

ADMINISTRATIVE PANEL DECISION

G4S Limited v. WhoisSecure / Myung Idbaloxo
Case No. D2022-1721

1. The Parties

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

Respondent is WhoisSecure, United States of America (“United States”) / Myung Idbaloxo, South Africa.

2. The Domain Name and Registrar

The disputed domain name <g4sglobseclogistics.com> is registered with OwnRegistrar, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 12, 2022. On May 12, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 13, 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 May 13, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on May 13, 2022.

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 Respondent of the Complaint, and the proceedings commenced on May 17, 2022. In accordance with the Rules, paragraph 5, the due date for Response was June 6, 2022. Respondent sent informal communications to the Center on May 16, 18 and 19, 2022.

The Center appointed Georges Nahitchevansky as the sole panelist in this matter on June 15, 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

Complainant, G4S Limited, is a global security company that provides security and facility services. Complainant offers a variety of services and products such as security systems, personnel and products, risk management solutions, cash management and technology services, and other related services. Complainant owns and uses the mark G4S in connection with its products and services and owns a number of trademark registrations for the G4S mark. These include (i) a registration in the European Union (No. 0152263064) that issued to registration on September 24, 2016, (ii) a United States registration (No. 3378800) that issued to registration on February 5, 2008, and (iii) and International Registration (No. 885912) that issued to registration on October 11, 2005 and which has been extended to a number of jurisdictions.

Complainant also owns and uses the domain name <g4s.com> in connection with a website providing information concerning Complainant and its products and services.

Respondent, who appears to be an individual based in South Africa, registered the disputed domain name on January 8, 2022. Respondent has used the disputed domain name with a website for an entity that uses the names "GS4 Global Security Company" or "G4S Global Security Logistics Company" in various places on the website and which purports to provide courier services by land, air, and sea, as well as logistics services.

Complainant sent a demand letter to the registrant of the disputed domain name through an email to the privacy service being used by Respondent and to the contact information provided on Respondent's website. No response to that letter was ever received. Currently, the website for the alleged G4S Global Security Logistics Company still appears at the disputed domain name.

5. Parties' Contentions

A. Complainant

Complainant maintains that it provides security and facility services in around 80 countries and that it has been operating under the name and mark G4S since 2004. Based on such use, and Complainant's several registrations for the G4S mark, Complainant claims to have developed widespread consumer goodwill and strong rights in G4S.

Complainant asserts that the disputed domain name is confusingly similar to Complainant's G4S mark as the G4S mark is fully incorporated and recognizable within the disputed domain name. Complainant also asserts that the addition of the terms "glob" (for "global"), "sec" (for "security") and "logistics" do not distinguish the domain name and, in fact, "directly refers to the Complainant's business sector."

Complainant contends that Respondent has no rights or legitimate interests in the disputed domain name as Respondent (i) owns no trademark rights in G4S, (ii) has received no license or permission from Complainant to use a domain name that includes the G4S mark, (iii) is not known by the name and mark G4S, and (iv) has used the disputed domain name to mislead internet users and trade off the Complainant's rights and reputation in the G4S mark. In that regard, Complainant notes that while the website at the disputed domain name appears to have been suspended at some point, Respondent used the disputed domain name for a website that claimed to offer logistics services and shipment tracking information, services that are similar to those of Complainant.

Lastly, Complainant argues that Respondent has registered and used the disputed domain name in bad faith

as Respondent clearly intended to target Complainant and its G4S mark that “has accrued substantial goodwill and recognition.” Complainant maintains that the disputed domain name includes the G4S mark with terms that are directly descriptive of Complainant’s services, and that Respondent has done so in bad faith in order to attract and mislead Internet users to a website that offers services identical to those of Complainant. Finally, Complainant asserts that because the disputed domain name appears to be set up with mail exchanger records, Respondent is likely using the disputed domain name with email that potentially could be furthering a fraud.

B. Respondent

Respondent did not submit a formal response to complainant's contentions. Respondent, however, sent the Center three emails. In an email dated May 16, 2022 Respondent claimed that “[e]verything said is actually a lie.. I copied nothing.” In the email, Respondent also maintains that (i) Complainant was attempting to steal the website from him, (ii) “g4s” stands for “Global4Security”, (iii) he didn’t know there were other websites with G4S, and (iii) there are “many sites with G4S.”

