

ADMINISTRATIVE PANEL DECISION

Infosys Limited v. Domain Addmin, ewire
Case No. DAI2023-0013

1. The Parties

The Complainant is Infosys Limited, India, represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Domain Addmin, ewire, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <infosys.ai> is registered with Ewire (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 5, 2023. On July 7, 2023, the Center transmitted by email to the Registry a request for registrar verification in connection with the disputed domain name. On July 7, 2023, the Registry transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the 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 August 1, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 21, 2023. The Respondent did not submit any formal Response. The Center received an email from a third party on August 7, 2023. On August 7, 2023, the Center sent an email requesting clarification of the third party's relation to the case. Accordingly, the Center notified the commencement of panel appointment process on August 22, 2023.

The Center appointed Steven A. Maier as the sole panelist in this matter on August 24, 2023. 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 an information technology company located in India, providing digital services and consulting.

The Complainant is the owner (on its own account or *via* associated entities) of various trademark registration for the mark INFOSYS, including for example:

- India trademark registration number 475267 for the word mark INFOSYS, registered on July 15, 1987 in International Class 9; and
- United States trademark registration number 1809733 for the word mark INFOSYS, registered on December 7, 1993 in International Class 42.

The disputed domain name was first registered on December 15, 2017. The Complainant submits (and the Respondent does not dispute) that the Respondent acquired it on a date between July 29 and October 29, 2019.

The disputed domain name does not appear to have resolved to any active website.

The Complainant submits evidence that the disputed domain name has been offered for sale *via* Sedo.com for a price of USD 50,000.

5. Parties' Contentions

A. Complainant

The Complainant submits that it has operated since 1981 and is a global leader in next-generation digital services and consulting. It states that it is an NYSE listed company with a market capitalization of approximately USD 75.39 billion. The Complainant provides evidence of numerous business awards which it has won over the years and states that its website at "www.infosys.com" has attracted over three million visitors per month. It submits that its INFOSYS trademark is widely recognized and respected in the circumstances.

The Complainant submits that the disputed domain name is identical to its INFOSYS trademark, disregarding the country code Top-Level Domain ("ccTLD") ".ai".

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It states that it has no relationship with the Respondent and has never authorized it to use its INFOSYS trademark, that the Respondent has not commonly been known by the disputed domain name and that the Respondent is making neither *bona fide* commercial use nor legitimate noncommercial or fair use of the disputed domain name.

The Complainant submits that the disputed domain name was registered and is being used in bad faith. It contends that the disputed domain name incorporates the Complainant's widely-known trademark in its entirety, and that it is not possible to conceive of a plausible reason for its registration otherwise than to target that trademark. The Complainant adds that the inclusion of the ccTLD ".ai" further demonstrates the Respondent's bad faith, since it is indicative of the Complainant's artificial intelligence services.

The Complainant submits that although the disputed domain name has not resolved to any active website, this does not preclude a finding of its use in bad faith. It contends that the Respondent's attempt to sell the disputed domain name for USD 50,000 is evidence of use in bad faith for the purposes of paragraph 4(b)(i) of the Policy. It further submits that, given the nature of the disputed domain name, there is no plausible use of it by the Respondent that would not infringe the Complainant's rights.

The Complainant contends that the Respondent has engaged in a pattern of “cybersquatting”. It cites a number of the Respondent’s other domain names, including <deutschebank.ai>, <etihad.ai>, and <etsy.ai>, all of which it says correspond to well-known trademarks.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

The Respondent did not file a formal Response. However the Center received an email dated August 7, 2023 from a third party, which stated as follows:

“In response to your email, we reject the allegations that we acquired the domain name in bad faith or that we are using it for some illegitimate purposes. We purchased the domain in a portfolio that included domains similar to our brands (that were owned by a group that we believe are bad actors) to prevent social engineering, manipulation, and other forms of abuse. As you know, we have not used the domain for any purpose at all, much less one that is problematic; therefore, there can be no claim of confusion or conflict.

We have had discussions with your client, and we anticipate using the domain as the basis of a collaborative effort that we are currently pursuing. We will update you on the status of the collaboration in the months ahead.”

