

ADMINISTRATIVE PANEL DECISION

Safran v. Murat Kupeli, UNIVERSITE MH CIVAN SK 1257 ALLURE TOWER
Case No. D2023-2077

1. The Parties

The Complainant is Safran, France, represented internally.

The Respondent is Murat Kupeli, UNIVERSITE MH CIVAN SK 1257 ALLURE TOWER, Türkiye.

2. The Domain Name and Registrar

The disputed domain name <safran-grup.com> is registered with Nics Telekomunikasyon A.S. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 10, 2023. On May 12, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 13, 2023, 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 (Unknown Registrant) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 15, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint on the same day.

On May 15, 2023, the Center informed the parties in Turkish and English, that the language of the registration agreement for the disputed domain name is Turkish. On May 16, 2023, the Complainant requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant's submission.

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 the Respondent of the Complaint, and the proceedings commenced on May 24, 2023. In accordance with the Rules, paragraph 5,

the due date for Response was June 13, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 14, 2023.

The Center appointed Kaya Köklü as the sole panelist in this matter on June 16, 2023. 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

The Complainant is an internationally active company with its registered seat in France. It is particularly active in the aviation industry as well as in defense and space markets. It has a global presence with around 83,000 employees and sales of around EUR 19 billion in 2022.

The Complainant is the owner of the SAFRAN trademark. Among others, the Complainant owns the European Union Trademark Registration No. 004535209 (registered on August 17, 2009) and the International Trademark Registration No 884321 (registered on August 5, 2005) for SAFRAN, both covering protection for a large number of goods and services in classes 2, 7, 9, 11, 12, 13, 16, 36, 37, 38, 41, and 42.

Since at least 2005, the Complainant further owns and operates its official website at the domain name <safran-group.com>. It also owns several other domain names comprising its SAFRAN trademark in combination with the term "group", such as <safran-group.fr>, <safran-group.us>, <safran-group.org>, and <safrangroup.com>.

The Respondent is reportedly located in Türkiye.

The disputed domain name was registered on February 22, 2023, and apparently does not resolve to an active website.

5. Parties' Contentions

A. Complainant

The Complainant requests the transfer of the disputed domain name.

The Complainant is of the opinion that the disputed domain name is confusingly similar to its SAFRAN trademark.

It further argues that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

In addition, the Complainant is convinced that the Respondent has registered and is using the disputed domain name in bad faith.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

6.1. Language of the Proceeding

The Panel determines in accordance with the Complainant's request and the Rules, paragraph 11(a), that the language of this administrative proceeding shall be English.

Although the language of the registration agreement is Turkish, the Panel finds that it would be inappropriate, given the circumstances of this case, to conduct the proceedings in Turkish and request a Turkish translation of the Complaint while the Respondent has failed to raise any objection or even to respond to the Center's communication about the language of the proceedings, even though communicated in Turkish and in English. The Panel particularly notes that the Respondent was given the opportunity to respond either in Turkish or English, and that also this opportunity remained unused by the Respondent.

Consequently, the Panel is convinced that the Respondent will not be prejudiced by a decision being rendered in English.

6.2. Substantive Issues

According to paragraph 15(a) of the Rules, the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights; and
- (ii) the 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.

Paragraph 4(a) of the Policy states that the Complainant bears the burden of proving that all these requirements are fulfilled, even if the Respondent has not replied to the Complainant's contentions. *Stanworth Development Limited v. E Net Marketing Ltd.*, WIPO Case No. [D2007-1228](#).

However, concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the provided reasonable factual allegations in the Complaint as true. See section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

For the evaluation of this case, the Panel has taken note of the [WIPO Overview 3.0](#) and, where appropriate, will decide consistent with the consensus views stated therein.

A. Identical or Confusingly Similar

To begin with, the Panel confirms that the Complainant has satisfied the threshold requirement of having relevant trademark rights in SAFRAN.

The Panel further finds that the disputed domain name is confusingly similar to the Complainant's SAFRAN trademark, as it fully incorporates the Complainant's trademark.

As stated at section 1.8 of the [WIPO Overview 3.0](#), where a trademark is recognizable within the disputed domain name, the addition of other terms would not prevent a finding of confusing similarity. In the present case, the Panel finds that the addition of the Turkish term "grup" (which means "group" in the English language) and a hyphen does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's SAFRAN trademark.

