



[e.] E-Mail: [jeremiah@pastricklaw.com](mailto:jeremiah@pastricklaw.com)

The Complainant's preferred method for communications directed to the Complainant in the administrative proceeding: ICANN Rule 3(b)(iii).

**Electronic-Only Material**

[a.] Method: e-mail  
[b.] Address: [jeremiah@pastricklaw.com](mailto:jeremiah@pastricklaw.com)  
[c.] Contact: Jeremiah A. Pastrick

**Material Including Hard Copy**

[a.] Method: email  
[b.] Address: [jeremiah@pastricklaw.com](mailto:jeremiah@pastricklaw.com)  
[c.] Contact: Jeremiah A. Pastrick

The Complainant chooses to have this dispute heard before a single-member administrative panel. ICANN Rule 3(b)(iv).

**[3.] REGISTRANT, ADMINISTRATIVE AND TECHNICAL CONTACT INFORMATION.**  
ICANN Rule 3 (b)(v).

Registrant and Administrative Contact:

[a.] Name: Mike Brannigan / Dquery.io  
[b.] Address: 458 Eaglet St. NW  
Salem, OR 97304  
USA  
[c.] Telephone: +1-310-428-5500  
[d.] Fax: None provided  
[e.] E-Mail: [schmookeeg@gmail.com](mailto:schmookeeg@gmail.com)

**[4.] DISPUTED DOMAIN NAME(S)**

[a.] The following domain names are the subject of this Complaint: ICANN Rule 3(b)(vi):

**Hiobeech.com and bayareabeech.com**

[b.] (i) Registrar Information: ICANN Rule 3(b)(vii).

[i.] Registrar's Name: NameCheap Inc.  
[ii.] Registrar Address: 4600 East Washington Street Suite 305  
Phoenix, AZ 85034  
[iii.] Telephone Number: N/A  
[iv.] E-mail address: [udrp@namecheap.com](mailto:udrp@namecheap.com)

A copy of the WHOIS records for the domain names **Hiobeech.com** and **bayareabeech.com** are attached as Exhibit 1. ICANN's Uniform Domain Name Dispute Resolution Policy is attached as Exhibit 2.

[c.] Trademark/Service Mark Information: ICANN Rule 3(b)(viii).

Complainant, Textron Innovations Inc. is the owner of the following registrations:

**BEEHCRAFT**

U.S. Trademark Registration Number 759556 issued November 5, 1963 in International Class 12 for "airplanes and parts therefore."

**BEEHCRAFT**

U.S. Trademark Registration Number 7298511 issued February 6, 2024 in International Class 28 for "cale model airplanes; toy aircraft; toy airplanes."



U.S. Trademark Registration Number 418379 issued December 18, 1945 in International Class 12 for "AIRPLANES OF ALL KINDS AND STRUCTURAL PARTS THEREOF."

Copies of print-outs from the records of the United States Patent and Trademark Office showing the current status these registrations is attached as Exhibit 3.

These registrations are incontestable under U.S. trademark law and is conclusive evidence of Complainant's exclusive right to use the BEEHCRAFT mark in the U.S. for the goods covered by the registrations.

**[5.] REQUEST FOR CONSOLIDATION.** ICANN Rule 10(e)

Complainant respectfully requests that the Panel exercise its authority under ICANN Rule 10(e) and consolidate its disputes against the domains **hiobeech.com** and **bayareabeech.com** into this single Complaint and render a decision with respect to these two domain contemporaneously. While at the time of filing, Complainant cannot confirm for certain that both domains are registered by the same registrant since a third party proxy service was used to mask the identity of the Registrant, the following facts support such a consolation and consolidation of the disputes:

1. The domain hiobeech.com redirects to the domain bayareabeech.com. See Exhibit 5.
2. Both domains are registered using the same registrar and same redacted registrant information. See Exhibit 1.
3. Both domains share the same IP Address, IP Address location and Autonomous System Number (ASN). See Exhibit 1.

Given the facts above, Complaint believes that consolidation of its disputes against these two domains is equitable and procedurally efficient. See *WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition* (“*WIPO Jurisprudential Overview 3.0*”) Section 4.11.

[6.] **FACTUAL AND LEGAL GROUNDS.** ICANN Rule 3(b)(ix).

