

## **ADMINISTRATIVE PANEL DECISION**

Kyocera AVX Components Corporation v. Vesea Draca  
Case No. D2025-1498

### **1. The Parties**

The Complainant is Kyocera AVX Components Corporation, United States of America ("United States"), represented by Quarles & Brady LLP, United States.

The Respondent is Vesea Draca, United States.

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

The disputed domain name <kyocerasavx.com> is registered with Global Domain Group LLC (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 11, 2025. On April 14, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 15, 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 (Global Domain Group Privacy Service) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 15, 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 April 16, 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 April 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 12, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 13, 2025.

The Center appointed Gary Saposnik as the sole panelist in this matter on May 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, previously known as AVX Corporation, is a global manufacturer and supplier of advanced electronic components and sensor, control, connectors, and antenna solutions. They employ more than 15,000 engineers, researchers, technicians, specialists, and experts across all fields. The Complainant has a global footprint comprised of research, development, and manufacturing facilities in more than fifteen countries, including in the United States.

In 2020, Kyocera Corporation acquired AVX Corporation and merged a subsidiary of Kyocera Corporation with AVX Corporation. In 2021, the merged company changed its name to the Complainant's current name, Kyocera AVX Components Corporation.

The Complainant began using its AVX mark at least as early as September 1970 in connection with the advertising, promotion, manufacturing and sale of capacitors and various electrical components and products. The Complainant owns numerous trademark registrations for its AVX mark, including the following United States trademark registration:

- AVX, United States Registration No. 2504553, registered November 6, 2001, in class 9;
- AVX (figurative), United States Registration No. 936515, registered June 27, 1972, in class 9;
- AVX, United States Registration No. 2698441, registered March 18, 2003, in class 9.

Since its merger, the Complainant has also used the "Kyocera AVX" name in connection with the same goods as the AVX marks and claims to have acquired common law rights in the Kyocera AVX name. The Complainant has widely used AVX and KYOCERA AVX in its marketing and advertising materials, including various social media sites such as Facebook, Instagram, LinkedIn, and YouTube. In addition, the Complainant advertises its goods through its website at <www.kyocera-avx.com>, with said domain name having been registered on February 15, 2021. The Complainant has also been the registrant of the domain name <avx.com> since at least as early as 2002, with said domain name resolving to the Complainant's "kyocera-avx.com" website.

The disputed domain name was registered on November 13, 2024. The address of the Respondent is located in the United States. The disputed domain name does not resolve to an active website but has been used to send emails or place orders to vendors of the Complainant while impersonating employees of the Complainant.

#### **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 identical or confusingly similar to a trademark or service mark in which the Complainant has rights. In addition to the trademark registrations for the AVX mark, which has been used in commerce since as early as 1970, the Complainant claims common law rights in the KYOCERA AVX Mark and the Kyocera AVX Name through its use in commerce since at least as early as 2021, well prior to the Respondent's registration of the disputed domain name.

The disputed domain name is confusingly similar to the Complainant's marks, as it consists of the Complainant's name with the letter "S" inserted after the word KYOCERA and before the word AVX, while deleting the hyphen that is present in the Complainant's main website domain name. The addition of the "S" and elimination of the hyphen does not add distinction to the disputed domain name but rather heightens confusion because the addition of the letter "S" suggests the plural form of the word KYOCERA. This constitutes typosquatting and signals the Respondent's intent to confuse users seeking or expecting the Complainant. Accordingly, the disputed domain name is identical and/or confusingly similar to the AVX Mark, the Kyocera AVX Name, and the KYOCERA AVX Mark. [WIPO Overview 3.0](#), section 1.9.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent registered the disputed domain name more than 50 years after the Complainant began using and first registered its AVX mark. It is also three years after the Complainant began use of the Kyocera AVX Name. The Respondent is not a licensee of the Complainant nor is the Respondent otherwise authorized to use the Complainant's AVX Mark or KYOCERA AVX Mark and the Kyocera AVX Name for any purpose. The Respondent does not appear to be commonly known as "Kyocera AVX."