While the third party failed to respond to the Center’s request for clarification of its status, given that it clearly had sight of the Complaint and was reacting to the claims against the Respondent, the Panel determines that the above submissions can in effect stand as a Response in this proceeding.

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has established that it is the owner of registered trademark rights in the mark INFOSYS. The disputed domain name fully incorporates that trademark without adornment, and the Panel finds in the circumstances that the disputed domain name is identical to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

In the view of the Panel, the Complainant has established a *prima facie* case that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent or third party asserts that it purchased the disputed domain name as part of a portfolio of domain names “... to prevent social engineering, manipulation and other forms of abuse”. Even if taking the third party’s email into consideration, this provides no further explanation of these contentions – in particular it does not even list (let alone provide evidence of) its supposed brands it is protecting, but merely states that since it has not used the disputed domain name for any purpose, there can be no risk of confusion or conflict.

In this case, the Panel takes the view that the disputed domain name is inherently misleading by virtue of its comprising an unadorned use of the Complainant’s distinctive and widely-known INFOSYS trademark. The disputed domain name therefore inevitably misrepresents to Internet users that it is owned or operated by, or otherwise legitimately associated with, the Complainant. The Panel accepts the Complainant’s contention that it is difficult therefore to conceive of any legitimate interest that the Respondent could have in respect of the disputed domain name, and the Panel finds nothing in the Respondent’s or third party’s email that indicates any such legitimate interests. The mere acquisition of a domain name as part of a portfolio cannot of itself give rise to rights or legitimate interests in these circumstances. If and to the extent that the third party email implies that the Respondent or third party is in some way a legitimate vendor of the Complainant’s services, then the Panel has seen no evidence of any such consensual relationship.

The Panel therefore finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

C. Registered and Used in Bad Faith

The Panel finds that the disputed domain name consists of the appropriation, without adornment, of the Complainant's distinctive and widely-known INFOSYS trademark and that it is for that reason inherently deceptive.

While the Respondent or third party states that it acquired the disputed domain name as part of a wider portfolio, even if considering the third party as the actual controller of the disputed domain name or somehow related to the Respondent, which does not absolve the Respondent of the responsibility to avoid infringing the rights of third-party trademark owners. Indeed, section 3.2.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)) specifically states the following:

"Willful blindness and the duty to search for and avoid trademark-abusive registrations

Panels have held that especially domainers undertaking bulk purchases or automated registrations have an affirmative obligation to avoid the registration of trademark-abusive domain names. Panelists will look to the facts of the case to determine whether such respondent has undertaken good faith efforts to screen such registrations against readily-available online databases to avoid the registration of trademark-abusive domain names...

Noting registrant obligations under UDRP paragraph 2, panels have however found that respondents who (deliberately) fail to search and/or screen registrations against available online databases would be responsible for any resulting abusive registrations under the concept of willful blindness; depending on the facts and circumstances of a case, this concept has been applied irrespective of whether the registrant is a professional domainer."

The Panel finds no evidence in this case that the Respondent exercised any care upon its acquisition of the domain name portfolio in question to avoid trademark-abusive domain names, including the disputed domain name.

Concerning the Respondent's use of the disputed domain name, the fact that it has not been used for the purpose of any active website does not preclude a finding of bad faith should the remaining circumstances of the case so indicate (see e.g., *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#)). Furthermore, the Complainant submits (and the Respondent does not appear to deny) that the Respondent has offered the disputed domain name for sale *via* Sedo.com for the price of USD 50,000. In the view of the Panel, such circumstances indicate that the Respondent acquired the disputed domain name primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name registration to the Complainant for valuable consideration likely in excess of its documented out-of-pocket costs directly related to the disputed domain name (paragraph 4(b)(i) of the Policy). The Panel notes further that, given the inherently misleading nature of the disputed domain name, it is difficult to conceive of any party other than the Complainant that could use the disputed domain name in any legitimate fashion.

The Panel finds in the circumstances that the disputed domain name has been registered and is being used in bad faith.

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, <infosys.ai>, be transferred to the Complainant.

/Steven A. Maier/

Steven A. Maier

Sole Panelist

Date: September 7, 2023