ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
American Airlines, Inc. v. ayuk bisong, zeego
Case No. D2026-1622

1. The Parties

The Complainant is American Airlines, Inc., United States of America ("United States"), represented by Greenberg Traurig, LLP, United States.

The Respondent is ayuk bisong, zeego, United States.

2. The Domain Name and Registrar

The disputed domain name <americanpetembark.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 April 16, 2026. On April 17, 2026, the Center transmitted to the Registrar a request for registrar verification in connection with the disputed domain name. On April 20, 2026, the Registrar transmitted to the Center its verification response, disclosing the registrant and its 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. On April 21, 2026, the Center notified the Complainant, with a copy to the Respondent, of the registrant and its contact information disclosed by the Registrar, and invited the Complainant to amend the Complaint adding the newly identified registrant. The Complainant filed an amended Complaint on April 26, 2026.

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 proceeding commenced on April 28, 2026. In accordance with the Rules, paragraph 5, the due date for the Response was May 18, 2026. The Respondent did not submit any response. Accordingly, on May 20, 2026, the Center notified the Respondent's default.

The Center appointed Professor Ilhyung Lee as the sole panelist in this matter on June 1, 2026. 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 describes itself as "the largest air carrier in the world and enjoys a reputation in the United States and internationally as a premier airline for business and leisure travelers". In the United States, the Complainant owns, among others, the AMERICAN (registration number 5,288,639, registered on September 19, 2017), AMERICAN AIRLINES (registration number 0,514,294, registered on August 23, 1949), and AMERICAN AIRLINES AADVANTAGE (5,360,206, registered on December 19, 2017) marks. Since 2021, the Complainant has used its AMERICAN PETEMBARK (registration number 7,151,471, registered on August 29, 2023) and PETEMBARK (and registration number 7,070,992, registered on June 6, 2023) marks for its services relating to the safe transportation of animals.

The Complainant has also registered a number of domain names to establish its Internet presence, including <aa.com> (registered on January 2, 1998); <americanairlines.com> (registered on April 17, 1998), which redirects to <aa.com>; and <aacargo.com> (registered on November 20, 1998). It is under this last domain name, specifically at "www.aacargo.com/learn/animals.html", in which the Complainant currently features its AMERICAN PETEMBARK program.

The disputed domain name <americanpetembark.com> was registered on April 11, 2024. According to the Complainant, at the time of the Complaint, the disputed domain name resolved to a site that prominently displayed the Complainant's multiple marks and identified the website operator as "American Airline [sic] Pet Embark."

5. Parties' Contentions

A. Complainant

The Complainant contends principally that: (i) the disputed domain name is identical or confusingly similar to a mark in which the Complainant has rights; (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and (iii) the disputed domain name has been registered and is being used in bad faith. In addition, the Complaint (and Amended Complaint) states, inter alia:

"During its more than 90-year history, [the Complainant] has developed global name-recognition and goodwill and has become a household name."

"Without Complainant's authorization or consent, Respondent registered the [d]isputed [d]omain [n]ame which … misappropriates and is confusingly similar to Complainant's Marks."

"Complainant has not authorized, licensed, or consented to Respondent's registration and use of domain names incorporating Complainant's [m]arks …."

"Respondent is using the [d]isputed [d]omain [n]ame to divert Internet traffic to a website that purports to be the official website for Complainant's American PetEmbark Program …, but appears to use language that makes it seem like Respondent is also trying to impersonate both Complainant's American PetEmbark Program and Complainant's AA Cargo Website and has essentially combined them into one fraudulent business."

"The [d]isputed [d]omain [n]ame has been used to host a website passing itself off as Complainant's website or a website sponsored by or affiliated with Complainant which at worst is used to steal consumers' personal information, and at best, simply confuses consumers."

B. Respondent

The Respondent did not reply to the Complainant's contentions. Under paragraphs 5(f) and 14(a) of the Rules, the Panel may decide the dispute based on the Complaint. Paragraph 14(b) allows the Panel to draw appropriate inferences from the Respondent's default.

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 Select UDRP Questions ("WIPO Overview 3.1"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The entirety of the Complainant's mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical or confusingly similar to the mark for purposes of the Policy. WIPO Overview 3.1, section 1.7.

The generic Top-Level Domain ("gTLD") ".com", a technical registration requirement, is disregarded in the consideration of this element. WIPO Overview 3.1, section 1.11.1.

The Panel finds that 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 that 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 3.1, section 2.1.

Here, the Complainant states that it has not authorized the Respondent to use the AMERICAN PETEMBARK mark and has met its initial burden of making a prima facie showing that the Respondent has no rights or legitimate interests in respect of the disputed domain name. Thus, the burden shifts to the Respondent to demonstrate any such rights or legitimate interests. Paragraph 4(c) of the Policy provides a non-exhaustive list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

The Respondent has defaulted. It 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. The Panel is unable to ascertain any evidence that would demonstrate the Respondent's rights or legitimate interests in the disputed domain name.

The Panel finds that 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 Complainant has provided evidence that at the time of the Complaint, Internet users who accessed the disputed domain name were taken to a website that prominently displayed the Complainant's marks, including the three-color blue, white, and red diagonal stripe logo, as well as AMERICAN AIRLINES, and just beneath it, "APet Embark". The top of the site also displayed links for "Tracking", "Services" (with a drop-down menu), "About" (which featured a "Company Profile" page), and "Contact" (which contained mailing addresses, a telephone number, and email addresses, none of which are associated with the Complainant). The Panel notes that the website's various pages contain a number of sentences that begin, "American Airline [sic] Pet Embark …".

In brief, bad faith is present throughout. This is a clear example of the blatant Respondent that "intentionally attempted to attract, for commercial gain, Internet users to [the Respondents'] website . . ., by creating a likelihood of confusion with the [C]omplainant's mark as to the source, sponsorship, affiliation, or endorsement" of the Respondents' website, under paragraph 4(b)(iv) of 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 <americanpetembark.com> be transferred to the Complainant.

/Ilhyung Lee/
Ilhyung Lee
Sole Panelist
Date: June 11, 2026