Additionally, the Respondent has no legitimate interests in the disputed domain name, as the Respondent is using the disputed domain name to impersonate an employee of the Complainant and sending illegal emails for the purpose of defrauding the Complainant's vendors. Thereby, the Respondent is trading off the goodwill associated with the Complainant's trademark and illegally attempts to mislead and phish the Complainant's vendor into sending the Respondent sensitive login information and access to their platform.

Furthermore, the Complainant avers that the disputed domain name was registered and is being used in bad faith. The Respondent knowingly registered a domain name containing the Complainant's AVX Mark, the KYOCERA AVX Mark and the Kyocera AVX Name to send illegal emails impersonating the Complainant and its employees in an attempt to defraud the Complainant's vendors.

It is not credible that the disputed domain name was registered in good faith, as the disputed domain name is an intentional misspelling of the Complainant's Kyocera AVX name and incorporates the Complainant's AVX Mark, as well as being used as part of a phishing scheme as previously described. Accordingly, as part of the phishing scheme, the Respondent intentionally registered a domain name that the Complainant's vendors and potential vendors would mistakenly assume belonged to, or was associated with the Complainant, when it is not. The Respondent has attempted to trade off the goodwill associated with the Complainant and is attempting to engage in business transactions mimicking the Complainant. Based on the above, there is no plausible circumstance under which the Respondent could have registered or used the disputed domain name, and that, therefore, the disputed domain name was registered and is being used by the Respondent 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 the AVX trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the Complainant has established unregistered trademark or service mark rights in KYOCERA AVX for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3. In addition to evidence of substantial use on its website and social media, the KYOCERA AVX Mark is inherently distinctive, as well as having acquired secondary meaning through its use in commerce as a designation of source.

The entirety of the Complainant's AVX 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. The Complainant's KYOCERA AVX mark is also recognizable within the disputed domain name. The addition of an "s" after "kyocera" is an obvious and intentional misspelling of the Complainant's mark. Prior Panels, and this Panel, finds that the typosquatting in the disputed domain name is confusingly similar to the Complainant's mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 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.

The disputed domain name was registered more than 50 years after the Complainant began use and acquired rights in its AVX Mark, and three years after the Complainant's use of the Kyocera AVX name that is also distinctive. The Respondent is not a licensee of the Complainant nor is the Respondent otherwise authorized to use the Complainant's AVX Mark or KYOCERA AVX Mark and the Kyocera AVX Name for any purpose. The Respondent does not appear to be commonly known as "Kyocera AVX." Of particular note, the Complainant has presented evidence of the Respondent's use of the disputed domain name in a phishing scheme by impersonating/passing off of the Complainant and its employees in an attempt to obtain funds and sensitive information from the Complainant's vendors.

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, here, claimed as applicable to this case: phishing and impersonation/passing off, or other types of fraud 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 notes that the Respondent registered the disputed domain name many years after the Complainant obtained rights in its AVX and KYOCERA AVX Marks. Although the disputed domain name did not resolve to an active website, as previously noted, the Respondent was utilizing the disputed domain name in a phishing scheme through email accounts containing the names of the Complainant's employees. The emails appear to impersonate the employee, while also seeking personal or financial information, and the transfer of funds from unsuspecting vendors. Combined with the typosquatting in the disputed domain name, this is an obvious attempt to intentionally attract, for commercial gain, Internet users and the Complainant's vendors/customers, by creating a likelihood of confusion with the Complainant's marks.

Panels have held that the use of a domain name for illegitimate activity, here, claimed as applicable to this case: phishing and impersonating/passing off, or other types of fraud, constitutes bad faith.

[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 <kyocerasavx.com> be transferred to the Complainant.

*/Gary Saposnik/*

**Gary Saposnik**

Sole Panelist

Date: May 30, 2025