

ADMINISTRATIVE PANEL DECISION

Akerman LLP v. russ rod

Case No. D2025-3726

1. The Parties

Complainant is Akerman LLP, United States of America (“United States”), represented by Akerman LLP, United States.

Respondent is russ rod, United States.

2. The Domain Name and Registrar

The disputed domain name <akermanlawllp.com> (the “Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 12, 2025. On September 15, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On September 15, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Withheld for Privacy) and contact information in the Complaint. The Center sent an email communication to Complainant on September 16, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on September 20, 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 Respondent of the Complaint, and the proceedings commenced on September 23, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 13, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on October 15, 2025.

The Center appointed Kimberley Chen Nobles as the sole panelist in this matter on October 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

Complainant is Akerman LLP, a law firm with 25 offices across the United States, serving local, regional, national and international clients. Complainant owns several registered trademarks with the AKERMAN mark, including:

- United States registered trademark number 4055042 for the AKERMAN word mark, registered on November 15, 2011;
- United States registered trademark number 4686778 for the AKERMAN design and word mark, registered on February 17, 2015; and
- United States registered trademark number 5764350 for the AKERMAN design and word mark, registered on May 28, 2019.

Complainant also owns and operates its business website at <akerman.com>, which was registered in 1996.

The Domain Name was registered on August 21, 2025 and at the time of filing of the Complaint, resolved to an inactive site. However, the record shows that email communications capabilities based on the Domain Name were used in a fraudulent scheme to impersonate Complainant, in an attempt to defraud a third party and divert funds to Respondent.

5. Parties' Contentions

A. Complainants

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

Notably, Complainant contends that (i) the Domain Name is confusingly similar to Complainant's trademarks; (ii) Respondent has no rights or legitimate interests in the Domain Name; and (iii) Respondent registered and is using the Domain Name in bad faith.

In particular, Complainant contends that they have trademark registrations for AKERMAN and that Respondent registered and is using the Domain Name with the intention to confuse Internet users looking for bona fide and well-known AKERMAN products and services.

Complainant notes that it has no affiliation with Respondent, and that Respondent is posing as Complainant, by using the Domain Name to set up an email address that passes itself off as Complainant, and to use email communications associated with the Domain Name to pose as Complainant, seeking payment, in an attempt to divert such payments to Respondent.

Complainant further contends that Respondent is using the Domain Name as a tool to exploit Complainant's reputation for its own commercial gain, and that Respondent has no rights or legitimate interests in the Domain Name. Further, Complainant contends that Respondent has acted in bad faith in acquiring and setting up the Domain Name, when Respondent clearly knew of Complainant's rights.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed Complainants must satisfy the Panel that:

- (i) the 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 Domain Name; and
- (iii) the Domain Name was registered and is being used in bad faith.

Section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") states that failure to respond to Complainant's contentions would not by itself mean that Complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that Complainant's claims are true.

Thus, although in this case, Respondent has failed to respond to the Complaint, the burden remains with Complainant to establish the three elements of paragraph 4(a) of the Policy by a preponderance of the evidence.

A. Identical or Confusingly Similar

Ownership of a trademark registration is generally sufficient evidence that a complainant has the requisite rights in a mark for purposes of paragraph 4(a)(i) of the Policy. See [WIPO Overview 3.0](#), section 1.2.1.

Complainant has provided evidence of its rights in the AKERMAN trademarks, as noted above under section 4. The record shows that in addition to its registered trademarks, Complainant owns and operates its business as AKERMAN and has acquired common law trademark rights through its use, which pre-date the registration date of the Domain Name. Complainant has therefore proven that it has the requisite rights in the AKERMAN trademarks.

With Complainant's rights in the AKERMAN trademarks established, the remaining question under the first element of the Policy is whether the Domain Name, typically disregarding the Top-Level Domain ("TLD") in which it is registered (in this case, ".com"), is identical or confusingly similar to Complainant's trademark. See, e.g., *B & H Foto & Electronics Corp. v. Domains by Proxy, Inc. / Joseph Gross*, WIPO Case No. [D2010-0842](#).

Here, the Domain Name is confusingly similar to Complainant's AKERMAN trademarks. The AKERMAN trademarks are recognizable in the Domain Name.

In particular, the Domain Name's inclusion of Complainant's AKERMAN trademark in its entirety, with the addition of the terms "law" and "llp" following the AKERMAN mark does not prevent a finding of confusing similarity between the Domain Name and the AKERMAN trademarks respectively. [WIPO Overview 3.0](#), sections 1.8 and 1.9.

