

DISPUTE RESOLUTION SERVICE

D00026002

Decision of Independent Expert

Jones Lang LaSalle IP, Inc.

and

Jay Mills

1. Parties:

Complainant:

JONES LANG LASALLE IP, INC.
200 East Randolph Drive
Chicago
Illinois
60601
United States

Respondent:

Mr Jay Mills
10 Beulah Hill
London
SE19 3LS
United Kingdom

2. Domain Name:

<jonesllanglasalle.co.uk>

3. Procedural History:

A Complaint regarding <jonesllanglasalle.co.uk> (the "Domain Name") under Nominet UK's Dispute Resolution Service Policy ("the Policy") was received from the Complainant on 21 August 2023 and forwarded to the Respondent by Nominet on 22 August 2023. A response reminder was sent to the Respondent on 11 September 2023. No Response was received

from the Respondent. On 14 September 2023 a Notification of No Response was sent to the Parties.

Following payment by the Complainant of the required fee on 14 September 2023, I was invited to act as Independent Expert. I was appointed as Independent Expert as of 20 September 2023 and confirmed to Nominet I was independent of the parties and knew of no facts or circumstances that might call into question my independence in the eyes of the parties.

4. The Facts

The Complainant is a wholly owned subsidiary of Jones Lang LaSalle Incorporated, a subsidiary of the JLL group. The group's common stock is listed on The New York Stock Exchange under the symbol "JLL." Headquartered in Chicago, IL, USA, the JLL group is a professional services and investment management firm specializing in real estate, formed by the merger of Jones Lang Wootton and LaSalle Partners in 1999. With a workforce of 90,000, the JLL group serves clients in over 80 countries from over 300 corporate office locations worldwide.

The Complainant owns various trademark registrations for the words JONES LANG LASALLE, including United Kingdom Trade Mark No. UK00901126291, registered on 1 April 1999, in classes 36, 37 and 42, and the words JONES LANG LASALLE (JLL), including United Kingdom Trade Mark No. UK00911014065, registered on 4 July 2012, in classes 35, 36, 37 and 42. The Complainant also owns domain names comprising the mark JONES LANG LASALLE, including the domain names <joneslanglasalle.com> and <jll.com>, which it registered and has used for its official website since 3 December 1998 and 20 November 1998, respectively.

The Respondent registered the Domain Name on 3 March 2023.

5. The Parties' Contentions

Complainant

The Complainant asserts that the Domain Name <jonesllanglasalle.co.uk> is similar to its registered "JONES LANG LASALLE" mark, which has acquired widespread goodwill among consumers since the Complainant's establishment in 1999. The Domain Name differs from the Complainant's mark only in that an additional letter "L" appears adjacent to the pre-existing "L" in the word LANG in the Complainant's "JONES LANG LASALLE" mark, is a purposeful misspelling of Complainant's JONES LANG LASALLE trademark, and must be considered confusingly similar to the Complainant's trademark.

As the Domain Name differs from the Complainant's JONES LANG LASALLE trademark by just one letter, the Respondent's domain name must be considered a prototypical example of "typosquatting" – a domain name intended to take advantage of Internet users that inadvertently type an incorrect address – often a misspelling of the complainant's trademark – when seeking to access the trademark owner's website. A deliberate misspelling of a trademark registered as a domain name, which is intended to confuse Internet users, is confusingly similar by design.

The Respondent's previous use of the Domain Name <jonesllanglasalle.co.uk> further contributes to the confusion. The Respondent was using this Domain Name to redirect users to the Complainant's own website at "https://www.jll.co.uk", which suggests that the Respondent intended the Domain Name to be confusingly similar to the Complainant's trademarks to further consumer confusion.

