

ADMINISTRATIVE PANEL DECISION

L-Acoustics v. Name Redacted

Case No. D2025-0196

1. The Parties

The Complainant is L-Acoustics, France, represented by Ebrand France, France.

The Respondent is Name Redacted.¹

2. The Domain Name and Registrar

The disputed domain name <l-acuostics.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 17, 2025. On January 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 20, 2025, 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 21, 2025, 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 22, 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

¹The Respondent appears to have used the name of a third party (which appears to be the name of one Complainant’s employee) when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted the Respondent’s name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

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 28, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 17, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 18, 2025.

The Center appointed William A. Van Caenegem as the sole panelist in this matter on February 21, 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 headquartered in France and a manufacturer of loudspeakers, amplifiers, marketing materials, and signal processing devices.

The Complainant is the owner of many registered trademarks, including the international trademark L-ACOUSTICS No. 1625602, registered on May 27, 2021 in classes 9, 37, 41, and 42; and international figurative trademark L’ACOUSTICS No. 1342749, registered on January 12, 2017 in class 9.

The Complainant is also the owner of numerous domain names including <l-acoustics.com> registered on January 30, 1997; <l-acoustics.fr> registered on December 8, 1999; and <l-acoustics.in> registered on January 27, 2010.

The disputed domain name was registered on November 21, 2024, and at the time of this Decision it does not resolve to an active website.

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 all its trademarks and domain names were registered prior to the disputed domain name’s registration. Thus, the Complainant says it has prior rights on the designation L-ACOUSTICS.

The Complainant also says that the disputed domain name is composed exclusively of “l-acuostics”, which is visually very close of “l-acoustics”. The letters “u” and “o” have been interchanged and they are next to each other giving the same visual impression as “ou”. The Complainant contends that this interchange does not prevent Internet users from recognizing the term “l-acoustics”.

The Complainant concludes that the disputed domain name should be considered a case of typo-squatting, and adds that the Complainant’s mark is readily recognizable within the disputed domain name, and therefore, the disputed domain name is confusingly similar to that trademark. The Complainant also argues that the disputed domain name is almost identical to its highly distinctive trademark and was deliberately chosen for that reason, and this further reinforces the conclusion that the disputed domain name is confusingly similar to the Complainant’s registered trademark L-ACOUSTICS.

The Complainant further asserts that the Respondent is not commonly known under the name

“L-acoustics” or “L-acuostics”, and that it has never authorized anyone to use the L-ACOUSTICS trademark in a disputed domain name (in an altered form) nor granted the Respondent any license, franchise or authorization to do so. The Complainant adds that the Respondent has no prior rights or legitimate interests in the disputed domain name. It says that according to Internet search results no company is commonly known by the name “L-acuostics”, nor does it appear in the WIPO Global Brand Database. The Complainant contends that the Respondent cannot have any legitimate purpose in registering a disputed domain name incorporating its registered trademark, which he must have been aware of, given that the Complainant’s trademark registrations predate the registration date of the disputed domain name. The Respondent has not used the disputed domain name to resolve to any active website and there is no indication of any related bona fide offering of goods or services, the Complainant asserts.

The form of typo-squatting engaged in here by the Respondent is in itself evidence of bad faith, the Complainant says. The Complainant asserts that the disputed domain name was registered to divert Internet users from its own legitimate website.

The Complainant further asserts that the disputed domain name has been used for the purpose of phishing, fraudulent emails having been sent to its clients, requesting them to make payment transfers to certain bank accounts. Clients of the Complainant were likely to think, wrongly, that these emails came from the Complainant, which was absolutely false. The Complainant contends that the creation of an e-mail address - based on a disputed domain name that may lead the recipient of a message sent from that address to believe that it is from the Complainant constitutes a bad faith use of the domain name, as has been held previously. In conclusion the Complainant says that the registration and use of the disputed domain name is very harmful and that it was thus registered and used in bad faith.

B. Respondent

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

6. Discussion and Findings

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 or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain name. The mere misspelling of “ou” in “acoustics” as “uo” in “acuostics” is almost unnoticeable and therefore the Complainant’s trademark is considered to be confusingly similar to the relevant mark for purposes of the first element.. [WIPO Overview 3.0](#), section 1.7 and 1.9.

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.

Panels have held that the use of a domain name for illegitimate activity, in this case phishing, can never confer rights or legitimate interests on a respondent. [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

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 observes that the Respondent registered the disputed domain name in a clear attempt at domain name squatting. The slight misspelling of the term “acoustics” can only be deliberate, as has been manifested in the subsequent phishing attempts engaged in by the Respondent. The trademark rights of the Complainant predate the registration date of the disputed domain name and obviously the Complainant never gave the Respondent any license or authority to use its distinctive trademark. Simple domain name or trademark registered searches make it immediately obvious that the Complainant is the unique global owner of the marks L-ACOUSTICS and L’ACOUSTICS, something that cannot have escaped the Respondent’s notice.

The Complainant puts material before the Panel that is consistent with an attempt at phishing by the Respondent. That is, an attempt to impersonate the Complainant by using an email extension obtained through registering the disputed domain name, that gives the impression that an email demanding payments emanates from the Complainant. This is a fraudulent activity and hence clearly in bad faith. The Respondent has not made any other use of the disputed domain name and not established a website by reference to it. [WIPO Overview 3.0](#), section 3.4.

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 <l-acuostics.com> be transferred to the Complainant.

/William A. Van Caenegem/

William A. Van Caenegem

Sole Panelist

Date: March 5, 2025