Thus, the Panel finds that Complainant has satisfied the first element of the Policy.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, a complainant must make a prima facie showing that a respondent possesses no rights or legitimate interests in a disputed domain name. See, e.g., *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. [D2008-1393](#). Once a complainant makes out such a prima facie showing, the burden of production shifts to respondent, though the burden of proof always remains on complainant. If respondent fails to come forward with relevant evidence showing rights or legitimate interests, complainant will have sustained its burden under the second element of the UDRP.

From the record in this case, it is evident that Respondent was, and is, aware of Complainant and its AKERMAN trademarks, and does not have any rights or legitimate interests in the Domain Name. In addition, Complainant asserts that Respondent is not authorized to promote Complainant's goods or services and is not related to Complainant. Respondent is also not known to be associated with the AKERMAN trademarks and there is no evidence showing that Respondent has been commonly known by the Domain Name.

In addition, Respondent has not used the Domain Name in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use. Rather, at the time of filing of the Complaint, Respondent had used the Domain Name to imitate Complainant and its AKERMAN brand, to use email communications capabilities to pass itself off as Complainant, listing its email address as "...@akermanlawllp.com", so as to impersonate Complainant in an attempt to fraudulently obtain funds from a third party and divert such funds to Respondent. UDRP panels have consistently held that use of a domain name for illegal activity — such as impersonation or passing off — can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Accordingly, Complainant has provided evidence supporting its prima facie claim that Respondent lacks any rights or legitimate interests in the Domain Name. Respondent has failed to produce countervailing evidence of any rights or legitimate interests in the Domain Name.

Thus, the Panel concludes that Respondent does not have any rights or legitimate interests in the Domain Name, and Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds that Respondent's actions indicate that Respondent registered and is using the Domain Name in bad faith.

Paragraph 4(b) of the Policy provides a non-exhaustive list of circumstances indicating bad faith registration and use on the part of a domain name registrant, namely:

"(i) circumstances indicating that you have registered or you have 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 your documented out-of-pocket costs directly related to the domain name; or

(ii) you have 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 you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your website or location."

The Panel finds that Complainant has provided ample evidence to show that registration and use of the AKERMAN trademarks long predate the registration of the Domain Name. Complainant is also well established and known. Indeed, the record shows that Complainant's AKERMAN trademarks and related products and services are widely known and recognized. Therefore, the Panel is of the view that Respondent was aware of the AKERMAN trademarks when it registered the Domain Name. See [WIPO Overview 3.0](#), section 3.2.2; see also *TTT Moneycorp Limited v. Privacy Gods / Privacy Gods Limited*, WIPO Case No. [D2016-1973](#).

The Panel thus finds that Respondent's awareness of Complainant's trademark rights at the time of registration suggests bad faith. See *Red Bull GmbH v. Credit du Léman SA, Jean-Denis Deletraz*, WIPO Case No. [D2011-2209](#); *Nintendo of America Inc v. Marco Beijen, Beijen Consulting, Pokemon Fan Clubs Org., and Pokemon Fans Unite*, WIPO Case No. [D2001-1070](#); and *BellSouth Intellectual Property Corporation v. Serena, Axel*, WIPO Case No. [D2006-0007](#).

Further, the composition of the Domain Name, which includes Complainant's AKERMAN trademark and the addition of the terms "law" and "llp" suggests Respondent's actual knowledge of Complainant's rights in the AKERMAN trademarks at the time of registration of the Domain Name and its effort to opportunistically capitalize on the registration and use of the Domain Name.

Moreover, Respondent registered and is using the Domain Name to confuse, mislead and defraud third parties. In particular, at the time of filing of the Complaint, Respondent had used the Domain Name to enable it to use email communications capabilities to pass itself off as Complainant, including listing its email address as "...@akermanlawllp.com", impersonating Complainant in an attempt to fraudulently obtain funds and divert such funds to Respondent. UDRP panels have consistently held that Respondent's use of the Domain Name to trade off goodwill in Complainant's well-known trademark and impersonate Complainant constitutes bad faith. See *Philip Morris Products S.A. v. homn mohmoodi*, WIPO Case No. [D2022-4158](#).

Further, the Panel also notes the failure of Respondent to submit a response.

Accordingly, the Panel finds that Respondent registered and is using the Domain Name in bad faith and Complainant succeeds under the third element of paragraph 4(a) 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 Domain Name <akermanlawllp.com> be transferred to Complainant.

/Kimberley Chen Nobles/

Kimberley Chen Nobles

Sole Panelist

Date: November 4, 2025