

ADMINISTRATIVE PANEL DECISION

Talend S.A.S. v. Attila Balint Nagy
Case No. D2024-4696

1. The Parties

The Complainant is Talend S.A.S., France, represented by Abion AB, Sweden.

The Respondent is Attila Balint Nagy, Hungary, self-represented.

2. The Domain Name and Registrar

The disputed domain name <rentalend.com> is registered with 1API GmbH (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 14, 2024. On November 14, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 15, 2024, 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”) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 15, 2024, 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 November 18, 2024.

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 November 19, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 9, 2024. The Response was filed with the Center on November 27, 2024.

The Center appointed John Swinson as the sole panelist in this matter on December 2, 2024. 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 software company that specialises in business intelligence and data visualization. The Complainant created the Talend platform, which is said to be a data integration platform that helps organisations seamlessly connect, transform, and manage data across various systems and applications. The Complainant has over 7,250 customers worldwide.

The Complainant owns a portfolio of trademark registrations for TALEND including European Trademark No. 014226989 registered on September 25, 2015.

The disputed domain name was registered on October 3, 2024.

The Respondent is a resident of Hungary.

The disputed domain name resolves to a website titled "Rentaland" and that states "Hello world! Welcome to WordPress. This is your first post. Edit or delete it, then start writing!".

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the only difference between the disputed domain name and the Complainant's trademark is the addition of the prefix "ren" at the beginning of the Complainant's mark TALEND. This minimal modification does not alter the visual, phonetic, or conceptual similarities between the disputed domain name and the Complainant's established trademark, creating a strong likelihood of confusion among consumers who may mistakenly associate the disputed domain name with the Complainant's brand and services. Such confusion could lead to the mistaken belief that the disputed domain name is affiliated with, endorsed by, or somehow related to the Complainant, which constitutes a clear risk to the integrity and distinctiveness of the Complainant's trademark rights.

There is no indication that the Respondent is commonly known by the disputed domain name or has any registered trademarks that include the term "RentalEnd".

The Respondent's use of the disputed domain name constitutes passive holding, a situation where the domain name is registered but not actively used for any legitimate goods, services, or content.

By conducting a simple online search regarding the term "TALEND", the Respondent would have inevitably learnt about the Complainant, its trademark and business.

It is very likely that the Respondent registered the disputed domain name using the trademark TALEND intentionally to take advantage of the reputation of the trademark and the Complainant's goodwill free riding on the Complainant's reputation.

The fact that the disputed domain name incorporates in its entirety the trademark TALEND without displaying a disclaimer of affiliation with the Complainant's official website (at "talend.com"), may mislead the potential consumers by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation and making the general public believe that the paid services advertised on the Respondent's website are actually official and authorized by the Complainant

B. Respondent

The Respondent contends that the Complainant has not satisfied all three of the elements required under the Policy for a transfer of the disputed domain name.

In summary, the Respondent contends as follows:

The Respondent was not aware of the Complainant or its TALEND trademark when the Respondent registered the disputed domain name.

The disputed domain name is not confusingly similar to the TALEND trademark. The first part is the most significant in a domain name. The addition of the prefix "ren" introduces a new meaning and significantly alters the visual, phonetic, and conceptual similarity to the Complainant's mark, makes it hard to associate the RentalEnd or RentALend with TALEND. The "rent" or "rental" part has stronger cohesion than the "ren" plus "talend". The prefix "ren" introduces a distinct concept linked to rental.

The Respondent has established a paid WordPress hosting service associated with the disputed domain name, provided by Rackhost. This hosting service was purchased on October 21, 2024, which was 18 days after the disputed domain name was registered and 29 days before the Complaint was filed. The disputed domain name is not passively held. It is associated with a paid WordPress hosting service and is actively used as a sandbox for developing a customer-to-customer (C2C) lending and rental platform. Such usage is legitimate and constitutes preparatory work for a planned website.

The Respondent's intention for the disputed domain name was for a customer-to-customer rental platform, aligning with Respondent's plans for business expansion beyond Hungary. The name "RentALend" accurately describes this service, while "TALEND" is unrelated to this industry, eliminating any intent to exploit the Complainant's trademark.

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

- (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.

The onus of proving these elements is on the Complainant.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The disputed domain name includes the totality of the Complainant's mark TALEND along with the prefix "ren" at the beginning of the disputed domain name.

Although the addition of other terms (here, "ren") may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

In view of the analysis below, it is unnecessary to consider this element.

