

Decision for dispute CAC-UDRP-105072

Case number	CAC-UDRP-105072
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Time of filing	2022-12-30 11:51:53
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Domain names	amarr.org
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Case administrator

Organization	Denisa Bilík (CAC) (Case admin)
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Complainant

Organization	ASSA ABLOY AB
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Complainant representative

Organization	Xavier Wolfgang Koehoorn (Coöperatie SNB-REACT U.A.)
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Respondent

Name	Xandra Leet
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OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

According to the evidence submitted by Complainant, Complainant's United States subsidiary Amarr Company is the owner of multiple trademarks for AMARR, including the trademark AMARR registered with the United States Patent and Trademark Office, with registration number 2423406 and registration date 23 January 2001, and the European Union trademark AMARR, with registration number 001777721 and registration date 26 October 2001.

FACTUAL BACKGROUND

According to the information provided Complainant is a global leader in door opening solutions with sales of Swedish kronor 94 billion in 2019. Complainant is present in more than 70 countries worldwide and has a market leading position in Europe, North America and the Asia Pacific region, within areas such as mechanical and electromechanical locking, access control, identification technology, entrance automation, security doors, hotel security and mobile access. Complainant's subsidiary, Amarr Company, is a United States based company that has been specialized in garage doors since 1951; it has a website under the domain name <amarr.com>. Complainant has submitted confirmation by Amarr Company of Complainant's authority to file and pursue this UDRP domain name arbitration.

The disputed domain name <amarr.org> was registered on 13 April 2022.

The trademark registrations of Complainant have been issued prior to the registration of the disputed domain name.

PARTIES CONTENTIONS

Complainant:

According to Complainant the disputed domain name is identical to Complainant's trademarks as it contains the trademark AMARR in its entirety.

According to Complainant Respondent has no rights or legitimate interest in the disputed domain name. According to the submission and evidence provided by Complainant the disputed domain name is used for fraudulent phishing purposes. The disputed domain name was registered on 13 April 2022, over two decades after Amarr Company registered its trademarks. On the very same day, e-mails were sent from an e-mail address ending with the disputed domain name to a third-party manufacturer. Respondent used the deliberate false association the disputed domain name conveys with Amarr Company, to send the mentioned e-mails for the purpose of actively phishing for payments. It did so by prompting the recipients of e-mails to switch Amarr payment details in the ACH (Automated Clearing House) system to different details, likely payment details controlled by Respondent. In effect, Respondent has solicited payments from the recipient of the e-mail. Likely due to 'spoofing' (changing the reply-to address while displaying a fake From: field, and then going back and changing the e-mail addresses shown in the in-line record of the email conversation after the attacker replies to a victim's response), the false impression was created that the e-mails came from Amarr Company's domain name <amarr.com>, rather than <amarr.org>. These spoofed e-mails also contained the Amarr visual marks in the signature to further impersonate Amarr Company. Complainant also submits that it is clear that Respondent is not affiliated with Complainant, nor with the trademark holder Amarr Company, nor is it otherwise authorized or licensed to use the AMARR trademarks or to seek registration of any domain name incorporating the trademarks.

According to Complainant the disputed domain name is registered in bad faith. In the circumstances of this case, Respondent's registration of the disputed domain name incorporating Amarr Company's trademarks in their entirety with no addition or alteration, suggests that Respondent registered the disputed domain name with actual knowledge of the rights of Complainant's subsidiary Amarr Company. It is undeniable that Respondent was aware that the AMARR trademarks were already registered and being used by Amarr Company, since on the same day as the disputed domain name's registration Respondent deliberately sent e-mails seeking to impersonate Amarr Company for phishing purposes.

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

Complainant has, to the satisfaction of the Panel, shown Respondent to have no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

Complainant has, to the satisfaction of the Panel, shown the disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

In the opinion of the Panel the disputed domain name is identical to the AMARR trademark of Complainant's subsidiary Amarr Company. Many UDRP decisions have found that a disputed domain name is confusingly similar to a complainant's trademark where the disputed domain name incorporates the complainant's trademark in its entirety. The disputed domain name contains the trademark AMARR in its entirety. The Top-Level Domain ".com" in the disputed domain name may be disregarded.

In the opinion of the Panel Complainant has made a prima facie case that Respondent lacks rights or legitimate interest in the disputed domain name. Complainant has not licensed or otherwise permitted Respondent to use its trademark or to register the disputed domain name incorporating its mark. Respondent is not making a legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademarks of Complainant. Respondent is not commonly known by the disputed domain name nor has it acquired trademark rights. Complainant has no relationship with Respondent. In particular the Panel takes into account the undisputed submission of Complainant, supported by evidence, that the disputed domain name is used for fraudulent phishing purposes. It appears that Respondent, in a fraudulent scheme impersonating Complainant, used the disputed domain name to send an email to a customer of Complainant effectively trying to change payment details in the ACH (Automated Clearing House) system to different details, likely payment details controlled by Respondent. Respondent did not submit any response. Under these circumstances, the Panel finds that Respondent has no rights or legitimate interests in the disputed domain name (Policy, Par. 4 (a)(ii)).

The Panel finds that the disputed domain name has been registered and is being used in bad faith (Policy, Par. 4(a)(iii)). The trademarks of Complainant’s subsidiary Amarr Company have been existing for a long time and are well-known. Respondent knew or should have known that the disputed domain name included such trademarks. The Panel in particular notes the fraudulent use of the disputed domain name as mentioned above.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

- 1. **amarr.org**: Transferred

PANELLISTS

Name	Dinant T.L. Oosterbaan
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DATE OF PANEL DECISION 2023-01-30

Publish the Decision