



NATIONAL ARBITRATION FORUM

DECISION

Newegg Inc. v. LaPorte Holdings c/o Admin
Claim Number: FA0601000624675

PARTIES

Complainant is **Newegg Inc.** ("Complainant"), represented by **Lawrence J. Siskind**, of **Harvey Siskind LLP**, Four Embarcadero Center, 39th Floor, San Francisco, CA 94111. Respondent is **LaPorte Holdings c/o Admin** ("Respondent"), 5482 Wilshire Blvd., #1928, Los Angeles, CA 90036.

REGISTRAR AND DISPUTED DOMAIN NAME

The domain name at issue is <**neweg.com**>, registered with **Nameking.com, Inc.**

PANEL

The undersigned certifies that he or she has acted independently and impartially and to the best of his or her knowledge has no known conflict in serving as Panelist in this proceeding.

Houston Putnam Lowry, Chartered Arbitrator, as Panelist.

PROCEDURAL HISTORY

Complainant submitted a Complaint to the National Arbitration Forum electronically on January 11, 2006; the National Arbitration Forum received a hard copy of the Complaint on January 17, 2006.

On January 12, 2006, Nameking.com, Inc. confirmed by e-mail to the National Arbitration Forum that the <**neweg.com**> domain name is registered with Nameking.com, Inc. and that Respondent is the current registrant of the name. Nameking.com, Inc. has verified that Respondent is bound by the Nameking.com, Inc. registration agreement and has thereby agreed to resolve domain-name disputes brought by third parties in accordance with ICANN's Uniform Domain Name Dispute Resolution Policy (the "Policy").

On January 25, 2006, a Notification of Complaint and Commencement of Administrative Proceeding (the "Commencement Notification"), setting a deadline of February 14, 2006 by which Respondent could file a response to the Complaint, was transmitted to Respondent via e-mail, post and fax, to all entities and persons listed on Respondent's registration as technical, administrative and billing contacts, and to postmaster@neweg.com by e-mail.

Having received no response from Respondent, the National Arbitration Forum transmitted to the parties a Notification of Respondent Default.

On February 21, 2006, pursuant to Complainant's request to have the dispute decided by a single-member Panel, the National Arbitration Forum appointed Houston Putnam Lowry, Chartered Arbitrator, as Panelist.

Having reviewed the communications records, the Administrative Panel (the "Panel") finds that the National Arbitration Forum has discharged its responsibility under Paragraph 2(a) of the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules") "to employ reasonably available means calculated to achieve actual notice to Respondent." Therefore, the Panel may issue its decision based on the documents submitted and in accordance with the ICANN Policy, ICANN Rules, the National Arbitration Forum's Supplemental Rules and any rules and principles of law that the Panel deems applicable, without the benefit of any response from Respondent.

RELIEF SOUGHT

Complainant requests that the domain name be transferred from Respondent to Complainant.

PARTIES' CONTENTIONS

A. Complainant makes the following assertions:

Service Mark Information: ICANN Rule 3(b)(viii):

The marks relied on by Complainant are (1) NEWEGG.COM, U.S. Trademark Registration No. 2,892,236, registered on October 12, 2004, for "online retail store featuring consumer computer hardware products" in International Class 35; and (2) ONCE YOU KNOW, YOU NEWEGG, U.S. Trademark Application No. 78/585,754, applied for on March 11, 2005, for "online retail store featuring computer hardware and computer peripherals" in International Class 35. Complainant began use of the NEWEGG.COM mark at least as early as 2000, and has established common law rights since that time through continuous use in California and throughout the United States for the services referenced above, in addition to its federal registration rights.

FACTUAL AND LEGAL ALLEGATIONS

Complainant Newegg Inc. ("Complainant") owns the service mark NEWEGG.COM. (Title to U.S. Trademark Registration No. 2,892,236 for NEWEGG.COM is currently held by Magnell Associate, Inc., Complainant's subsidiary). Complainant's predecessor, Newegg Computers began use of the NEWEGG name for its on-line electronics retail business in July 2000, and continuously used the NEWEGG name until it merged with Complainant in June 2005. Since that time, Complainant has continuously and substantially used NEWEGG and NEWEGG.COM in interstate commerce for online electronics retail services to great success.

