

ADMINISTRATIVE PANEL DECISION

ALSTOM v. user bo7
Case No. D2023-3077

1. The Parties

The Complainant is ALSTOM, France, represented by Lynde & Associates, France.

The Respondent is user bo7, United Arab Emirates (“UAE”).

2. The Domain Name and Registrar

The disputed domain name <alstom-ubunye.com> (the “Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 18, 2023. On July 19, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 19, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 20, 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 amended Complaint on July 24, 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 August 9, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 29, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 30, 2023.

The Center appointed Tommaso La Scala as the sole panelist in this matter on September 6, 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 global leader in the world of power generation, power transmission and rail infrastructure, employing 80,000 professionals in more than 70 countries, including UAE (where the Respondent reportedly has its legal address).

The Complainant registered the trademark ALSTOM in many jurisdictions worldwide, as it can be noted – among others – by UAE Trademarks N°28505, N°28513, N°28518, and N°28503 ALSTOM, and International Registration N°1323418 ALSTOM UBUNYE.

In addition, the Complainant also registered many domain names under various generic and country code Top-Level-Domains (“TLDs”) that reflect its trademark, such as <alstomubunye.com>, <alstomubunye.fr>, *et al.*

The Domain Name was registered on July 8, 2023. The registrant of the Domain Name is user bo7, an unspecified subject, and the Domain Name redirects towards the Complainant’s official website.

5. Parties’ Contentions

A. Complainant

The Complainant submits that the Domain Name is identical and confusingly similar to the Complainant’s ALSTOM and ALSTOM UBUNYE trademarks, as it exactly incorporates them.

The Complainant asserts that the Respondent has no rights or legitimate interests in respect of the Domain Name. The Respondent is not commonly known by the Domain Name, nor has been licensed by the latter, nor is it making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain, to misleadingly divert consumers or to tarnish the trademarks of another.

The Domain Name currently resolves to the official website of the Complainant and the latter believes it has been registered with the purpose of imitating ALSTOM and impersonating the Complainant itself.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy provides that the Complainant must prove each of the following elements:

(i) the 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 Domain Name; and

(iii) the Domain Name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has established its registered rights in the ALSTOM and ALSTOM UBUNYE trademarks.

The Domain Name wholly incorporates the above trademark registrations. As indicated in *LEGO Juris A/S v. Ma Ying Jo /Domain Admin, Privacy Protection Service INC d/b/a <PrivacyProtect.org>*, WIPO Case No. [D2014-0743](#), “where a domain name includes an identical match to a complainant’s mark, a complainant has satisfied the burden of proving that the domain name is identical or confusingly similar under paragraph 4(a)(i) of the Policy”.

The Panel finds that the Domain Name is confusingly similar to the Complainant’s trademark. The condition of paragraph 4(a)(i) of the Policy has been satisfied.

B. Rights or Legitimate Interests

The Panel believes the Complainant has made a *prima facie* case that the Respondent lacks rights or legitimate interests in the Domain Name. The Complainant has not licensed or otherwise permitted the Respondent to use any of its trademarks or to register the Domain Name exactly reproducing its trademarks.

The Respondent did not respond nor provide any evidence that it is making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademarks of the Complainant.

Accordingly, and based on the Panel’s further findings below, the Panel finds that the condition of paragraph 4(a)(ii) of the Policy has been satisfied.

C. Registered and Used in Bad Faith

The Panel finds that the Domain Name has been registered and is being used in bad faith.

First of all, the Complainant’s marks ALSTOM and ALSTOM UBUNYE have been registered well before the disputed Domain Name and – also considering its quite distinctive nature – the Panel finds that the Respondent knew or should have known of these trademarks at the time of registration of the Domain Name. As a matter of fact, the redirect toward the Complainant’s official website is *per se* evidence of such knowledge.

It is quite clear that the Respondent carried out the above conduct in order to impersonate the Complainant, which is a fraudulent use of the Domain Name clearly constituting use in bad faith and also represents an implied ongoing threat to the Complainant.

In the absence of any response by the Respondent, the Panel has no reason to doubt that the Respondent tried to mislead Internet users into believing that the Domain Name is somehow connected with the Complainant.

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 <alstom-ubunye.com> be transferred to the Complainant.

/Tommaso La Scala/

Tommaso La Scala

Sole Panelist

Date: September 20, 2023