In view of the above, the Panel concludes that the disputed domain name is confusingly similar to the Complainant's SAFRAN trademark.

Accordingly, the Panel finds that the Complainant has satisfied the requirement under paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Panel further finds that the Respondent has failed to demonstrate any rights or legitimate interests in the disputed domain name.

While the burden of proof on this element remains with the Complainant, previous UDRP panels have recognized that this would result in the often impossible task of proving a negative, in particular as the evidence in this regard is often primarily within the knowledge of the respondent. Therefore, the Panel agrees with prior UDRP panels that the Complainant is required to make out a *prima facie* case before the burden of production of evidence shifts to the Respondent to show that it has rights or legitimate interests in the disputed domain name in order to meet the requirements of paragraph 4(a)(ii) of the Policy. See *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#).

The Panel finds that the Complainant has satisfied this requirement, while the Respondent has failed to file any evidence or make any convincing argument to demonstrate rights or legitimate interests in the disputed domain name according to the Policy, paragraphs 4(a)(ii) and 4(c).

In its Complaint, the Complainant has provided uncontested *prima facie* evidence that the Respondent has no rights or legitimate interests to use the Complainant's SAFRAN trademark in a confusingly similar way within the disputed domain name.

There is also no indication in the current record that the Respondent is commonly known by the disputed domain name, particularly as it appears that the disputed domain name has not been actively used since its just recent registration in February 2023. In the absence of a response, the Respondent has also failed to demonstrate any of the other non-exclusive circumstances evidencing rights or legitimate interests under the Policy, paragraph 4(c) or other evidence of rights or legitimate interests in the disputed domain name.

As already indicated above, the Panel further notes that the composition of the disputed domain name carries a risk of implied affiliation or endorsement, as stated in section 2.5.1 of the [WIPO Overview 3.0](#). Particularly, the Panel notes that the disputed domain name is only a single-letter variation of the Complainant's <safran-group.com> domain name, reinforcing the inherently misleading nature of the disputed domain name.

As a conclusion, the Panel finds that the Complainant has also satisfied the requirements of paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel is convinced that the Respondent was fully aware of the Complainant's trademark when he registered the disputed domain name recently in February 2023. At the date of registration of the disputed domain name, the Complainant's SAFRAN trademark was already registered and widely used for many years, including by way of the Complainant's official website at the domain name <safran-group.com>. That being said, the Panel is convinced that the use of the additional term "grup" in the disputed domain name shows clearly that the Respondent was targeting the Complainant and its trademarks, since the Complainant has been using its SAFRAN trademark with the term "grup" (albeit the English spelling, "group") in its own domain names. In view of the Panel, this suggests that the Respondent was clearly aware of the Complainant and its trademark and further, targeted the Complainant when registering the disputed domain name.

With respect to use of the disputed domain name in bad faith, as already indicated before, the disputed domain name has apparently not been linked to an active website. Nonetheless, and in line with previous UDRP decisions (e.g. *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#)) and section 3.3 of the [WIPO Overview 3.0](#), the Panel concludes that the non-use of the disputed domain name in this case does not prevent a finding of bad faith.

Applying the passive holding doctrine as summarized in section 3.3 of the [WIPO Overview 3.0](#), the Panel assesses the Complainant's SAFRAN trademark as sufficiently distinctive for products and services in the aviation, defense, and space markets, and also as widely known in the relevant customer circles. Further, noting the disputed domain name is composed of the Complainant's SAFRAN trademark in combination with the Turkish term "grup", which virtually is almost identical to the officially used domain names of the Complainant, the Panel finds that a good faith use of the disputed domain name is rather implausible and, hence, unlikely.

Furthermore, the Panel accepts that the failure of the Respondent to submit a substantive response to the Complainant's contentions as an additional indication for bad faith.

Taking all circumstances of this case into consideration, the Panel concludes that in the present case the passive holding of the disputed domain name constitutes bad faith use by the Respondent. Moreover, the Panel is even convinced that this is a typical cybersquatting case, which the UDRP was designed to stop.

Consequently, the Panel finds that the disputed domain name was registered and is being used in bad faith and that the Complainant consequently has satisfied the third element of the Policy, namely, 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, <safran-grup.com>, be transferred to the Complainant.

/Kaya Köklü/

Kaya Köklü

Sole Panelist

Date: June 27, 2023