

ADMINISTRATIVE PANEL DECISION

American Airlines, Inc. v. Aristide Gatto
Case No. D2026-3539

1. The Parties

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

Respondent is Aristide Gatto, Italy.

2. The Domain Name and Registrar

The disputed domain name <americanairlines-en.com> is registered with Register SPA (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on August 10, 2026. On August 10, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 12, 2026, 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) and contact information in the Complaint. The Center sent an email communication to Complainant on August 17, 2026, 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 August 17, 2026.

On August 17, 2026, the Center informed the parties in Italian and English, that the language of the registration agreement for the disputed domain name is Italian. On August 17, 2026, Complainant confirmed its request that English be the language of the proceeding. Respondent did not submit any comment on Complainant's submission.

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, in English and Italian, of the Complaint, and the proceedings commenced on August 31, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 20, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on September 22, 2026.

The Center appointed Marina Perraki as the sole panelist in this matter on September 24, 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. Procedural Issue – Language of the Proceedings

The language of the registration agreement for the disputed domain name is Italian. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceedings shall be the language of the registration agreement.

The Complaint was filed in English. Complainant requested that the language of the proceedings be English for several reasons, including the fact that the disputed domain name led at the time of filing of the Complaint to a website in English, the disputed domain name consists of English words, while it also includes the abbreviation for English, namely “en”, and that having to translate the Complaint and supporting annexes into Italian would impose unnecessary expenses on Complainant and delay.

Respondent did not make any submissions with respect to the language of the proceedings.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Select UDRP Questions ([“WIPO Overview 3.1”](#)), section 4.5.1).

Having considered all the matters above and noting that the website previously accessible at the disputed domain name was in the English language, the Panel determines under paragraph 11(a) of the Rules that the language of the proceedings shall be English.

5. Factual Background

Complainant is one of the largest air carriers in the world with a 100-year history. Complainant's group served over 350 destinations in over 50 countries, with nearly 7,000 daily flights and billions of dollars investments on its intellectual property assets. Complainant has used the AMERICAN AIRLINES trademark for over 86 years, since as early as April 1934. According to the web analytics website SimilarWeb.com, Complainant's Website has been ranked the number one website in the world in the category of Air Travel.

Complainant owns trademark registrations for AMERICAN AIRLINES, including the Italian trademark registration No. 0001460462, AMERICAN AIRLINES (word), filed on June 21, 2011, and registered on September 22, 2011, for services in international class 39.

Complainant is also the owner of the domain name <americanairlines.com> which operates since 1998, redirecting to its main website with general information about Complainant and traveling, but also with functionalities that allow customers to book travel reservations around the world, view, change and cancel travel reservations, check in for flights, and view flight status.

The disputed domain name was registered on April 3, 2026, and at the time of filing of the Complaint led to a website passing off as that of Complainant (the "Website"). The Website prominently displayed Complainant's trademarks, as well as an image of a Complainant's airplane bearing Complainant's trademark. The Website purportedly allowed visitors to reserve airline tickets on Complainant but were directed to a phone number to do so. Per Complainant, this phone number was not registered by Complainant and is not connected to Complainant. Moreover, the Website displayed text purporting to impersonate Complainant, including an "About American Airlines" section, and "Why American Airlines Is the Smart Choice for Your Next Flight." Notably, in the Contact Information section of the home page, it said that it was located in Forth Worth, Texas, United States, which is where Complainant is located, while Whols registrant information indicated that Respondent is located in Italy. The Website also displays likely fraudulent "reviews". In the footer at the bottom of the Website there is an "Affiliate Disclosure" text which states: "This website participates in affiliate programs with travel service providers. Booking flights or services through links may earn a commission of no extra cost to you. This platform operates independently and is not officially endorsed, sponsored, or affiliated with American Airlines. All trademarks, logos, and brand names are property of their respective owners and are used solely for identification purposes". This text is in much smaller letters than all other text on the Website and is in a location where the user must scroll down to see it.

Additionally, it appears that Respondent has provided inaccurate contact information on the Whols. On August 17, 2026, Complainant's counsel sent correspondence to the registered Whols email address of Respondent, which bounced back.

Moreover, the disputed domain name has active Mail Exchange ("MX") records, which indicate use for email.

Currently the disputed domain name leads to an inactive website.

6. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

B. Respondent

Respondent did not reply to Complainant's contentions.

7. Discussion and Findings

Paragraph 4(a) of the Policy lists three elements, which Complainant must satisfy with respect to the disputed domain name:

- (i) the disputed 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 disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

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 3.1](#), section 1.7.

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 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 3.1](#), section 1.7.

