

## ADMINISTRATIVE PANEL DECISION

G4S Limited v. Qiu Yun Lai (赖秋云)

Case No. D2022-2491

### 1. The Parties

The Complainant is G4S Limited, United Kingdom, represented by SafeNames Ltd., United Kingdom.

The Respondent is Qiu Yun Lai (赖秋云), China.

### 2. The Domain Name and Registrar

The disputed domain name <g4see.com> is registered with Global Domain Name Trading Center Ltd (the “Registrar”).

### 3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on July 8, 2022. On July 8, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 11, 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 the Complainant on July 11, 2022 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 amended Complaint in English on July 13, 2022.

On July 11, 2022, the Center transmitted an email communication to the Parties in English and Chinese regarding the language of the proceeding. On July 13, 2022, the Complainant submitted a request that English be the language of the proceeding. The Respondent did not comment on the language of the proceeding.

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 the Respondent in English and Chinese of the Complaint, and the proceedings commenced on July 19, 2022. In accordance with the Rules, paragraph 5, the due date for Response was August 8, 2022. The Respondent did not submit any

response. Accordingly, the Center notified the Respondent's default on August 9, 2022.

The Center appointed Deanna Wong Wai Man as the sole panelist in this matter on August 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**

The Complainant is headquartered in the United Kingdom and is a global security company which provides security and facility services in around 80 countries across the world. The Complainant was founded in 1901, and has been operating under its current name, G4S (also known as Group 4 Securicor) since 2004, after a merger between Group 4 Falck and Securicor. In 2021 the Complainant was acquired by Allied Universal, and presently has a large network of more than 800,000 employees globally. The Complainant claims that it has acquired widespread consumer goodwill in G4S, having operated under the G4S brand for more than 15 years.

The Complainant provides evidence that it owns an international portfolio of trademark registrations for G4S, including, but not limited to, United States of America trademark registration number 3378800 for the word mark G4S, registered on February 5, 2008 and European Union Trade Mark registration number 015263064 for the word mark G4S, registered on September 20, 2016. The Panel notes that the Complainant also has an extensive online presence and that it hosts its main website under the domain name <g4s.com>, registered on December 1, 1999.

The disputed domain name was registered on August 3, 2021, and is therefore of a later date than the abovementioned trademark of the Complainant. The Panel notes that the disputed domain name is linked to an active webpage containing gambling and pornographic content.

The Complainant also provides evidence that it attempted to settle this matter amicably, through a cease-and-desist letter dated March 8, 2022, to which it received no response from the Respondent.

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

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

The Complainant contends that the disputed domain name is identical or confusingly similar to its trademark for G4S, that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and that the disputed domain name was registered, and is being used in bad faith to divert Internet users to the Respondent's webpage containing pornographic material.

The Complainant essentially contends that the disputed domain name is confusingly similar to the Complainant's trademarks as it incorporates the Complainant's G4S trademark in its entirety, with the only differing element being the addition of the letters "ee" to the disputed domain name. The Complainant also provides evidence that the disputed domain name is linked to an active webpage containing pornographic content, which, the Complainant argues, is likely to alienate the Complainant's customers and have adverse effects on the Complainant's business. The Complainant contends that such use does not confer any rights or legitimate interests in respect of the disputed domain name, and that it constitutes use in bad faith of the disputed domain name. The Complainant also argues that the Respondent has clearly registered the disputed domain name to target the Complainant's brand intentionally, as the Complainant developed a substantial reputation in the G4S mark, which the Respondent was undoubtedly aware of. The Complainant contends that the term "G4S" has no generic or common meaning, and that the registration of the disputed domain name was therefore conducted in bad faith.

The Complainant requests the transfer of the disputed domain name.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **6.1. Preliminary Issue: Language of the Administrative Proceeding**

Pursuant to paragraph 11(a) of the Rules, the language of the administrative proceeding shall be the language of the Registration Agreement, subject to authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding.

According to the Registrar's verification response, the language of the Registration Agreement for the disputed domain name is Chinese. Nevertheless, the Complainant filed its Complaint and its amended Complaint in English, and requests that English be the language of the proceeding. The Panel notes that the Respondent did not comment on the language of the proceeding and did not submit any arguments on the merits of this proceeding.

The Panel has carefully considered all elements of this case, in particular, the Complainant's request that the language of the administrative proceeding be English; the fact that the Respondent did not comment on the language of the administrative proceeding and did not submit arguments on the merits (the Panel notes that the Respondent had the opportunity, and was duly invited by the Center in English and Chinese, to provide a Response in either English or Chinese, but chose not to do so); the fact that the disputed domain name itself is in Latin characters and that the Complainant provides evidence that the Respondent's domain name portfolio comprises many English terms (including <elizabeth-english.com.cn>, <crown-industry.cn> and <honeycomb-panel.cn>); and, finally, the fact that Chinese as the language of the administrative proceeding could lead to unwarranted costs for the Complainant and delays for the administrative proceeding. In view of all these elements, the Panel grants the Complainant's request and decides that the language of the administrative proceeding shall be English.

