

## **ADMINISTRATIVE PANEL DECISION**

Safran v. Contact Privacy Inc. Customer 12410865194 / Bernauda Romai  
Case No. D2022-0537

### **1. The Parties**

Complainant is Safran, France, internally represented.

Respondent is Contact Privacy Inc. Customer 12410865194, Canada / Bernauda Romai, United States of America.

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

The disputed domain name is <safrangrup.com> which is registered with Google LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 16, 2022. On February 16, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. Also on February 16, 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 those in the Complaint. The Center sent an email communication to Complainant on February 18, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on February 28, 2022.<sup>1</sup>

The Center verified that the Complaint together with the amendment to the 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 March 1, 2022. In accordance with the Rules, paragraph 5, the due

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<sup>1</sup> The original Complaint was filed against “Unknown Registrant”, notwithstanding that “Contact Privacy Inc. Customer 12410865194” appeared as registrant in the corresponding WhoIs report. The amendment to the Complaint added Bernauda Romai as Respondent, as per the information disclosed by the Registrar.

date for Response was March 21, 2022. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on March 22, 2022.

The Center appointed Gerardo Saavedra as the sole panelist in this matter on March 30, 2022. This Panel finds that it was properly constituted. This 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 designs, builds and supports high-tech solutions for the aviation (propulsion, equipment and interiors), defense and aerospace markets.

Complainant has rights in the SAFRAN trademark for which it holds registration No. 004535209 in the European Union, registered on August 17, 2009, in classes 2, 7, 9, 11, 12, 13, 16, 35, 36, 37, 38, 39, 41, and 42; and International trademark registration No. 884321 registered on August 5, 2005, in classes 2, 7, 9, 11, 12, 13, 16, 36, 37, 38, 41, and 42.<sup>2</sup>

The disputed domain name was registered on August 16, 2021. At the time the Complaint was filed the disputed domain name did not resolve to an active website since it returned an error message showing, among others, "This site can't be reached", "Check if there is a typo in safrangrup.com."

#### **5. Parties' Contentions**

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

Complainant's assertions may be summarized as follows.

Complainant is an international high-technology group with global presence and several subsidiaries, having 76,000 employees and sales of EUR 16.5 billion in 2020, and holds, alone or in partnership, world or regional leadership positions in its core markets.

Complainant is the owner of several SAFRAN marks. Complainant is the registrant of several domain names reflecting its SAFRAN mark including: <safran-group.com> registered on February 25, 2005, <safran-group.fr> registered on February 28, 2005, <safran-group.us> registered on March 16, 2005, and <safran-group.org> registered on March 15, 2005. Complainant's official Internet website is at "www.safran-group.com".<sup>3</sup>

The disputed domain name identically reproduces the SAFRAN mark. The disputed domain name is confusingly similar to Complainant's. The term "grup" added at the end of the disputed domain name is very similar to the term "group" which can be found in Complainant's domain names. That combination refers directly to Complainant since it often is referred to as "Safran Group" in media and news.

Thus an uninformed Internet user, looking for information about Complainant, could legitimately think that the disputed domain name belongs to Complainant. Indeed, removing the letter "o" from the term "group" is not such as to avoid a risk of confusion between "group" and "grup" because these words are confusingly

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<sup>2</sup> Although the Complaint refers to such marks, no evidence of their registration was supplied. Thus, in this case, on April 4, 2022, this Panel verified the mark registrations referred to above through "https://www.tmdn.org/tmview/#tmview". See section 4.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0").

<sup>3</sup> Although the Complaint lists such domain names, Complainant did not supply any evidence of being the registrant thereof. Thus, in this case, on April 7, 2022, this Panel verified the Whois record for <safran-group.com> through "https://www.whois.domaintools.com".

similar. There is thus a real likelihood of confusion in the minds of the Internet users who could wrongly think that the disputed domain name is owned by Complainant.

Respondent should be considered as having no rights or legitimate interests in respect of the disputed domain name. Complainant has no relationship with Respondent and has not licensed or otherwise granted a right of use of the SAFRAN mark to Respondent. Respondent is not commonly known by the disputed domain name and does not use the disputed domain name, nor a name corresponding to it, in connection with a good faith offer of products or services.