C. Registered and Used in Bad Faith

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the respondent in question has registered and is using the disputed domain name to take advantage of its significance as a trademark owned by (usually) the complainant. *Instagram, LLC v. Domains By Proxy, LLC / Masud Rana, D-limit Ltd*, WIPO Case No. [D2022-0250](#).

The Respondent states that he "was unaware of the Complainant's existence or trademark at the time of registration. The domain was selected in good faith based on its relevance to the intended business, and not to exploit any trademark".

There is no evidence before the Panel that suggests that the Respondent (a resident of Hungary) was likely aware of the Complainant or the Complainant's TALEND trademark when the Respondent registered the disputed domain name. There is no evidence of the Complainant's use or advertising of the TALEND trademark in Hungary. There is no evidence of any sales of any products or services under the TALEND trademark in Hungary.

An asserting party needs to establish that it is more likely than not that the claimed fact is true. An asserting party cannot meet its burden by simply making conclusory statements unsupported by evidence. To allow a party to merely make factual claims without any supporting evidence would essentially eviscerate the requirements of the Policy as complainants or respondents could simply claim anything without any proof. For this reason, UDRP panels have generally dismissed factual allegations that are not supported by any bona fide documentary or other credible evidence. *Snowflake, Inc. v. Ezra Silverman*, WIPO Case No. [DIO2020-0007](#); *Captain Fin Co. LLC v. Private Registration, NameBrightPrivacy.com / Adam Grunweg*, WIPO Case No. [D2021-3279](#).

The disputed domain name is not identical to the Complainant's TALEND trademark. According even to the Complaint, the disputed domain name is formatted as <RentalEnd.com>. According to the Respondent, the disputed domain name is <RentALend.com>. Regardless, without further evidence, it is not evident to the Panel that the Respondent, in registering a domain name comprising "rentalend", did so because of the Complainant's TALEND trademark. These terms give a different visual impression. The Panel considers that a prominent feature of the disputed domain name is "rent" or "rental", which are terms that are not present in the Complainant's trademark.

The Complainant stated that Internet users who conduct searches for “talend” are shown search results relating to the Complainant. There is no apparent reason why a person in the position of the Respondent (not knowing of the Complainant) should have or would have searched for “talend” before registering the disputed domain name.

Accordingly, the Panel does not consider that there is sufficient evidence to conclude that the Respondent registered the disputed domain name knowing of or because of the Complainant or the Complainant’s TALEND trademark.

There is also no evidence of bad faith use of the disputed domain name. The Complainant asserts that the Respondent’s use of the disputed domain name constitutes passive holding – “a situation where the domain name is registered but not actively used for any legitimate goods, services, or content”. The Complainant asserts that this passive holding constitutes bad faith under *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#) (“the *Telstra* case”). The *Telstra* case is long standing but relatively narrow in operation. In *Telstra*, the complainant’s trademark was unique and one of the most famous in Australia, the complainant provided substantial evidence of its reputation in Australia, the respondent had an Australian address and was likely aware of the complainant, and the respondent used a proxy name (Nuclear Marshmallows) to conceal his or her identity. In the present case, the Complainant has not presented evidence to satisfy the test set out in *Telstra*. Merely asserting that the Complainant has a trademark and that the Respondent has not used the disputed domain name is not sufficient to satisfy the *Telstra* test. Unlike *Telstra*, the Panel here believes that there are uses of the disputed domain name that would be in good faith, e.g., as has been advanced by the Respondent. [WIPO Overview 3.0](#), section 3.3.

The Respondent asserts that the Respondent plans to use the disputed domain name for developing a customer-to-customer (C2C) lending and rental platform. The Respondent provided evidence that he established a WordPress sandbox website for such development before notice of the present dispute, and of other domain names that the Respondent plans to use which do not include TALEND or similar. The Respondent has owned the disputed domain name for a short period, and it is believable that the Respondent has not yet developed or launched a commercial website in this period.

It is also improbable that the Respondent would wish to divert Internet users looking for the Complainant’s business intelligence and data visualization products to a website focused on rentals.

Accordingly, the Panel does not consider that there is sufficient evidence to conclude that the Respondent has used the disputed domain name in bad faith to take advantage of the Complainant’s TALEND mark.

The evidence in the case file as presented does not indicate that the Respondent’s aim in registering the disputed domain name was to profit from or exploit the Complainant’s trademark.

The Panel finds the third element of the Policy has not been established.

7. Decision

For the foregoing reasons, the Complaint is denied.

/John Swinson/

John Swinson

Sole Panelist

Date: December 13, 2024