### **6.2. Discussion and Findings on the Merits**

The Policy requires the Complainant to prove three elements:

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

Based on the evidence and arguments submitted, the Panel's findings are as follows:

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

The Panel finds that the Complainant has shown that it has valid rights in the mark G4S, based on its use and registration of the same as a trademark in multiple jurisdictions.

Moreover, as to whether the disputed domain name is identical or confusingly similar to the Complainant's trademark, in the Panel's view, the disputed domain name consists of two parts, namely the Complainant's registered trademark for G4S, followed by the letters "ee". The Panel refers to the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 1.7, which states:

“where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing”. The Panel also considers that the generic Top-Level Domain (“gTLD”), which is “.com” in this case, is viewed as a standard registration requirement, and may as such be disregarded by the Panel (see, [WIPO Overview 3.0](#), section 1.11.1).

Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Complainant’s registered trademark for G4S, and concludes that the Complainant has satisfied the requirements of the first element under the Policy.

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

On the basis of the evidence and arguments submitted, the Panel finds that the Complainant makes out a *prima facie* case that the Respondent is not, and has never been, an authorized reseller, service provider, licensee or distributor of the Complainant, is not a *bona fide* provider of goods or services under the disputed domain name and is not making legitimate noncommercial or fair use of the disputed domain name. The Panel also notes that the Respondent is not commonly known by the disputed domain name. As such, the Panel finds that the burden of production regarding this element shifts to the Respondent (see [WIPO Overview 3.0](#), section 2.1). However, no evidence or arguments have been submitted by the Respondent in reply.

Moreover, upon review of the facts and evidence, the Panel notes that the disputed domain name directs to an active webpage containing gambling and pornographic content and links. In the Panel’s view, no rights or legitimate interests derive from using another’s trademark to divert Internet users to a pornographic and gambling website, see in this regard also several prior UDRP decisions such as *Seintec Norte, S.L. v. Yu Liu, wangluochuanmei* WIPO Case No. [D2021-1815](#); *Andrey Ternovskiy dba Chatroulette v. Protection of Private Person / Aleksandr Katkov*, WIPO Case No. [D2017-0381](#); and *Averitt Express, Inc. v. Protection of Private Person / Roman Emec*, WIPO Case No. [D2018-0249](#).

On the basis of the foregoing, the Panel considers that none of the circumstances of rights or legitimate interests envisaged by paragraph 4(c) of the Policy apply, and that the Complainant has satisfied the requirements of the second element under the Policy.

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

Given the distinctiveness and well-known nature of the Complainant’s trademarks for G4S, which predate the registration date of the disputed domain name by over a decade, the Panel considers that the Respondent has intentionally and opportunistically targeted the Complainant’s trademark for G4S. The Panel also finds the disputed domain name so obviously connected to the Complainant’s trademark for G4S, incorporating it in its entirety, that the registration of the disputed domain name by the Respondent strongly suggests its opportunistic bad faith, particularly as the Respondent has no affiliation with the Complainant (see in this regard also earlier UDRP decisions such as *Singapore Airlines Ltd v. European Travel Network*, WIPO Case No. [D2000-0641](#)). In the Panel’s view, the preceding elements clearly indicate the bad faith of the Respondent in registering the disputed domain name, and the Panel therefore finds that it has been demonstrated that the Respondent registered the disputed domain name in bad faith.

As to use of the disputed domain name in bad faith, the website linked to the disputed domain name currently displays gambling and pornographic content and links, which shows that the Respondent is abusing the Complainant’s trademark to mislead and divert consumers for commercial gain to such website, and thereby also tarnishes the Complainant’s marks (see in this regard also previous UDRP decisions such as *Seintec Norte, S.L. v. Yu Liu, wangluochuanmei* WIPO Case No. [D2021-1815](#) and *Averitt Express, Inc. v. Protection of Private Person / Roman Emec*, WIPO Case No. [D2018-0249](#)). Moreover, the Panel also notes that the Complainant sent a cease-and-desist letter to the Respondent on March 8, 2022, to which the Respondent chose not to answer. On the basis of the foregoing elements, the Panel finds that the Respondent is using the disputed domain name in bad faith.

Finally, the Respondent has failed to provide any response or evidence to establish its good faith or absence of bad faith. The Panel therefore rules that the Complainant has satisfied the requirements of the third element under 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 <g4see.com> be transferred to the Complainant.

*/Deanna Wong Wai Man/*

**Deanna Wong Wai Man**

Sole Panelist

Date: August 31, 2022