

## **ADMINISTRATIVE PANEL DECISION**

Jones Lang LaSalle IP, Inc. v. cheng li  
Case No. D2023-0584

### **1. The Parties**

The Complainant is Jones Lang LaSalle IP, Inc., United States of America, represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is cheng li, Australia.

### **2. The Domain Name and Registrar**

The disputed domain name <ap-jll.cam> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 8, 2023. On February 8, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 8, 2023, 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, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 10, 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 February 14, 2023.

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 proceedings commenced on February 24, 2023. In accordance with the Rules, paragraph 5, the due date for Response was March 16, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 17, 2023.

The Center appointed Adam Taylor as the sole panelist in this matter on March 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 part of professional services and investment management group of companies specialising in real estate, which has traded as “JLL” since 2014.

The JLL group is an industry leader in property and corporate facility management services, with a worldwide property portfolio amounting to 5 billion square feet. The group has a workforce of approximately 91,000, serving clients in over 80 countries from more than 300 corporate office locations.

The Complainant owns a number of trade marks for JLL including Australian trade mark No. 1471865, filed on January 31, 2012, registered on November 12, 2012, in classes 36, 37 and 42.

The Complainant operates a website at “www.jll.com”, which received some 1.19 million visitors from February to July 2021.

The Complainant uses the format “...@ap.jll.com” for email services for its employees based in the Asia-Pacific region.

The disputed domain name was registered on April 27, 2022.

The disputed domain name does not resolve to an active website.

The Respondent did not reply to the Complainant’s cease and desist letters dated June 30, 2022, July 11, 2022, and July 21, 2022.

#### **5. Parties’ Contentions**

##### **A. Complainant**

The following is a summary of the Complainant’s contentions.

The Complainant has made significant investment to advertise and promote its JLL trade mark, which is well known worldwide.

The disputed domain name is confusingly similar to the Complainant’s trade mark, simply adding the descriptive term “ap” (denoting “Asia-Pacific” where the Complainant has many clients) plus a hyphen.

The Respondent lacks rights or legitimate interests in the disputed domain name.

The Complainant has not authorised the Respondent to register the disputed domain name or to use its trade mark.

There is no evidence that the Respondent has been commonly known by the disputed domain name or that the Respondent has made active use of the disputed domain name for a legitimate purpose.

The disputed domain name carries a high risk of implied affiliation with the Complainant’s trade mark, which significantly predates it.

The disputed domain name was registered and is being used in bad faith.

At the time of registration of the disputed domain name, the Respondent knew, or at least should have known, of the Complainant's well-known trade marks. This is supported by the fact that the disputed domain name consists of the Complainant's trade mark plus a geographic indication.

The disputed domain name constitutes a passive holding in bad faith.

The disputed domain name must have been registered to create confusion amongst Internet users. There is no plausible good faith reason for the Respondent to have registered the disputed domain name.

The Respondent has engaged in a pattern of cybersquatting conduct and has used a privacy service.

## **B. Respondent**

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

## **6. Discussion and Findings**

Under the Policy, the Complainant is required to prove on the balance of probabilities that:

- the disputed domain name is identical or confusingly similar to a trade mark in which the Complainant has rights;
- the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- the disputed domain name has been registered and is being used in bad faith.

### **A. Identical or Confusingly Similar**

The Complainant has established registered rights in the mark JLL, as well as unregistered trade mark rights deriving from the Complainant's extensive use of that mark.

Section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") makes clear that, where the relevant trade mark is recognisable within the disputed domain name, the addition of other terms, whether descriptive, geographical, meaningless, or otherwise, would not prevent a finding of confusing similarity under the first element.

Here, the disputed domain name consists of the Complainant's distinctive trade mark, which remains readily recognisable within the disputed domain name, plus the additional term "ap-", which does not prevent a finding of confusing similarity as explained above.

For the above reasons, the Panel concludes that the disputed domain name is confusingly similar to the Complainant's trade mark and that the Complainant has therefore established the first element of paragraph 4(a) of the Policy.

### **B. Rights or Legitimate Interests**

As explained in section 2.1 of [WIPO Overview 3.0](#), the consensus view is that, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If not, the complainant is deemed to have satisfied the second element.

Here, the Complainant has not licensed or otherwise authorised the Respondent to use its trade mark.

Paragraph 4(c) of the Policy gives examples of circumstances which, if proved, suffice to demonstrate that a respondent possesses rights or legitimate interests.

As to paragraph 4(c)(i) of the Policy, the disputed domain name is currently inactive and therefore not being used for a *bona fide* offering of goods or services. Nor is there any evidence that it ever has been.

Nor is there any evidence that paragraphs 4(c)(ii) or (iii) of the Policy are relevant in the circumstances of this case.

The Panel finds that the Complainant has established a *prima facie* case of lack of rights or legitimate interests and there is no rebuttal by the Respondent.

For the above reasons, the Panel concludes that the Complainant has established the second element of paragraph 4(a) of the Policy.

### **C. Registered and Used in Bad Faith**

In the Panel's view, it is appropriate to consider this case under the principles of "passive holding".

Section 3.3 of [WIPO Overview 3.0](#) explains that, from the inception of the UDRP, panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding.

In this case, the Panel considers that the following cumulative circumstances are indicative of passive holding in bad faith:

1. the distinctiveness and fame of the Complainant's mark;
2. the fact that the disputed domain name consists of the Complainant's distinctive trade mark together with the prefix "ap", which denotes "Asia Pacific", a region where the Complainant has a substantial presence, and that the Complainant uses a very similar format for the email addresses for its employees in that region ("...@ap.jll.com");
3. the failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good faith use; and
4. the implausibility of any good faith use to which the disputed domain name may be put.

For the above reasons, the Panel considers that the Complainant has established the third element of paragraph 4(a) 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, <ap-jll.cam> be transferred to the Complainant.

/Adam Taylor/

**Adam Taylor**

Sole Panelist

Date: April 7, 2023