

ADMINISTRATIVE PANEL DECISION

Airbus SAS v. Chris Hazleton
Case No. D2024-5311

1. The Parties

The Complainant is Airbus SAS, France, represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Chris Hazleton, United States of America.

2. The Domain Name and Registrar

The disputed domain name <airbus330.com> (“Disputed Domain Name”) is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 24, 2024. On December 26, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On December 26, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 27, 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 January 2, 2025.

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 January 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 26, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 27, 2025.

The Center appointed Christos A. Theodoulou as the sole panelist in this matter on February 3, 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 a company well known in the aerospace sector. According to the Complainant, its company has designed, manufactured and delivered commercial aircraft, helicopters, military transports, satellites and launch vehicles for over 50 years. It has attained a leading position in its sphere of activity. The Complainant's history dates back to the formation of the Airbus Industrie GIE consortium in 1970. According to the information provided by the Complainant and not refuted by the Respondent, since 1970, the Complainant has delivered over 13,500 aircraft to airlines worldwide, as of September 2021, and 12,000 helicopters operated by over 3,000 customers. In addition, the Complainant is recognized as a Top 10 Defense Company. The Complainant's technological innovation includes the Concorde and the A330 aircraft.

The Complainant has a wide global presence, through roughly 180 locations across Europe, the Americas, Africa and Middle East and Asia. More than 131,000 employees make up the Complainant's workforce.

The Complainant is the owner of trademark registrations across various jurisdictions, either held in its own name or through its wholly owned subsidiary Airbus Operations GmbH. Below are some relevant registrations of the Complainant:

1. Trademark registration no. 4385892, AIRBUS, registered on August 20, 2013, with the United States Patent and Trademark Office ("USPTO");
2. International Trademark registration no. 1112012, AIRBUS, registered on June 24, 2011;
3. International Trademark registration no. 1247403, AIRBUS, registered on June 18, 2014;
4. Trademark registration no. 1844310, A330, registered on July 12, 1994, with the USPTO;
5. International Trademark registration no. 573865, A330, registered on July 15, 1991; and.
6. Trademark registration no. 018966540, A330, registered on August 10, 2024, with the European Union Intellectual Property Office ("EUIPO").

Further, the Complainant maintains an Internet presence communicating with its customers through its primary domain name <airbus.com> registered since May 23, 1995.

The Disputed Domain Name was registered far later, on April 8, 2024 and resolves to a website that features an image of an aircraft and a subscription box.

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 confusingly similar to its prior trademarks AIRBUS and A330 in which the Complainant has rights, that the Respondent lacks any rights or legitimate interests in respect of the Disputed Domain Name, and that the Respondent must have known of the Complainant's trademarks and has registered and used the Disputed Domain Name in bad faith. The Complainant states that the addition of the generic Top-Level Domain ("gTLD") ".com" must be disregarded for the comparison.

Moreover, the Complainant alleges that the Respondent has no rights or legitimate interests in the Disputed Domain Name, as the Respondent is not commonly known by the Disputed Domain Name; that the Respondent has no relation to the Complainant in any way. The Complainant further alleges that the Respondent was neither licensed nor authorized to make any use of the Complainant's trademarks AIRBUS and A330, or applied for registration of the Disputed Domain Name by the Complainant.

The Complainant further asserts that, given the distinctiveness of the Complainant's trademarks and reputation, it is inconceivable that the Respondent could have registered the Disputed Domain Name without actual knowledge of the Complainant's rights in the trademarks, which is evidence of bad faith.

The Complainant also contends that the Disputed Domain Name could be used for phishing purposes by the Respondent, and that it is not possible to conceive any plausible actual or contemplated good-faith use of the Disputed Domain Name by the Respondent.

B. Respondent

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

6. Discussion and Findings

The Panel shall now proceed to the analysis of the evidence in this case and shall decide if the Complainant has satisfied the three elements of paragraph 4(a) of the Policy.

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 trademarks 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 the AIRBUS and A330 trademarks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the AIRBUS mark is reproduced within the Disputed Domain Name, and the A330 mark is recognizable within the disputed domain name. Accordingly, the Disputed Domain Name is confusingly similar to the marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The gTLD ".com" in the Disputed Domain Name is viewed as a standard registration requirement as such is typically disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

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.

In particular and based on the available record, the Panel finds that the Respondent has not used the Disputed Domain Name for a bona fide offering; that the Respondent is not commonly known by the Disputed Domain Name; and that the Respondent has not made a legitimate noncommercial or fair use of the Disputed Domain Name.

Moreover, it is to be noted that the Respondent did not present evidence of any license or permission by the Complainant, with whom there seems to exist no relationship whatsoever.

In addition, the Panel notes that the composition of the Disputed Domain Name, combining two of the Complainant's distinctive trademarks carries a risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5.1.

As a conclusion on this point, the Panel finds the second element of the Policy has been established and that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.

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 Respondent's Disputed Domain Name has only been registered since April 8, 2024, whereas the Complainant's trademarks are registered since at least June 24, 2011 (AIRBUS) and July 15, 1991 (A330) and later. From the evidence at hand, the Panel finds that the Respondent, when registering the confusingly similar Disputed Domain Name was aware of the Complainant's trademarks. Therefore, the Respondent's awareness of the Complainant's trademark rights at the time of registration suggests bad faith (See, *BellSouth Intellectual Property Corporation v. Serena, Axel*, WIPO Case No. [D2006-0007](#), *Red Bull GmbH v. Credit du Léman SA, Jean-Denis Deletraz*, WIPO Case No. [D2011-2209](#)).

The use of the Disputed Domain Name to resolve to a website that features an image of one of the Complainant's aircraft, and also displaying a subscription box requesting users' email addresses indicates that the Disputed Domain Name was registered and used for the purpose of attracting, for commercial gain, Internet users to the Respondent's website, by creating a likelihood of confusion with the Complainant's trademarks. Furthermore, the Panel notes the risk that the Disputed Domain Name may be used for illegitimate purposes, such as the collection of users' personal information through the subscription box on the website.

Further, at the time of initial filing of the Complaint, the Responded had employed a privacy service to hide its identity, which, along with the above-mentioned circumstances, serves as further indication of bad faith registration and use (See [WIPO Overview 3.0](#), section 3.6).

As a consequence of the above, 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 <airbus330.com> be transferred to the Complainant.

/Christos A. Theodoulou/

Christos A. Theodoulou

Sole Panelist

Date: February 12, 2025