The disputed domain name has been registered in bad faith. Respondent, who has no right in the SAFRAN mark and no link with Complainant, registered the disputed domain name reproducing such mark. Complainant (the Safran group) and the SAFRAN mark are internationally known. Thus, Respondent must have been aware of it and cannot reasonably evidence having any legitimate purpose to register the disputed domain name.

Respondent has no known commercial activity under the names “Safran”, “Safrangroup” or “Safrangrup”. Thus, it appears that Respondent intentionally attempted to attract Internet users, by creating a likelihood of confusion with Complainant’s SAFRAN mark. The disputed domain name is not being used by Respondent but this non-use does not prevent a finding of bad faith under the doctrine of passive holding.

The disputed domain name is also confusingly similar to Complainant’s domain name <safran-group.com>. Registering a domain name that is very close to a known domain name is typosquatting and is based on any possible typing or spelling error by the Internet user.

Complainant requests that the disputed domain name be transferred to Complainant.

## **B. Respondent**

Respondent did not reply to Complainant’s contentions.

## **6. Discussion and Findings**

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

As regards who is the proper Respondent in this case, pursuant to paragraph 1 of the Rules “Respondent means the holder of a domain-name registration against which a complaint is initiated”. At the Center’s request, the Registrar sent its registrar verification on February 16, 2022, disclosing Bernauda Romai as the registrant of the disputed domain name, and thus on February 28, 2022, Complainant filed an amendment to the Complaint naming Bernauda Romai as additional Respondent. Since the real underlying registrant has been promptly disclosed, this Panel decides to have Bernauda Romai as the proper Respondent and thus further references to Respondent herein shall be understood to Bernauda Romai.<sup>4</sup>

The lack of Response from Respondent does not automatically result in a favorable decision for Complainant (see *Berlitz Investment Corp. v. Stefan Tincuлесcu*, WIPO Case No. [D2003-0465](#), and section 4.3 of the [WIPO Overview 3.0](#)). The burden for Complainant, under paragraph 4(a) of the Policy, is to show: (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which

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<sup>4</sup> The use of privacy service providers, the disclosure of underlying registrants and the determination of the proper respondent have been dealt with in several UDRP panel decisions. For instance, see *The iFranchise Group v. Jay Bean / MDNH, Inc. / Moniker Privacy Services* [23658], WIPO Case No. D2007-1438; and *Costco Wholesale Corporation and Costco Wholesale Membership, Inc., v. Yezican Industries and Domains By Proxy, Inc.*, WIPO Case No. D2007-0638. See also section 4.4.5 of the WIPO Overview 3.0.

Complainant has rights; (ii) that Respondent has no rights or legitimate interests in respect of the disputed domain name; and (iii) the disputed domain name has been registered and is being used in bad faith.

In examining the record of the present case, this Panel wonders whether Complainant could have put forward better and clearer arguments and more evidence. As set forth in other UDRP cases, this Panel reiterates that it is the Parties' responsibility to present their case with appropriate arguments and evidence.<sup>5</sup>

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

It is undisputed that Complainant has rights over the SAFRAN mark.

Since the addition of a generic Top-Level Domain ("gTLD") *i.e.* ".com" in a domain name is technically required, it is well established that such element may be disregarded where assessing whether a domain name is identical or confusingly similar to a mark.<sup>6</sup> The disputed domain name reflects the SAFRAN mark in its entirety, albeit followed by "grup". It is clear to this Panel that the SAFRAN mark is recognizable in the disputed domain name and that the addition of such characters in the disputed domain name does not avoid its confusing similarity with said mark (see sections 1.7 and 1.8 of the [WIPO Overview 3.0](#)).

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

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

Complainant has alleged and Respondent has failed to deny that Respondent has no rights or legitimate interests in respect of the disputed domain name.

Complainant contends that it has not authorized Respondent to use its SAFRAN mark, that Respondent is not commonly known by the disputed domain name, that Complainant has no relationship with Respondent, that Respondent is not using the disputed domain name in connection with any *bona fide* offer of products or services, and that the disputed domain name carries a risk of confusion with Complainant since Complainant is commonly referred to as Safran Group (as reflected in its official domain name <safran-group.com> and media coverage). The evidence in the file shows that there is no active website linked to the disputed domain name. The disputed domain name reflects Complainant's name and mark in its entirety.

