

ADMINISTRATIVE PANEL DECISION

Amazon Technologies, Inc. v. efedbrstfbg hjry, julan pirali
Case No. DIO2023-0016

1. The Parties

The Complainant is Amazon Technologies, Inc., United States of America (“United States”), represented by Richard Law Group, United States.

The Respondents are efedbrstfbg hjry, Kazakhstan, and julan pirali, United States.

2. The Domain Names and Registrars

The disputed domain name <amzcoin.io> is registered with NameCheap, Inc.

The disputed domain name <amzsale.io> is registered with Eranet International Limited (the “Registrars”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 30, 2023. On May 30, 2023, the Center transmitted by email to the Registrars requests for registrar verification in connection with the disputed domain names. On May 30, and June 2, 2023, the Registrars transmitted by email to the Center their verification responses disclosing registrant and contact information for the disputed domain names, which differed from the named Respondent (KG Enterprises and Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 2, 2023, 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 June 3, 2023.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the .IO Domain Name Dispute Resolution Policy (the “Policy”), the Rules for .IO Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for .IO 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 June 6, 2023. In accordance with the Rules, paragraph 5, the due date for Response was June 26, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 28, 2023.

The Center appointed Ian Lowe as the sole panelist in this matter on July 4, 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.

The Complaint has been filed against multiple respondents. For the reasons set out below, the Panel finds that the two disputed domain names are under common control and that consolidation of the complaints in respect of both disputed domain names would be fair and equitable to all parties as well as providing procedural efficiency.

4. Factual Background

The Complainant, its predecessors and associate companies, including Amazon.com, Inc., are together referred to as “Amazon”. Amazon was founded in 1994 and is a world-renowned online retailer of a wide variety of products and services, including Amazon Coins, a virtual currency, and Amazon credit card and payment services. It has more than 300 million active customer accounts, and in 2022 its worldwide expenditure on advertising and other promotional costs was USD 20.6 billion.

Amazon is the proprietor of numerous registered trademarks comprising AMAZON and AMZ including United States trademark number 2,078,496 AMAZON registered on July 15, 1997, United Kingdom trademark number 3731802 AMZ registered on March 18, 2022. Amazon uses its trademark with the “The Amazon logo”, as illustrated below:



AMZ is the Amazon stock symbol on the Frankfurt Stock Exchange.

The disputed domain name <amzsale.io> was registered on April 11, 2023; the disputed domain name <amzcoin.io> was registered on April 29, 2023. Neither disputed domain name currently resolves to an active website. However, at the time of filing of the Complaint, both disputed domain names resolved to a website featuring the Amazon Logo with the addition of the word “Crypto”. The website offered for sale what purported to be Amazon cryptocurrency (referred to as AMZ tokens) and falsely stated that “Amazon Crypto, Amazonwallet, AMZ token are registered trademarks of Amazon.com, Inc.”

5. Parties’ Contentions

A. Complainant

The Complainant contends that the disputed domain names are confusingly similar to its AMAZON and AMZ marks, that the Respondent has no rights or legitimate interests in respect of the disputed domain names, and that the Respondent registered and is using the disputed domain names in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

B. Respondent

The Respondent did not reply to the Complainant’s contentions.

6. Discussion and Findings

6.1 Consolidation

As noted above, the Complaint is filed against multiple respondents. Although paragraph 4(f) of the Policy does envisage multiple disputes between a complainant and a respondent being consolidated, neither the Policy nor the Rules provide expressly for the filing of a single complaint against multiple respondents. However, section 4.11.2 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") sets out the basis on which panels have accepted that a single complaint may be filed against multiple respondents. It notes that "panels look at whether: (i) the domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all parties". Procedural efficiency has also been an important consideration.

In this case, both disputed domain names resolved to the same website purporting to offer Amazon cryptocurrency. The Respondent Julian Pirali has previously been found to use multiple aliases to register ".io" domain names targeting Amazon's trademarks for the same "Amazon Crypto" scheme; the name of the Respondent "efedbrstfbg hjry" is self-evidently false, comprising a string of random letters created by typing adjacent keys on a keyboard; and the contact telephone number for that Respondent is what purports to be a United States number, despite the address of the Respondent stated to be in Kazakhstan.

In the circumstances, the Panel is satisfied that the disputed domain names are under common control and that the Complaint may be consolidated.

6.2 Substantive issues

For this Complaint to succeed in relation to the disputed domain names the Complainant must prove that:

- (i) the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain names; and
- (iii) the disputed domain names have been registered or are being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has uncontested rights in its AMAZON and AMZ marks both by virtue of its trademark registrations and as a result of the goodwill and reputation acquired through its use of the AMAZON mark over many years. Ignoring the country code Top-Level Domain ".io", the disputed domain names both comprise the AMZ mark together with the terms "coin" or "sale". AMZ is not only the Complainant's mark but is also a recognizable contraction of the AMAZON mark. In the view of the Panel, the addition of the terms "coin" or "sale" do not prevent a finding of confusing similarity between the disputed domain names and the Complainant's marks.

Accordingly, the Panel finds that both disputed domain names are confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

The Complainant has made out a strong *prima facie* case that the Respondent could have no rights or legitimate interests in respect of the disputed domain names. The Respondent has used the disputed domain names not in connection with a *bona fide* offering of goods or services, but to resolve to a website falsely purporting to offer Amazon cryptocurrency for sale. Such deceptive activity cannot possibly give rise to rights or legitimate interests.

The Respondent has chosen not to provide any substantive response to the Complaint or to take any steps to counter the *prima facie* case established by the Complainant. In the circumstances, the Panel finds that the Respondent does not have any rights or legitimate interests in respect of the disputed domain names.

C. Registered or Used in Bad Faith

Since the Respondent has used the disputed domain names for a website featuring the Complainant's logo and purporting to offer Amazon cryptocurrency for sale, the Panel is in no doubt that the Respondent had the Complainant and its rights in the AMAZON and/or AMZ marks in mind when it registered the disputed domain names. The Panel considers that the registration and use by the Respondent of domain names comprising the AMZ mark for a website falsely offering Amazon cryptocurrency clearly indicates that the Respondent did so with a view to misleading Internet users into believing that the disputed domain names were registered or authorised by the Complainant.

In the Panel's view, the use of the disputed domain names for the indicated activity, no doubt with a view to commercial gain, amounts to paradigm bad faith registration and use for the purposes 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 names, <amzcoin.io> and <amzsale.io>, be transferred to the Complainant.

/Ian Lowe/

Ian Lowe

Sole Panelist

Date: July 18, 2023