The Complainant avers it has rights in the Domain Name which is confusingly similar to the Complainant's registered trademarks. The Complainant further asserts that the Domain Name

is an Abusive Registration in the hands of the Respondent because the Domain Name was registered significantly after the Complainants' first use in commerce of the JONES LANG LASALLE trademark in 1999, and the Complainant's registration of the domain names <joneslanglasalle.com> on 3 December 1998 and <jll.com> on 20 November 1998. The Respondent would have been aware of Complainant's rights in the JONES LANG LASALLE trademark and the <joneslanglasalle.com> and <jll.com> domain names when the Domain Name was registered.

By registering the Domain Name, the Respondent sought to trade on the goodwill and reputation of the JONES LANG LASALLE trademarks. The Domain Name simply consists of a typosquatted version of Complainant's JONES LANG LASALLE trademark. The Respondent has, thus, created a domain name that is confusingly similar to the Complainant's trademarks, as well as its <joneslanglasalle.co.uk> and <jll.co.uk> domains.

The Policy dictates that abusive registration can be established by evidence showing the Respondent "is using or threatening to use the Domain Name in a way which has confused or is likely to confuse people or businesses into believing that the Domain Name is registered to, operated or authorized by, or otherwise connected with the Complainant." Here, the Complainant alleges, the Respondent has registered the Domain Name <jonesllanglasalle.co.uk> to be confusingly similar to the Complainant's JONES LANG LASALLE trademark and has used the Domain Name to redirect users to the Complainant's own website.

This use shows the Respondent is using the Domain Name to confuse unsuspecting Internet users looking for Complainant's services, and to mislead Internet users as to the source of the Domain Name and its website. By creating this likelihood of confusion between the Complainant's trademarks and the Domain Name, leading to misperceptions as to the source, sponsorship, affiliation, or endorsement of the Domain Name, the Respondent has shown a nefarious intent to capitalize on the fame and goodwill of the Complainant's trademarks.

The Domain Name is so obviously similar to its trademark, the Complainant avers, that Internet users who come across it are bound to believe it is connected to the Complainant; a phenomenon known as Initial Interest Confusion. Although after reaching the content of the Domain Name they may realise it is not connected with the Complainant, they will have still been lured in hoping or even expecting that the Domain Name and its website is run or allowed by, or otherwise connected with the Complainant.

The Respondent must be considered to have taken an unfair advantage of the Complainant's trademark rights, and any use of the Domain Name could only be in bad faith.

Respondent

No response was received from the Respondent.

6. Discussions and Findings

Paragraph 2.2 of the Policy sets out that the Complainant is required to prove to the Expert that both of these elements are present on the balance of probabilities:

2.1.1 The Complainant has Rights in respect of a name or mark which is identical or similar to the Domain Name; and

2.1.2 The Domain Name, in the hands of the Respondent, is an Abusive Registration. Rights.

Rights

Under paragraph 1 of the Policy, Rights means “rights enforceable by the Complainant, whether under English law or otherwise, and may include rights in descriptive terms which have acquired a secondary meaning.” It is well accepted that the question of Rights falls to be considered when the Complainant makes its complaint and is a test with a low threshold to overcome.

I am satisfied based on the Complainant’s trademark registrations that the Complainant has Rights in the JONES LANG LASALLE mark. I consider the JONES LANG LASALLE mark to be confusingly similar to the Domain Name since the Domain Name varies from the Complainant’s trademark by just one letter – the extra letter “L” in “LANG”. Adding the letter “L” in LANG, does not negate the confusing similarity between the Domain Name and the Complainant’s trademark. See *National Westminster Bank Plc. v. Albion Harbour Pty Limited*, DRS 5826 (“Typosquatting is a deliberate attempt to generate traffic from another’s goodwill and inherently involves diversion and disruption. I find the registration was made for the very purpose of earning revenue from the diverted traffic through advertising and that it takes unfair advantage of the Complainant’s Rights”).

I find that the Complainant has Rights in a name or mark, JONES LANG LASALLE, which is identical or similar to the Domain Name.