Complainant is a pioneering "e-marketer," an online e-commerce company that created a powerful channel for manufacturers of computer hardware and software, consumer electronics and communications products to reach a wide range of consumers, including do-it-yourselfers, computer gamers, students, businesses, IT professionals, and resellers. At Complainant's

<newegg.com> website, consumers can find the latest technology parts and products, along with product information, pictures, instructional materials, customer product reviews and opportunities to interact with other members of the technology and game enthusiast community. Complainant maintains more than four and one half million registered customers and more than 1100 employees globally.

In addition to owning the NEWEGG.COM service mark, Complainant also owns and actively uses the domain names <newegg.com>, <newegg.biz>, <newegg.info>, <newegg.net> and numerous country code top-level domain names for "newegg." Complainant registered <newegg.com> in February 2000 and for over the past five years this domain name has played a central role in Complainant's business. It is the key portal through which Complainant offers on-line distribution of electronics equipment to its customers and potential customers. Complainant has extensively promoted its website, which has generated over \$3 billion in revenue since 2000. As a direct result, over the past twelve months there have been approximately 135 million unique visits to the <newegg.com> home page, resulting in an estimated \$1.25 billion in sales.

The domain name at issue, <**neweg.com**>, bears a top-level domain that is phonetically identical and confusingly similar to the Complainant's mark and domain name, and as seen below, promotes identical on-line distribution of electronics equipment. Its adoption is a clear effort at "typo-squatting", *i.e.* purchasing a domain name that is a variation on a popular domain name with the expectation that the site will divert traffic from the original site because of a user's misspelling of the name.

Indeed, Respondent has been involved in numerous UDRP proceedings, where Respondent was found to be "an alter ego for Henry Chan, a notorious cyber squatter who has registered numerous domain names featuring the marks of others." *See Iowa Sports Foundation v. LaPorte Holdings c/o Admin*, FA 600958 (Nat. Arb. Forum Jan. 5, 2006); *see also PepsiCo, Inc. v. LaPorte Holdings, Inc. and Pepsieployment.com a/hw Henry Chan*, D2005-0087 (WIPO Mar. 31, 2005); *see also Krome Studios Pty., Ltd. v. LaPorte Holdings, Inc.*, D2004-0707 (WIPO Dec. 12, 2004); *see also Societe des Hotels Meridien v. LaPorte Holdings, Inc.*, D2004-0849 (WIPO Dec. 16, 2004); *see also Cre'dit Industriel et Commercial S.A., et al. v. LaPorte Holdings, Inc.*, D 2004-1110 (WIPO Mar. 31, 2005); *see also Medco Health Solutions, Inc. v. LaPorte Holdings, Inc.*, D2004-0800 (WIPO Dec. 22, 2004); *see also CUNA Mutual Insurance Society v. LaPorte Holdings, Inc.*, FA 520648 (Nat. Arb. Forum Sept. 7, 2005); *see also Victory Intangibles, L. P. v. LaPorte Holdings, Inc.*, FA 574545 (Nat. Arb. Forum Nov. 23, 2005); *see also Questar Corp. v. LaPorte Holdings, Inc.*, FA 573940 (Nat. Arb. Forum Nov. 28, 2005).

Respondent reserved the domain name <**neweg.com**> on November 9, 2002. Respondent has no legitimate rights in the domain name. Further, Respondent was likely aware of Complainant's rights in NEWEGG.COM when it reserved the domain name <**neweg.com**> in November 2002. Complainant has continuously used the NEWEGG.COM name and mark for on-line retail business since it began in California in February 2000, over two years before Respondent reserved the domain name <**neweg.com**>.

Respondent itself does not offer any goods or services. Instead, it offers links to many services

competitive with Complainant, including "Motherboards," "Hard Drives," "Memory," and "Digital Cameras," "Video Cards," "Notebooks," "Monitors," "CPUs," and "DVD Burners." These links are offered under the banner "neweg.com -for all your computer needs," implying that Respondent offers or is affiliated with such services. *See, e.g., World Savings Bank, FSB, v. Netcorp*, FA 414921 (Nat. Arb. Forum Mar. 24, 2005) (finding bad faith arising from Respondent's use of <worldsaving.com>, where almost identical subject page displayed "worldsaving.com -What you need, when you need it."). All of these services are in the very same field of commerce occupied by Complainant. For example, clicking on the hyperlink "Video Cards," takes the site visitor to a page with links to Complainant's own website, as well as those of Complainant's competitors.

