

ADMINISTRATIVE PANEL DECISION

Technip France v. Crescent, Darlington Bryian
Case No. D2023-2304

1. The Parties

The Complainant is Technip France, France, represented by Withers & Rogers LLP, United Kingdom (“UK”).

The Respondent is Crescent, Darlington Bryian, United States of America (“USA”).

2. The Domain Name and Registrar

The disputed domain name <technipenegies.com> (the “Domain Name”) is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 26, 2023. On May 26, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On May 30, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on May 31, 2023, providing the registrant and contact information disclosed behind the privacy service by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on May 31, 2023.

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 of the Complaint, and the proceedings commenced on June 7, 2023. In accordance with the Rules, paragraph 5, the due date for Response was June 27, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 3, 2023.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on July 5, 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 a French engineering and technology company for the energy industry and chemicals sector.

The Complainant has numerous trademark registrations around the world for TECHNIP ENERGIES, such as European Union Trademark Registration No. 018136252 registered on May 22, 2020, and International Trademark Registration No. 1544812, designating Brazil, UK, India, Malaysia and USA, registered on April 9, 2020.

The Complainant operates a website under the domain name <technipenergies.com>.

According to the Complaint, the Domain Name was registered on August 11, 2022. The Domain Name has resolved to a webpage declaring the account is suspended.

5. Parties' Contentions

A. Complainant

The Complainant provides evidence of its TECHNIP ENERGIES trademark registrations and argues that the Domain Name is identical to its trademark with the exclusion of the letter "r". This is typosquatting. The Domain Name and the Complainant's trademark are confusingly similar.

The Complainants argue that the Respondent has no rights or legitimate interests in respect of the Domain Name. The Respondent has made an intentional misspelling of the Complainant's trademark. Typosquatting indicates a lack of legitimate interest.

The Complainant argues that the Respondent's obvious misspelling of the Complainant's trademark is made in bad faith, and Internet users when confronted with the Domain Name will be confused to believe there is a relationship with the Complainant.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the Domain Name. See [WIPO Overview 3.0](#), section 1.7.

The Complainant has established that it has rights in the trademark TECHNIP ENERGIES. The Domain Name is identical with the Complainant's trademark, save the omission of the letter "r". The omission does not prevent a finding of confusing similarity. See [WIPO Overview 3.0](#), section 1.8. For the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domain ("gTLD"), in this case ".com". See [WIPO Overview 3.0](#), section 1.11.1.

Based on the available record, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name. While the overall burden of proof in UDRP proceedings is on the complainant, previous UDRP panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. See [WIPO Overview 3.0](#), section 2.1.

Having reviewed the record, the Panel finds the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the Domain Name. The Respondent has not rebutted the Complainant’s *prima facie* case and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Domain Name.

The Respondent is not affiliated or related to the Complainant. There is no evidence that the Respondent has registered the Domain Name as a trademark or acquired trademark rights. There is no evidence of the Respondent’s use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a *bona fide* offering of goods or services.

Based on the available record, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular but without limitation, that if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

The composition of the Domain Name makes it probable that the Respondent was aware the Complainant and its prior rights when the Respondent registered the Domain Name. Typosquatting is regarded as clear evidence of bad faith under the Policy, regardless of the Domain Name being actively used or not. The Complainant trademark is distinctive, the Respondent has concealed its identity, the Respondent has failed to provide any evidence of actual or contemplated good-faith use, and the Panel cannot see any possible good faith use to which the Domain Name may be put by the Respondent.

For the reasons set out above, the Panel concludes that the Domain Name was registered and is being used in bad faith, within the meaning of paragraph 4(a)(iii) of the Policy. The third element of the Policy has been established.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders the Domain Name, <technipenegies.com>, be transferred to the Complainant.

/Mathias Lilleengen/

Mathias Lilleengen

Sole Panelist

Date: July 11, 2023