This Complaint is based on the following factual and legal grounds:

Complainant, Textron Innovations Inc., is the owner of the BEEHCRAFT marks that it licenses exclusively to Beechcraft Aircraft Company (“BAC”). Textron Innovations Inc. is an affiliate of Textron. Textron Aviation Inc. is the general aviation business unit of the conglomerate Textron that was formed in March 2014 following the acquisition of Beech Holdings which included the Beechcraft and Hawker Aircraft businesses.

Textron Inc. (NYSE: TXT) is not only one of the world's best known multi-industry companies, it is a pioneer of the diversified business model. Founded in 1923, Textron has grown into a network of businesses with total revenues of \$13.4 billion (Textron is ranked 219<sup>th</sup> on the FORTUNE 500 list of largest U.S. companies), with approximately 34,000 employees with facilities and presence in 25 countries, serving a diverse and global customer base. Textron's companies include some of the most respected global brands in transportation, including Beechcraft, Bell Helicopter, E-Z-GO golf carts and Cessna aircraft. Textron operates a web site at **textron.com** that features information regarding the company, its products, businesses and subsidiaries. A copy of the Textron home page is attached as Exhibit 4.

Beechcraft Aircraft Company was founded in Wichita, KS in 1932 by Walter H. Beech and his wife and business partner, Olive Ann Beech, when Walter left an executive position with Curtiss-Wright Corporation to start designing and manufacturing his own line of airplanes. While many warned that there was no market for a cabin biplane with a luxurious interior in the midst of the Great Depression, the two visionaries forged ahead with their plans to build the "finest aircraft in the world" and changed the course of general aviation. Beechcraft's line of iconic King Air turboprops and built-for-adventure Baron G58 and Bonanza G36 piston aircraft have shaped the way pilots and businesses fly for more than 50 years. Of particular relevance to this Complaint, the Beechcraft Model 18, or “Twin Beech”, was continuously produced from 1937 to 1969. Over 9,000 were built, making it one of the world's most widely used light aircraft. Sold worldwide as a civilian executive, utility, cargo aircraft, and passenger airliner on tailwheels, nosewheels, skis, or floats, it was also used as a military aircraft. Copies Beechcraft's website as well as further information on the Beechcraft 18 is also included in Exhibit 4.

Respondent appears to utilize the **hiobeech.com** and **bayareabeech.com** domains to sell a number of services related to Beechcraft aircraft including: pre-purchase inspection of Beechcraft aircraft; flight training on Beechcraft aircraft; and relocation services for Beechcraft aircraft. Respondent utilizes the Beechcraft name, model number, imagery and the “Beech” nickname extensively and excessively on its site in addition to its inappropriate use of the domains hiobeech.com and bayareabeech.com to illegitimately divert web traffic to its site and capitalize upon the value of the Beechcraft name and brand. Copies of Respondent's website is included in Exhibit 5.

Not that it would matter with respect to Respondent's bad faith registration and use of the **hiobeech.com** and **bayareabeech.com** domains but Respondent is not an authorized Beechcraft reseller or service provider.

[a.] Confusing similarity. ICANN Rule 3(b)(ix)(i); ICANN Policy ¶4(a)(i).