Although the addition of other terms, here, "en" and a hyphen, may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

The generic Top-Level Domain ("gTLD") ".com" is disregarded, as gTLDs typically do not form part of the comparison on the grounds that they are required for technical reasons (See *Rexel Developpements SAS v. Zhan Yequn*, WIPO Case No. [D2017-0275](#); *Hay & Robertson International Licensing AG v. C. J. Lovik*, WIPO Case No. [D2002-0122](#), and [WIPO Overview 3.1](#), 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 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.

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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.

On the contrary, as Complainant demonstrated, the disputed domain name resolved to the Website, which featured Complainant's trademarks, a photo of a Complainant's airplane bearing Complainant's trademark, and passed off as Complainant's website, including sections entitled "About American Airlines" and "Why American Airlines Is the Smart Choice for Your Next Flight.", stating in the Contact Information in the home page, that it was located in Fort. Worth, Texas, United States, where Complainant is based, and suggesting falsely that it was that of Complainant or an affiliated entity or an authorized partner of Complainant.

Per the Complaint, uncontested, Respondent is not an affiliated entity or an authorized partner of Complainant and no agreement, express or otherwise, exists allowing the use of Complainant's trademark on the Website and the use of the disputed domain name by Respondent.

Panels have held that the use of a domain name for illegitimate activity, here, claimed passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

The purported “disclaimer” in the Website and does not dispel the risk of implied affiliation with Complainant here. The Website prominently displayed Complainant’s trademarks, the “disclaimer” was not sufficiently prominent ([WIPO Overview 3.1](#), section 2.5.2). The identical use of Complainant’s trademarks and logos for identical services on the Website that passed off as Complainant’s website, gave the impression that the Website was operated by Complainant or by a Complainant’s licensee.

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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.1](#), section 3.2.1.

The Panel concludes that Respondent has registered and used the disputed domain name in bad faith. Because the AMERICAN AIRLINES mark had been widely used and registered by the time of the disputed domain name registration by Respondent, enjoying reputation, as repeatedly recognized (e.g. *American Airlines, Inc. v. Ramadhir Singh, WhoisGuard Protected, WhoisGuard, Inc. et al.*, WIPO Case No. [D2021-0294](#)), the Panel finds it more likely than not that Respondent had Complainant’s mark in mind when registering the disputed domain name (*Tudor Games, Inc. v. Domain Hostmaster, Customer ID No. 09382953107339 dba Whois Privacy Services Pty Ltd / Domain Administrator, Vertical Axis Inc.*, WIPO Case No. [D2014-1754](#); and *Parfums Christian Dior v. Javier Garcia Quintas and Christiandior.net*, WIPO Case No. D2000-0226). The Panel also takes into account the content of the Website which passed off as that of Complainant.

As regards bad faith use of the disputed domain name, Complainant has demonstrated that the disputed domain name was used to resolve to the Website, which passed off as that of Complainant and prominently displayed Complainant’s registered trademark, airplane photos, text about Complainant and even Complainant’s registered address, thereby giving the false impression that it was operated by Complainant, or a company affiliated to Complainant or an authorised partner of Complainant. The disputed domain name was therefore used to intentionally attempt to create a likelihood of confusion with Complainant’s trademarks as to the source, sponsorship, affiliation, or endorsement of the Website it resolves to. This supports bad faith registration and use (*Booking.com BV v. Chen Guo Long*, WIPO Case No. [D2017-0311](#); *Ebel International Limited v. Alan Brashear*, WIPO Case No. [D2017-0001](#); *Walgreen Co. v. Muhammad Azeem / Wang Zheng, Nicenic International Group Co., Limited*, WIPO Case No. [D2016-1607](#); and *Oculus VR, LLC v. Sean Lin*, WIPO Case No. [DCO2016-0034](#); and [WIPO Overview 3.1](#), section 3.1.4).

As regards the purported “disclaimer” this, as aforementioned, did not, in the Panel’s view, constitute a proper disclaimer that enabled the users to understand that the Website was not associated with Complainant, given that the Website passed off as Complainant’s website, copying its trademarks, showing its airplane photo on the landing page and even containing information about Complainant and stating Complainant’s address. The users, based on the Website’s layout, would likely be expected to assume it was an official English-language portal of Complainant.

Panels have held that the use of a domain name for illegitimate activity, here, claimed passing off, constitutes bad faith. [WIPO Overview 3.1](#), section 3.4. Having reviewed the record, the Panel finds Respondent’s registration and use of the disputed domain name constitute bad faith under the Policy.

The Panel finds that Complainant has established the third element of the Policy.

8. 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 <americanairlines-en.com> be transferred to Complainant.

/Marina Perraki/

Marina Perraki

Sole Panelist

Date: October 8, 2026