has demonstrated behaviour that disrupts the Complainant's business and has already required the Complainant to devote significant time and resources to addressing this instance of abuse.

The Respondent did not make any submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

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 trade mark and the disputed domain names. WIPO Overview 3.0, section 1.7.

The Complainant has shown rights in respect of a trade mark 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 names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.0, section 1.7.

The addition of other terms, here, "enterprisewierlessbenefits", "enterprisewierelessbenfits", "enterprisewierelessbenefit", "enterprisewierelessbenifits", "enterprisewierelesbenefits", "www", "enterprisewierelessbenefits", or "enterprisebenefits" does not prevent a finding of confusing similarity between the disputed domain names and the ERICSSON trade mark for the purposes of the Policy. The ERICSSON trade mark is recognizable within the disputed domain names. WIPO Overview 3.0, section 1.8.

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 names. 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 names such as those enumerated in the Policy or otherwise.

There is no evidence that the Respondent is commonly known by the disputed domain names. The Respondent was not authorized by the Complainant to use the latter's ERICSSON trade mark or to register a domain name incorporating the trade mark. There is no evidence that the Respondent has used the disputed domain names for a legitimate noncommercial or fair use, without intent for commercial gain. Instead, the evidence shows that the disputed domain names are used for PPC links, some of which advertise third-party goods and/or services which may compete with those of the Complainant. WIPO Overview 3.0, section 2.9.

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.

The Panel is persuaded that this is a typical case of typosquatting. Considering that the disputed domain names incorporate the ERICSSON trade mark in its entirety, whilst adding various dictionary terms which contain similar typographical errors, the use of the disputed domain names for PPC links, and the evidence of the pattern of conduct by the Respondent, it is evident that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its websites by creating a likelihood of confusion with the Complainant's trade mark. As is stated in WIPO Overview 3.0, section 3.1.4:

"[P]anels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos […]) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith."

The Panel notes that (i) the Respondent failed to submit a response to the Complaint despite the successful delivery of the case-related documents from the Center; (ii) the Respondent's pattern of cybersquatting conduct from numerous past UDRP cases; and (iii) that the Respondent failed to reply to the Complainant's cease-and- desist letters dated October 7, 2024, October 17, 2024, and October 24, 2024, and draws adverse inferences accordingly.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain names 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 names <ericssonenterprisebenefits.com>, <ericssonenterprisewierelesbenefits.com>, <ericssonenterprisewierelessbenefit.com>, <ericssonenterprisewierelessbenfits.com>, <ericssonenterprisewierelessbenifits.com>, <ericssonenterprisewierlessbenefits.com> and <wwwericssonenterprisewierelessbenefits.com> be transferred to the Complainant.

/Francine Tan/
Francine Tan
Sole Panelist
Date: February 4, 2025