Clicking on the <newegg.com> link will take the site visitor directly to Complainant's own website, while the other links on this page (and on other pages on Respondent's site) link directly to the websites of many of Complainant's competitors, including Tiger Direct, Buy.com, and Staples. Visitors to Respondent's site will believe that Respondent offers or is affiliated with such services, and is affiliated with Complainant. Respondent has no right or legitimate interest with respect to NEWEGG.COM or <neweg.com>, and it seeks only to profit off of consumer confusion. Complainant has not "sponsored" or otherwise authorized Respondent to use the NEWEGG.COM mark or domain name, or its phonetic equivalent, <neweg.com>.

In order to prevail, the UDRP policy requires Complainant to prove the following three elements:

- i. "That the domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- ii. That Respondent has no rights or legitimate interests in respect of the domain name; and
- iii. That the domain name has been registered and is being used in bad faith."

Draw-Tite, Inc. v. Plattsburgh Spring, Inc., WIPO Case No. D2000-0017

Complainant easily satisfies the first element. Complainant has maintained rights in NEWEGG.COM since at least 2000, and has obtained a federal trademark registration for this mark. It cannot be disputed that Complainant has established rights in NEWEGG.COM for use with on-line distribution of electronics prior to the date of Respondent's reservation of <neweg.com> in November 2002. Accordingly, Complainant has established the first element.

Regarding the second element, Respondent has no rights or legitimate interests in the domain name <neweg.com>.

Respondent does not offer any legitimate good or service under this mark, nor is it Respondent's trade name. That Respondent registered the domain name after use of the Complainant's mark had become widespread and well known is evidence that Respondent has no legitimate rights in the domain name. *See Fiber-Shield Indus., Inc. v. Fiber Shield LTD.*, FA 92054 (Nat. Arb. Forum Feb. 29, 2000).

Moreover, despite Respondent's misleading website, which refers to the same type of on-line retail services for which Complainant is so well known, no relationship exists or has existed between Complainant and Respondent. Complainant has not licensed or otherwise authorized Respondent to use <neweg.com>, nor to use <neweg.com> to link to Complainant's well-established <newegg.com> website. This is further evidence that Respondent cannot establish legitimate interests in the subject domain name. *See e.g. Serta, Inc. v. Maximum Investment Corporation*, D2000-0123 (WIPO April 20, 2000); *see also Guerlain S.A. v. H I Investments*, D2000-0494 (WIPO Aug. 1, 2000) (no rights or legitimate interest found where Complainants have not licensed or otherwise permitted Respondent to use its trademark or to apply for a domain name incorporating its trademark).

Respondent itself does not offer any goods or services. Instead, it appears to be using the <neweg.com> domain name merely "to acquire referral fees by linking various Internet users to a website that displays a generic search engine and numerous links to various products and services, including Complainant's products and services and financial products and services in competition with Complainant." *See World Savings Bank, FSB, v. PWN, FA 376423* (Nat. Arb. Forum Jan. 27, 2005); *see also Deloitte Touche Tohmatsu v. Chan*, D2003-0584 (WIPO Sept. 7, 2003) (finding that diverting site visitors to an information.com website owned by Domain Sponsor to create revenue from misdirected traffic constituted bad faith).

Regarding the third element, there can be no question that Respondent reserved and uses the domain name in bad faith.

Respondent's use of <neweg.com> is without question confusingly similar to Complainant's use of NEWEGG.COM for on-line distribution of electronics available at <newegg.com>. On-line electronics consumers, and prospective and actual customers of Complainant, are likely to believe that the confusingly similar domain name is related to or associated with Complainant, especially given the subject matter of Respondent's website. Respondent is attempting to create an association with Complainant that does not exist in order to usurp the fame of, and goodwill in, the NEWEGG.COM mark in violation of the Lanham Act, 15 U.S.C. 5 1052, *et seq.* As the ultimate effect of any use by Respondent of <neweg.com> will be to cause confusion with Complainant, the use and registration of the domain name is in bad faith. *See Embratel v. McCarthy*, D2000-0164 (WIPO May 17, 2000); *see also Forte (UK) Ltd. v. Ceschel*, D2000-0283 (WIPO June 2, 2000).

By knowingly choosing a domain name phonetically identical to Complainant's mark, Respondent intentionally and willfully assumed the risk that Complainant would discover Respondent's infringement and hold it accountable for its conduct.