The domain names **hiobeech.com** and **bayareabeech.com** are confusingly similar/identical to Complainant's registered Beechcraft marks. It is well-settled that a domain name, which utilizes a well-known abbreviation of a trademark along with an additional descriptive, generic terms does not mitigate the confusing use of the trademark. The disputed domain name contains a shortened version of Complainant's Beechcraft marks (i.e. "Beech") as well as geographic indicators ("bay area", presumably a reference to the San Francisco Bay Area and "hio", presumably a reference to the Hillsboro airport in Portland, Oregon) thus resulting in the domains **hiobeech.com** and **bayareabeech.com**. Such changes are not sufficient to distinguish a disputed domain name from a mark under Policy ¶ 4(a)(i). See *Bloomberg Finance L.P. v. Nexperian Holding Limited*, FA 1782013 (Forum June 4, 2018) ("Where a relevant trademark is recognizable within a disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) does not prevent a finding of confusing similarity under the first element."); see also, *Morgan Stanley v. Nicenic.com, Inc.*, FA 1368093 (Forum Mar. 5, 2011) (finding <ms-ae-fund.com> confusingly similar to Complainant's MORGAN STANLEY mark; "Previous panels have concluded that where a disputed domain name contains a common abbreviation of a mark, confusing similarity exists"); see also *Brunswick Corporation v. Joshua Adams*, FA2310002068291 (Forum November 23, 2023) in which the Panel agreed that "an abbreviation such as 'merc' for 'mercury' does not distinguish the Domain Name from the Complainant's [MERCURY MARINE] trade mark pursuant to the Policy"; and, finally, see *Google LLC v. Nikita Modi*, FA2310002067959 (Forum November 19, 2023), "Respondent's domain name uses YT, an oft-used abbreviation of Complainant's YOUTUBE mark, and simply adds the descriptive term "instaviews" and the gTLD ".com". Adding or removing descriptive terms and a gTLD is insufficient to differentiate a disputed domain name from a complainant's mark under Policy ¶ 4(a)(i). See *The Toronto-Dominion Bank v. George Whitehead*, FA 1784412 (Forum June 11, 2018) "[s]light differences between domain names and registered marks, such as the addition of words that describe the goods or services in connection with the mark and gTLDs, do not distinguish the domain name from the mark incorporated therein per Policy ¶ 4(a)(i)". The Panel finds that Respondent's <yтинstaviews.com> domain name is confusingly similar to Complainant's YOUTUBE and YT MUSIC marks."

Further, the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Jurisprudential Overview 3.0") states under 1.7: "In specific limited instances, ... the broader case context such as website content trading off the complainant's reputation ... may support a finding of confusing similarity."

In light of Complainant's long-standing registration and use of the Beechcraft mark in connection with a wide variety of goods, it is clear that the domain name **hiobeech.com** and **bayareabeech.com** are confusingly similar to Complainant's registered Beechcraft marks.

[b.] Rights to or Legitimate Interests. ICANN Rule 3(b)(ix)(2); ICANN Policy ¶4(a)(ii).

Respondent has no rights or legitimate interests in the disputed domain names.

Respondent is not commonly known as HIOBEECH or BAYAREABEECH. While Respondent's identity cannot be conclusively determined since they used a proxy service to register these domains, it would appear that, based on the content on the offending sites, that they are operated by an individual named Mike Brannigan.

Further, just to again confirm, Complainant has not licensed nor otherwise permitted Respondent to use its Beechcraft marks in connection with any goods or services or to own any domain names incorporating the Beechcraft mark or any confusingly similar variations thereof. See *Compagnie de Saint Gobain v. Com-Union Corp.*, D2000-0020 (WIPO Mar. 14, 2000) (finding no rights or legitimate interest 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 *Charles Jourdan Holding AG v. AAIM*, D2000-0403 (WIPO June 27, 2000) (finding no rights or legitimate interests where (1) the respondent is not a licensee of the complainant; (2) the complainant's prior rights in the domain name precede the respondent's registration; (3) the respondent is not commonly known by the domain name in question).

It is clear that Respondent has no legitimate rights in the domain names at issue and that its purpose for registering the **hiobeech.com** and **bayareabeech.com** domains is to utilize this domains to divert traffic to its website, capitalize upon the confusion that consumers will likely have when navigating to these domains and unfairly profit from these illegitimate and unauthorized uses of a confusingly similar variation of the Beechcraft marks in these domains.

[c.] Registered and Used in Bad Faith. ICANN Rule 3(b)(ix)(3); ICANN Policy ¶4(a)(iii).

The facts of record support a finding that Respondent both registered and is using the domain names at issue in bad faith under Policy ¶ 4(b)(iii) and 4b(iv) in that Respondent is: (1) using the **hiobeech.com** and **bayareabeech.com** domain names to intentionally disrupt the business of Complainant; and (2) using the domain names in an intentional attempt to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website.

Complainant's registered Beechcraft trademark has a date of first use of 1933 and predates Respondent's domain registration by almost a century. Moreover, it cannot be argued in good faith that Respondent did not know about the existence of Complainant's Beechcraft marks when it registered the domain names at issue.