This Panel considers that Complainant has established a *prima facie* case that Respondent has no rights or legitimate interests in the disputed domain name (see *Casio Keisanki Kabushiki Kaisha (Casio Computer Co., Ltd.) v. Jongchan Kim*, WIPO Case No. [D2003-0400](#), and section 2.1 of the [WIPO Overview 3.0](#)). In the file, there is no evidence of circumstances of the type specified in paragraph 4(c) of the Policy or of any other circumstances giving rise to a possible right to or legitimate interest in the disputed domain name by Respondent.

Based on the aforesaid, this Panel concludes that paragraph 4(a)(ii) of the Policy is satisfied.

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

Taking into consideration that Complainant's registration and use of the SAFRAN mark preceded the creation of the disputed domain name, Complainant's international presence, that Complainant is commonly referred to as "Safran Group", and the substantial similarity of the disputed domain name with Complainant's

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<sup>5</sup> See *Jones Apparel Group, Inc. v. jonesapparelgroup.com*, WIPO Case No. D2001-0719: "it is not this Panel's role to perfect a poor pleading". See *The Skin Store, Inc. v. eSkinStore.com*, WIPO Case No. D2004-0661: "The Panel suspects[...] that further evidence could have been produced, but it is not the job of the Panel to hunt it out".

<sup>6</sup> The identical or confusing similarity test is between the disputed domain name and a mark over which complainant has rights. The fact that the disputed domain name may be identical or confusingly similar to a complainant's domain name is generally weighed, as in the present case, under any of the other two headings.

official domain name <safran-group.com>, this Panel is of the view that Respondent should have been aware of the existence of Complainant and its SAFRAN mark at the time Respondent obtained the registration of the disputed domain name.

The evidence supplied by Complainant shows that the disputed domain name does not resolve to an active website. The concept of a domain name “being used in bad faith” is not limited to a domain name with an active website on the Internet. Several UDRP decisions have held that the passive holding of a domain name that incorporates a well-known mark, without obvious legitimate purpose, does not prevent a finding of bad faith under paragraph 4(a)(iii) of the Policy.<sup>7</sup>

It seems to this Panel that there is no basis to conceive a legitimate use of the disputed domain name by Respondent. In reaching that conclusion, this Panel has taken into account, in addition to the circumstances mentioned above, the following: (i) Complainant is a well-established company; (ii) Respondent is using Complainant’s name and SAFRAN mark at the disputed domain name without Complainant’s authorization; (iii) the substantial similarity of the disputed domain name with Complainant’s official domain name <safran-group.com> reflecting just a minor typographical variation by replacing “-group” with “grup” in the disputed domain name (which, in the case at hand, might be deemed as the practice commonly known as “typosquatting” and which has been deemed as a strong indicative of bad faith under a number of UDRP cases<sup>8</sup>); (iv) Respondent’s use of a privacy service to hide its name and contact details; and (v) Respondent’s failure to appear in this proceeding, which is indicative that Respondent lacks arguments and evidence to support its holding of the disputed domain name.

In sum, the overall evidence indicates that Respondent’s choice of the disputed domain name was deliberate for its confusing similarity with, and with the likely intention to benefit from the reputation and goodwill of, Complainant’s SAFRAN mark, which denotes bad faith.

In light of the above, this 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, this Panel orders that the disputed domain name <safrangrup.com> be transferred to Complainant.

*/Gerardo Saavedra/*  
**Gerardo Saavedra**  
Sole Panelist  
Date: April 13, 2022

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<sup>7</sup> See *Ferrari S.p.A. v. Ms. Lee Joohee (or Joo-Hee)*, WIPO Case No. D2003-0882: “Respondent has provided no evidence or suggestion of a possible legitimate use of the Domain Name. Thus, in the words of Telstra, it is not possible to conceive of any plausible actual or contemplated active use of the Domain Name by the Respondent that would not be illegitimate”. See also *Flight Refuelling Ltd v. Neog Inc*, WIPO Case No. D2005-0503: “there is no website that corresponds to the domain name [...] the Panel is satisfied that Respondent is acting in bad faith [...] The Panel cannot conceive of a situation in which Respondent could use the name in good faith, and Respondent has not suggested that there are any”. See also section 3.3 of the WIPO Overview 3.0.

<sup>8</sup> See *Amazon.com, Inc. v. Steven Newman a/k/a Jill Wasserstein a/k/a Pluto Newman*, WIPO Case No. D2006-0517: “the practice of typosquatting, in and of itself, constitutes bad faith registration”.