Respondent's actions constitute typo-squatting, and are reminiscent of numerous other UDRP actions involving Respondent where bad faith was found. *See Iowa Sports Foundation v. LaPorte Holdings c/o Admin*, FA 600958 (Nat. Arb. Forum Jan. 5, 2006); *see also PepsiCo, Inc. v. LaPorte Holdings, Inc. and Pepsiemployment.com a/ka Henry Chan*, D2005-0087 (WIPO Mar. 31, 2005); *see also Krome Studios Pty., Ltd. v. LaPorte Holdings, Inc.*, D2004-0707 (WIPO Dec. 12, 2004); *see also Societe des Hotels Meridien v. LaPorte Holdings, Inc.*, D2004-0849

(WIPO Dec. 16, 2004); *see also Cre'dit Industriel et Commercial S.A., et al. v. LaPorte Holdings, Inc.*, D 2004-1110 (WIPO Mar. 31, 2005); *see also Medco Health Solutions, Inc. v. LaPorte Holdings, Inc.*, D2004-0800 (WIPO Dec. 22, 2004); *see also CUNA Mutual Insurance Society v. LaPorte Holdings, Inc.*, FA 520648 (Nat. Arb. Forum Sept. 7, 2005); *see also Victory Intangibles, L. P. v. LaPorte Holdings, Inc.*, FA 574545 (Nat. Arb. Forum Nov. 23, 2005); *see also Questar Corp. v. LaPorte Holdings, Inc.*, FA 573940 (Nat. Arb. Forum Nov. 28, 2005).

Respondent's domain name <neweg.com> is confusingly similar to Complainant's rights in the NEWEGG.COM mark. Respondent has no right or legitimate interest in <neweg.com>. Respondent registered and used the website in a bad faith attempt at typo-squatting. Moreover, Respondent appears to be hosting the subject website to generate revenue via referral fees and pop-up ads through exploitation of Complainant's mark -conduct found to constitute bad faith. *See World Savings Bank*, FA 376423 (Nat. Arb. Forum June 27, 2005). Respondent's use of the subject domain name for similar activity is likewise in bad faith. Accordingly, the Panel should find for Complainant.

B. Respondent failed to submit a Response in this proceeding.

FINDINGS

Complainant, Newegg, Inc., holds a trademark registration with the United States Patent and Trademark Office ("USPTO") for the NEWEGG.COM mark (Reg. No. 2,892,236 issued October 12, 2004; filed January 16, 2001) in connection with an online retail store that features consumer computer hardware products.

Respondent registered the <neweg.com> domain name on November 9, 2002. Respondent is using the disputed domain name to redirect Internet users to Respondent's commercial website featuring products and services that compete with Complainant.

DISCUSSION

Paragraph 15(a) of the Rules instructs this Panel to "decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

In view of Respondent's failure to submit a response, the Panel shall decide this administrative proceeding on the basis of Complainant's undisputed representations pursuant to paragraphs 5(e), 14(a) and 15(a) of the Rules and draw such inferences it considers appropriate pursuant to paragraph 14(b) of the Rules. The Panel is entitled to accept all reasonable allegations and inferences set forth in the Complaint as true unless the evidence is clearly contradictory. *See Vertical Solutions Mgmt., Inc. v. webnet-marketing, inc.*, FA 95095 (Nat. Arb. Forum July 31, 2000) (holding that the respondent's failure to respond allows all reasonable inferences of fact in the allegations of the complaint to be deemed true); *see also Talk City, Inc. v. Robertson*, D2000-0009 (WIPO Feb. 29, 2000) ("In the absence of a response, it is appropriate to accept as true all allegations of the Complaint.").

Paragraph 4(a) of the Policy requires that Complainant must prove each of the following three elements to obtain an order that a domain name should be cancelled or transferred:

- (1) the domain name registered by Respondent is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (2) Respondent has no rights or legitimate interests in respect of the domain name; and
- (3) the domain name has been registered and is being used in bad faith.

Identical and/or Confusingly Similar

Complainant has established rights in the NEWEGG.COM mark through registration of the mark with the USPTO. *See Am. Online, Inc. v. Thomas P. Culver Enters.*, D2001-0564 (WIPO June 18, 2001) (finding that successful trademark registration with the USPTO creates a presumption of rights in a mark); *see also Innomed Tech., Inc. v. DRP Servs.*, FA 221171 (Nat. Arb. Forum Feb. 18, 2004) (“Registration of the NASAL-AIRE mark with the USPTO establishes Complainant's rights in the mark.”); *see Planetary Soc’y v. Rosillo*, D2001-1228 (WIPO Feb. 12, 2002) (holding that the effective date of Complainant’s trademark rights date back to the application’s filing date).