With regard to bad faith registration in violation of Policy ¶ 4(b)(iii) past panels have found that registration of a confusingly similar domain with knowledge of a Complainant's rights in a mark constitute bad faith under Policy ¶ 4(b)(iii). See, for example, *Bluegreen Corp. v. eGo*, FA 128793 (Nat. Arb. Forum Dec. 16, 2002) finding bad faith where the method by which the respondent acquired the disputed domain names indicated that the respondent was well aware that the domain names incorporated marks in which the complainant had rights; and

*ULTA Salon, Cosmetics & Fragrance Inc. v. ultabeautyoutlet.com*, FA1505001619434 (Nat. Arb. Forum, June 25, 2015) concluding that Respondent had actual knowledge of Complainant's rights and therefore registered its domain in bad faith.

As for bad faith registration in violation of Policy ¶ 4(b)(iv), past panels have found the use of a confusingly similar domain name to compete with a complainant or to attract customers to a site for commercial gain to constitute bad faith use and registration pursuant to Policy ¶ 4(b)(iv). See, for example, *MathForum.com, LLC v. Weiguang Huang*, D2000-0743 (WIPO Aug. 17, 2000) finding bad faith under Policy ¶ 4(b)(iv) where the respondent registered a domain name confusingly similar to the complainant's mark and the domain name was used to host a commercial website that offered similar services offered by the complainant under its mark; *Hunter Fan Co. v. MSS*, FA 98067 (Nat. Arb. Forum Aug. 23, 2001) finding bad faith where the respondent used the disputed domain name to sell the complainant's products without permission and mislead Internet users by implying that the respondent was affiliated with the complainant; and *Am. Online, Inc. v. Miles*, FA 105890 (Nat. Arb. Forum May 31, 2002) "Respondent is using the domain name at issue to resolve to a website at which Complainant's trademarks and logos are prominently displayed. Respondent has done this with full knowledge of Complainant's business and trademarks. The Panel finds that this conduct is that which is prohibited by Paragraph 4(b)(iv) of the Policy."

In summary, it cannot be disputed that Complainant has long-standing and well-recognized rights and goodwill in its Beechcraft mark and that the **hiobeech.com** and **bayareabeech.com** domain names at issue are confusingly similar to the Beechcraft mark. Respondent has no legitimate rights in the **hiobeech.com** and **bayareabeech.com** domain names. Respondent has registered and is using the **hiobeech.com** and **bayareabeech.com** domain names in bad faith.

[7.] **REMEDY SOUGHT.** ICANN Rule 3(b)(x); ICANN Policy ¶4(i).

The Complainant requests that the Administrative Panel issue a decision that the domain names at issue be transferred to the Complainant, Textron Innovations Inc.

[8.] **OTHER LEGAL PROCEEDINGS.** ICANN Rule 3(b)(xi).

As of the date of this filing, there have been no other legal proceedings commenced or terminated in connection with or relating to the domain name at issue.

[9.] **COMPLAINT TRANSMISSION.** ICANN Rule 3(b)(xxii); NAF Supp. Rule 4(c).

Complainant asserts that a copy of this Complaint, together with the cover sheet as prescribed by FORUM's Supplemental Rules, has been sent or transmitted to the Respondent (domain-name holder), in accordance with UDRP Rule 2(b) and to the Registrar(s) of the domain name(s), in accordance with FORUM Supp. Rule 4(e). UDRP Rule 3(b)(xii); FORUM Supp. Rule 4(c).

[10.] **MUTUAL JURISDICTION.** ICANN Rule 3(b)(xii).

The Complainant will submit, with respect to any challenges to a decision in the administrative proceeding canceling or transferring the domain name to the jurisdiction in the location of Registrar.

[11.] **CERTIFICATION**

Complainant agrees that its claims and remedies concerning the registration of the domain name at issue, the dispute, or the dispute's resolution shall be solely against the domain-name holder and waives all such claims and remedies against (a) the National Arbitration Forum and panelists, except in the case of deliberate wrongdoing, (b) the registrar, (c) the registry administrator, and (d) the Internet Corporation for Assigned Names and Numbers, as well as its directors, officers, employees, and agents.

Complainant certifies that the information contained in this Complaint is to the best of Complainant's knowledge complete and accurate, that this Complaint is not being presented for any improper purpose, such as to harass, and that the assertions in this Complaint are warranted under these Rules and under applicable law, as it now exists or as it may be extended by a good-faith and reasonable argument.

Respectfully Submitted,

*/Jeremiah A Pastrick/*

Date: **4/28/24**

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