

## **ADMINISTRATIVE PANEL DECISION**

Alstom v. Fernando S Lima, Rocket Launcher  
Case No. D2022-0059

### **1. The Parties**

The Complainant is Alstom, France, represented by Lynde & Associates, France.

Respondent is Fernando S Lima, Rocket Launcher, Brazil.

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

The disputed domain name <ralstom.com> is registered with GoDaddy.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 7, 2022. On January 7, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 7, 2022, 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 and contact information in the Complaint. The Center sent an email communication to Complainant on January 11, 2022 providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on January 13, 2022.

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 Respondent of the Complaint, and the proceedings commenced on January 24, 2022. In accordance with the Rules, paragraph 5, the due date for Response was February 13, 2022. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on February 14, 2022.

The Center appointed Michael Albert as the sole panelist in this matter on February 18, 2022. 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

Complainant ALSTOM is a French company created in 1928. It is a global leader in the world of transport infrastructures, employing 34,000 professionals in more than 60 countries. Complainant operates worldwide and plays a significant role in the manufacture and overhaul of rolling stock. Between April 1, 2020 and March 31, 2021 Complainant's order intake reached 9.1 billion Euros.

Complainant holds a number of trademark registrations for its ALSTOM mark, including United States Trademark Registration No. 85507365 registered on November 6, 2012.

The disputed domain name <ralstom.com> was registered on October 29, 2021.

#### 5. Parties' Contentions

##### A. Complainant

Complainant contends that the disputed domain name <ralstom.com> is confusingly similar to its numerous ALSTOM trademarks, as defined by paragraph 4(a)(i) of the Policy. The only difference between the disputed domain name <ralstom.com> and Complainant's mark is the addition of the letter "r" at the beginning of "ALSTOM". This addition has a very little impact in either appearance or sound.

Respondent does not have rights or legitimate interests in respect of the disputed domain name under paragraph 4(a)(ii). Complainant never authorized Respondent to register or use a domain name almost identical to its own mark. The disputed domain name previously resolved to a parking page containing links related to Complainant's activities (transportation). The disputed domain name now redirects to a registrar's webpage offering broker services to try to buy the domain. This is evidence that the disputed domain name was not registered and has not been used for any legitimate purpose.

Respondent registered the disputed domain name in bad faith. The disputed domain name imitates Complainant's trademarks in a misspelled way, thereby constituting an act of typosquatting.

##### B. Respondent

Respondent did not reply to Complainant's contentions.

#### 6. Discussion and Findings

##### A. Identical or Confusingly Similar

The disputed domain name <ralstom.com> contains the entirety of the ALSTOM mark with the addition of the letter "r" at the beginning of the mark. It is well established that such minor typographical variations or misspellings do not avoid a likelihood of confusion between a mark and a corresponding domain name. Prior UDRP panels have also found a difference of only one letter between a disputed domain name and a complainant's mark does not prevent a finding of confusing similarity. See, e.g., *Express Scripts, Inc. v. Whois Privacy Protection Service, Inc. / Domaindeals, Domain Administrator*, WIPO Case No. [D2008-1302](#) (<expresscripts.com> omission of "s" constitutes typosquatting which is by definition evidence of a confusingly similar domain name); *Electronic Arts Inc. v. John Zuccarini*, WIPO Case No. [D2003-0141](#) (<simscity.com> "the domain name differs from [SIMCITY] trademark in only one letter; this small difference establishes the confusingly similarity with [the complainant's trademark]").

The Panel finds that Complainant has satisfied paragraph 4(a)(i) of the Policy.

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

Respondent does not have rights or legitimate interests in the disputed domain name under paragraph 4(a)(ii) of the Policy. Respondent is not known by the disputed domain name. Complainant confirms it has not authorized Respondent to use its trademark or register the disputed domain name. Respondent did not respond to Complainant's cease-and-desist letter or to the Complaint itself. There is no evidence demonstrating any legitimate noncommercial or fair use of the disputed domain name by Respondent. Therefore, the Panel finds that Complainant has satisfied paragraph 4(a)(ii) of the Policy.

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

The Panel finds this to be a case of "typosquatting" in which Respondent has registered a misspelling of a well-known mark without legitimate rights or interests and in bad faith. Given the renown of Complainant's ALSTOM marks, the similarity between the mark and the disputed domain name, and the fact that Respondent originally used the disputed domain name to direct Internet traffic to a parking page containing links to goods or services related to those associated with Complainant's business, it is highly implausible that Respondent was not aware of the ALSTOM mark when Respondent registered and used the disputed domain name. Such knowledge is sufficient to establish that the disputed domain name was appropriated by Respondent in bad faith. See *Caesars World, Inc. v. Forum LLC* (WIPO Case No. [D2005-0517](#)) (finding bad faith where Respondent registered the domain name CAESARSPALACEPOKER.COM after it knew or should have known about Complainant's trademarks).

The Panel finds that Complainant has satisfied paragraph 4(a)(iii) 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, <ralstom.com> be transferred to Complainant.

*/Michael A. Albert/*

**Michael A. Albert**

Sole Panelist

Date: March 4, 2022