Respondent’s <**neweg.com**> domain name is confusingly similar to Complainant’s NEWEGG.COM mark because Respondent’s domain name incorporates the dominant features of Complainant’s mark and omits the letter “g.” The Panel finds such a minor omission from Complainant’s registered mark does not negate the confusingly similar aspects of Respondent’s domain name pursuant to Policy ¶4(a)(i). *See Victoria’s Secret v. Zuccarini*, FA 95762 (Nat. Arb. Forum Nov. 18, 2000) (finding that, by misspelling words and adding letters to words, a respondent does not create a distinct mark but nevertheless renders the domain name confusingly similar to the complainant’s marks); *see also Compaq Info. Techs. Group, L.P. v. Seocho*, FA 103879 (Nat. Arb. Forum Feb. 25, 2002) (finding that the domain name <compq.com> is confusingly similar to the complainant’s COMPAQ mark because the omission of the letter “a” in the domain name does not significantly change the overall impression of the mark).

The Panel finds Policy ¶4(a)(i) satisfied.

Rights or Legitimate Interests

Complainant has alleged that Respondent does not have rights or legitimate interests in the <**neweg.com**> domain name. Once Complainant makes a *prima facie* case in support of its allegations, the burden shifts to Respondent to prove that it does have rights or legitimate interests pursuant to Policy ¶4(a)(ii). Respondent’s failure to answer the Complaint raises a presumption that Respondent has no rights or legitimate interests in the <**neweg.com**> domain name. *See G.D. Searle v. Martin Mktg.*, FA 118277 (Nat. Arb. Forum Oct. 1, 2002) (holding that, where the complainant has asserted that respondent does not have rights or legitimate interests with respect to the domain name, it is

incumbent on respondent to come forward with concrete evidence rebutting this assertion because this information is “uniquely within the knowledge and control of the respondent”); *see also Clerical Med. Inv. Group Ltd. v. Clericalmedical.com*, D2000-1228 (WIPO Nov. 28, 2000) (finding that, under certain circumstances, the mere assertion by the complainant that the respondent does not have rights or legitimate interests is sufficient to shift the burden of proof to the respondent to demonstrate that such a right or legitimate interest does exist). However, the Panel will now examine the record to determine if Respondent has rights or legitimate interests under Policy ¶4(c).

Respondent is using the <**neweg.com**> domain name to redirect Internet users to Respondent’s commercial website that features products and services that compete with Complainant. Respondent’s use of a domain name that is confusingly similar to Complainant’s NEWEGG.COM mark to redirect Internet users interested in Complainant’s products and services to a website that offers similar products and services in competition with Complainant is not a use in connection with a *bona fide* offering of goods or services pursuant to Policy ¶4(c)(i), or a legitimate noncommercial or fair use of the domain name pursuant to Policy ¶4(c)(iii). *See Computerized Sec. Sys., Inc. v. Hu*, FA 157321 (Nat. Arb. Forum June 23, 2003) (“Respondent’s appropriation of [Complainant’s] SAFLOK mark to market products that compete with Complainant’s goods does not constitute a bona fide offering of goods and services.”); *see also DLJ Long Term Inv. Corp. v. BargainDomainNames.com*, FA 104580 (Nat. Arb. Forum Apr. 9, 2002) (“Respondent is not using the disputed domain name in connection with a bona fide offering of goods and services because Respondent is using the domain name to divert Internet users to <visual.com>, where services that compete with Complainant are advertised.”); *see also Or. State Bar v. A Special Day, Inc.*, FA 99657 (Nat. Arb. Forum Dec. 4, 2001) (“Respondent’s advertising of legal services and sale of law-related books under Complainant’s name is not a bona fide offering of goods and services because Respondent is using a mark confusingly similar to the Complainant’s to sell competing goods.”).

