

## **ADMINISTRATIVE PANEL DECISION**

Safran v. Worsley Smith

Case No. D2023-2249

### **1. The Parties**

The Complainant is Safran, France, represented internally.

The Respondent is Worsley Smith, United States of America.

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

The disputed domain name <safarangroup.com> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 24, 2023. On May 25, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 25, 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 email communications to the Complainant on May 30, 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 June 1, 2023.

The Center verified that the Complaint together with the amendments 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 June 5, 2023. In accordance with the Rules, paragraph 5, the due date for Response was June 25, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on Jun 27, 2023.

The Center appointed Fabrizio Bedarida as the sole panelist in this matter on June 30, 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 in this administrative proceeding is Safran, a company incorporated and existing under the laws of France. The Complainant is an international high-technology group, operating in the aviation (propulsion, equipment, and interiors), defence, and space markets. It has an affirmed global presence with 83,000 employees and sales of USD 19 billion in 2022 (as per annex 5 to the Complaint: 79,000 employees and USD 16.5 billion in 2020). It maintains, alone or in partnership, world or regional leadership positions in its core markets. The Complainant is the holding company controlling *inter alia* the following companies: Safran Aero Boosters, Safran Aerosystems, Safran Aircraft Engines, Safran Cabin, Safran Electrical & Power, Safran Electronics & Defense, Safran Helicopter Engines, Safran Landing Systems, Safran Nacelles, Safran Seats, and Safran Transmission Systems.

The Complainant is, *inter alia*, the owner of;

- European Union Trademark, SAFRAN (word), registration number 004535209, registered on August 17, 2009; and
- International trademark, SAFRAN (word), registration number 884321, registered on August 5, 2005.

The Complainant is, *inter alia*, also the owner of the domain names:

- <safran-group.com>, registration date February 25, 2005;
- <safran-group.fr>, registration date February 28, 2005;
- <safran-group.us>, registration date March 16, 2005;
- <safran-group.org>, registration date March 15, 2005; and
- <safrangroup.com> registration date September 28, 1999.

The above trademarks and domain names were registered many years before the date of registration of the disputed domain name, *i.e.* November 23, 2022.

The disputed domain name resolves to an inactive website.

#### 5. Parties' Contentions

##### A. Complainant

The Complainant claims that the disputed domain name is confusingly similar to the SAFRAN trademark registrations. In this regards the Complainant affirms that the disputed domain name which reproduces almost identically the trademark SAFRAN and adds the term "group", is confusingly similar to the Complainant's mark. The addition of the letters "a" in the middle of the term "safran" and of the term "group" at the end, are not sufficient to avoid a risk of confusion.

The Complainant further states that the Respondent has no rights or legitimate interests whatsoever with respect to the disputed domain name. No license, or authorization of any other kind, has been given by the Complainant to the Respondent to use the SAFRAN trademarks.

The Complainant thus concludes that the disputed domain name has been intentionally registered and used to attract Internet users, for commercial gain, to the website hosted at the disputed domain name by creating a likelihood of confusion with the SAFRAN trademark, such confusion encompassing the source, sponsorship, affiliation or endorsement of the website of the Respondent

##### B. Respondent

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

## 6. Discussion and Findings

In order for the Complainant to obtain a transfer of the disputed domain name, paragraphs 4(a)(i) – (iii) of the Policy require that the Complainant must demonstrate to the Panel that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark 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.

### A. Identical or Confusingly Similar

The Complainant has established rights in the SAFRAN trademark.

The disputed domain name contains the Complainant's SAFRAN trademark with the addition of the letter "a", the term "group", and the generic Top-Level Domain ("gTLD") ".com".

The addition in the disputed domain name of the letter "a" and the term "group" does not prevent a finding of confusing similarity with the SAFRAN trademark.

Pursuant to section 1.8 of the Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), "[w]here the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. The nature of such additional term(s) may however bear on assessment of the second and third elements". Similarly, the typographical error represented by the added "a" can be disregarded, pursuant to section 1.9 of the [WIPO Overview 3.0](#).

In addition, the gTLD is disregarded under the first element confusing similarity test. See section 1.11 of the [WIPO Overview 3.0](#).

Therefore, the Panel finds the disputed domain name to be confusingly similar to the SAFRAN trademark in which the Complainant has rights.

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

### B. Rights or Legitimate Interests

This Panel finds that the Complainant has made a *prima facie* case that the Respondent does not have rights or legitimate interests in the disputed domain name. The Respondent has no connection or affiliation with the Complainant and the Complainant has not licensed or otherwise authorized the Respondent to use or register any domain name incorporating the Complainant's trademark. The Respondent does not appear to engage in any legitimate noncommercial or fair use of the disputed domain name, nor any use in connection with a *bona fide* offering of goods or services. In addition, the Respondent does not appear to be commonly known by the disputed domain name or by a similar name. Moreover, the Respondent has not replied to the Complainant's contentions, claiming any rights or legitimate interests in the disputed domain name. Finally, the nature of the disputed domain name is inherently misleading as it effectively suggests sponsorship or endorsement by the Complainant. See section 2.5.1 of the [WIPO Overview 3.0](#).

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

### C. Registered and Used in Bad Faith

The Panel, on the basis of the evidence presented, finds that the disputed domain name was registered and

has been used in bad faith.

The Panel is of the opinion that the Respondent was aware of the Complainant's trademark registrations and rights to the SAFRAN trademark when it registered the disputed domain name.

In fact, the Complainant's SAFRAN trademark is distinctive and internationally known. It has been registered and used for many years prior to the registration of the disputed domain name and is a renowned trademark, especially in the aviation, defense, and space fields. The Panel thus finds that the Respondent likely knew of the Complainant and its trademark and deliberately registered the disputed domain name in bad faith.

As regards the use in bad faith of the disputed domain name, which currently resolves to an inactive website, the Panel considers that bad faith may exist even in cases of so-called "passive holding", as found in the landmark UDRP decision *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#). In the circumstances of this case, the Panel finds that the passive holding of the disputed domain name does not prevent a finding of bad faith. See [WIPO Overview 3.0](#), section 3.3. In support thereof, the Panel considers as relevant the renown of the Complainant's trademark, the incorporation of said distinctive trademark, and the Respondent's failure to participate. Further, it appears that the Respondent's may have engaged in the use of a privacy service to mask its details in the publicly-available Whois, seeing as the publicly-available Whois reflected as the Registrant Name, "Redacted for Privacy", yet the Registrant Organization was listed as, "Privacy service provided by Withheld for Privacy ehf".

Furthermore, the Panel considers that the nature of the disputed domain name, which is confusingly similar to the Complainant's trademark and almost identical to the Complainant's <safran-group.com> and <safrangroup.com> domain names, reflects the purposeful composition of a domain name to create a direct, misleading, inference of the Complainant, and this fact further supports a finding of bad faith. See [WIPO Overview 3.0](#), sections 3.1.4 and 3.2.1.

Accordingly, the Panel finds, on the basis of the evidence presented, that the Respondent registered and is using the disputed domain name in bad faith.

Therefore, the 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, <safarangroup.com>, be transferred to the Complainant.

*/Fabrizio Bedarida/*

**Fabrizio Bedarida**

Sole Panelist

Date: July 14, 2023