Abusive Registration

Under paragraph 1 of the Policy, Abusive Registration means a Domain Name which either:

- (i) was registered or otherwise acquired in a manner which, at the time when the registration or acquisition took place, took unfair advantage of or was unfairly detrimental to the Complainant’s Rights; or
- (ii) is being or has been used in a manner which has taken unfair advantage of or has been unfairly detrimental to the Complainant’s Rights.

It is enough to satisfy either limb for there to be a finding of an Abusive Registration.

Paragraph 5 sets out a non-exhaustive list of factors which may be evidence that a Domain Name is an Abusive Registration. The relevant factors under paragraph 5 are:

“5.1.1 Circumstances indicating that the Respondent has registered or otherwise acquired the Domain Name primarily:

[...]

5.1.1.3 for the purpose of unfairly disrupting the business of the Complainant.

[...]

5.1.2 Circumstances indicating that the Respondent is using or threatening to use the Domain Name in a way which has confused or is likely to confuse people or businesses into believing that the Domain Name is registered to, operated or authorised by, or otherwise connected with the Complainant.

For there to be an Abusive Registration under paragraph 1(i) of the Policy, it must be shown that the Respondent knew of the Complainant and/or its rights at the time of registration of the Domain Name.

The Respondent registered the Domain Name on 3 March 2023, significantly after the JONES LANG LASALLE trademark was first registered in 1999. The Domain Name was also registered significantly after the Complainant's first use in commerce of the JONES LANG LASALLE trademark in 1999, and the Complainant's registration of the domain names <joneslanglasalle.com> on 3 December 1998 and <jll.com> on 20 November 1998. I agree with the Complainant's contention that the Respondent would have been aware of Complainant's rights in the JONES LANG LASALLE trademark and the <jll.com> and <joneslanglasalle.com> domain names when the Domain Name was registered.

By registering the Domain Name, the Respondent sought to trade on the goodwill and reputation of the JONES LANG LASALLE trademarks. The Domain Name simply consists of a typosquatted version of the Complainant's JONES LANG LASALLE trademark. The Respondent has, thus, created a domain name that is confusingly similar to the Complainant's trademarks, as well as its <joneslanglasalle.co.uk> and <jll.co.uk> domain names.

The Respondent's use of the Domain Name <jonesllanglasalle.co.uk> further contributes to the confusion. The Respondent was using the Domain Name to redirect users to the Complainant's own website at "https://www.jll.co.uk", which further reflects that the Respondent intended the Domain Name to be confusingly similar to the Complainant's trademarks and intended to generate increased consumer confusion and misdirection by re-directing Internet traffic from the Domain Name to the Complainant's own official website.

The evidence shows that the Domain Name had mail exchanger (MX) records and could therefore readily be used for email purposes. Emails emanating from the Domain Name could not reasonably be used for any good faith purpose given the fact the Domain Name is almost the same as the Complainant's trademark and primary domain name.

The Complainant contends that the Domain Name may likely actively facilitate fraudulent activities such as phishing, impersonating or passing off as the Complainant. The Respondent has made no response and the Complainant's assertions stand unrefuted. Previous Panel decisions have considered MX records to indicate bad faith registration and use, as it flags up the risk that the Domain Name may be used for phishing activities, which could further exploit the Complainant's marks and goodwill and cause further confusion.

The Respondent was clearly familiar with the Complainant's brands and business. Considering the facts, it is impossible to conceive of a plausible situation in which the Respondent would have been unaware of the Complainant's brand when the Domain Name was registered. The Respondent has specifically registered the Domain Name to ride on the Complainant's rights taking undue advantage and causing detriment. In doing so, the Respondent must have realized and intended that this would cause unfair disruption to the Complainant's business.

7. Decision

Having found that the Complainant has Rights regarding a name and mark identical or similar to the Domain Name, and that the Domain Name in the hands of the Respondent is an Abusive Registration, the Expert directs that the Domain Name <jonesllanglasalle.co.uk> be transferred to the Complainant.

Signed:



Dated:

27 September 2023