Respondent has offered no evidence and there is no evidence in the record suggesting Respondent is commonly known by the <**neweg.com**> domain name. Respondent has not established rights or legitimate interests in the <**neweg.com**> domain name pursuant to Policy ¶4(c)(ii). *See Compagnie de Saint Gobain v. Com-Union Corp.*, D2000-0020 (WIPO Mar. 14, 2000) (finding no rights or legitimate interests where the respondent was not commonly known by the mark and never applied for a license or permission from the complainant to use the trademarked name); *see also Gallup Inc. v. Amish Country Store*, FA 96209 (Nat. Arb. Forum Jan. 23, 2001) (finding that the respondent does not have rights in a domain name when the respondent is not known by the mark); *see also Broadcom Corp. v. Intellifone Corp.*, FA 96356 (Nat. Arb. Forum Feb. 5, 2001) (finding no rights or legitimate interests because the respondent was not commonly known by the disputed domain name nor was the respondent using the domain name in connection with a legitimate or fair use).

The Panel finds Policy ¶4(a)(ii) satisfied.

Registration and Use in Bad Faith

Respondent is using the <**neweg.com**> domain name, which is confusingly similar to Complainant's NEWEGG.COM mark, to redirect Internet users to Respondent's commercial website that features products and services that compete with Complainant. The Panel finds such use constitutes disruption and is evidence of bad faith registration and use pursuant to Policy ¶4(b)(iii). *See S. Exposure v. S. Exposure, Inc.*, FA 94864 (Nat. Arb. Forum July 18, 2000) (finding the respondent acted in bad faith by attracting Internet users to a website that competes with the complainant's business); *see also Puckett v. Miller*, D2000-0297 (WIPO June 12, 2000) (finding that the respondent diverted business from the complainant to a competitor's website in violation of Policy ¶4(b)(iii)).

The Panel infers Respondent receives click-through fees for diverting Internet users to a competing website. Because Respondent's domain name is confusingly similar to Complainant's NEWEGG.COM mark, Internet users accessing Respondent's domain name may become confused as to Complainant's affiliation with the resulting website. Respondent's use of the <**neweg.com**> domain name constitutes bad faith registration and use pursuant to Policy ¶4(b)(iv). *See Kmart v. Khan*, FA 127708 (Nat. Arb. Forum Nov. 22, 2002) (finding that if the respondent profits from its diversionary use of the complainant's mark when the domain name resolves to commercial websites and the respondent fails to contest the complaint, it may be concluded that the respondent is using the domain name in bad faith pursuant to Policy ¶4(b)(iv)); *see also Drs. Foster & Smith, Inc. v. Lalli*, FA 95284 (Nat. Arb. Forum Aug. 21, 2000) (finding bad faith where the respondent directed Internet users seeking the complainant's site to its own website for commercial gain).

Respondent's attempts to lead Internet users to its commercial website by taking advantage of a possible typographical error made by Complainant's customers trying to reach a website associated with Complainant's NEWEGG.COM mark constitute typosquatting. Use of a typosquatted version of Complainant's mark is further evidence of bad faith registration and use under the Policy. *See Nat'l Ass'n of Prof'l Baseball League, Inc. v. Zuccarini*, D2002-1011 (WIPO Jan. 21, 2003) ("Typosquatting ... is the intentional misspelling of words with [the] intent to intercept and siphon off traffic from its intended destination, by preying on Internauts who make common typing errors. Typosquatting is inherently parasitic and of itself evidence of bad faith."); *see also Black & Decker Corp. v. Khan*, FA 137223 (Nat. Arb. Forum Feb. 3, 2003) (finding the <wwwdewalt.com> domain name was registered to "ensnare those individuals who forget to type the period after the 'www' portion of [a] web-address," which was evidence that the domain name was registered and used in bad faith).

Respondent has engaged in a pattern of purchasing domain names similar to the trademarks of others, *CUNA Mutual Insurance Society v. LaPorte Holdings, Inc. c/o Admin*, Claim Number: FA0507000520648 (7/27/2005) and *Bell Globemedia Publishing*

Inc. v. LaPorte Holdings c/o Admin, Claim Number: FA0512000606134 (12/12/2005).
This past practice is evidence of bad faith in this instance.

The Panel finds Policy ¶4(a)(iii) satisfied.

DECISION

Having established all three elements required under the ICANN Policy, the Panel concludes that relief shall be **GRANTED**.

Accordingly, it is Ordered that the <neweg.com> domain name be **TRANSFERRED** from Respondent to Complainant.



Houston Putnam Lowry, Esq.
Arbitrator

Houston Putnam Lowry, Chartered Arbitrator, , Panelist
Dated: March 7, 2006

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