In further emails dated May 18 and 19, 2022, Respondent asked that the “[t]he current dispute should be canceled, I do not believe it’s worth it because I see no reason for this case and my domain name and website should be left alone.” Respondent again maintained he did nothing wrong and asked that the matter be suspended.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed Complainant must satisfy the Panel that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name was registered and is being used in bad faith.

A. Identical or Confusingly Similar

Ownership of a trademark registration is generally sufficient evidence that a complainant has the requisite rights in a mark for purposes of paragraph 4(a)(i) of the Policy. Section 1.2.1. of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”). Complainant has provided evidence that it owns trademark registrations for the G4S mark and that such issued to registration years before Respondent registered the dispute domain name.

With Complainant’s rights in the G4S mark established, the remaining question under the first element of the Policy is whether the disputed domain name, typically disregarding the generic Top-Level Domain (“gTLD”) such as “.com”, is identical or confusingly similar with Complainant’s mark. See *B & H Foto & Electronics Corp. v. Domains by Proxy, Inc. / Joseph Gross*, WIPO Case No. [D2010-0842](#). The threshold for satisfying this first element is low and generally panels have found that fully incorporating the identical mark in a disputed domain name is sufficient to meet this standing requirement.

In the instant proceeding, the disputed domain name is confusingly similar to Complainant’s G4S mark as it incorporates and leads with G4S as the dominant component of Complainant’s mark. The addition of the term “logistics” and abbreviations “glob”, “sec” (for “global” and “security”) after G4S does not distinguish or otherwise render the disputed domain name not confusingly similar, as G4S is clearly recognizable in the disputed domain name. The Panel therefore finds that Complainant has satisfied the requirements of paragraph 4(a)(i) of the Policy in establishing its rights in Complainant’s G4S mark and in showing that the disputed domain name is confusingly similar to that trademark.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, the complainant must make at least a *prima facie* showing that the respondent possesses no rights or legitimate interests in a disputed domain name. *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. [D2008-1393](#). Once the complainant makes such a *prima facie* showing, the burden of production shifts to the respondent, though the burden of proof always remains on the complainant. If the respondent fails to come forward with evidence showing rights or legitimate interests, the complainant will have sustained its burden under the second element of the UDRP.

Here, Respondent has used the disputed domain name for a website that purports to be for a courier and logistics company by the name of either “G4S Global Security Company” or “G4S Global Security Logistics Company.” While such services are not exactly the same as those provided by Complainant under the G4S mark, the way Respondent has promoted its alleged service plays upon the reputation that G4S enjoys in the field of security systems and products, Respondent’s website includes such phrases as “security of packages,” “secure delivery pouch to keep your valuable items protected,” and “G4s Global Security Logistics Company provides many services to many industries,” all of which in conjunction with the disputed domain name are likely designed to conjure up Complainant. Indeed, Respondent has even used a logo that simply includes the words “G4S Global Security Company” that on its face could likely be seen by consumers as referring to Complainant and its security services.

Notably, while Respondent appears to be an individual based in South Africa, the website includes a contact address in China. Added to this discrepancy is Respondent’s claim on its website of having over “130+ branches worldwide,” but failing to identify a single branch or location beyond a contact address in China. This suggests that the claimed “G4S Global Security Company” may not exist as an actual entity. As Respondent chose not to respond to any of Complainant’s contentions, provided no evidence regarding Respondent’s alleged company or its activities, and made self-serving denials without a shred of evidence using a “Gmail” address for emails sent to the Center, it seems that Respondent’s actual activities are questionable or simply suspicious. At the very least, these facts highlight that Respondent does not appear to be known by the disputed domain name and that Respondent’s use of the disputed domain name for a website promoting logistics and courier services is nothing more than an attempt by Respondent to pass itself off as connected to Complainant. Such actions are not legitimate.

Given that Complainant has established with sufficient evidence that it owns rights in the G4S mark, and given Respondent’s above noted actions, the Panel concludes that Respondent does not have a right or legitimate interest in the disputed domain name and that none of the circumstances of Paragraph 4(c) of the Policy are evident in this case.

C. Registered and Used in Bad Faith

In view of Respondent’s actions as noted above, the Panel finds that Respondent has more likely than not registered and used the disputed domain name in bad faith pursuant to paragraph 4(b) of the Policy.

Here, Respondent has registered and used the disputed domain name for a website that essentially attempts to pass itself off as connected to Complainant. Respondent has used the names “G4S Global Security Company” and “G4S Global Security and Logistics Company” to promote its claimed services. Such names, in light of Complainant’s use of G4S are likely to be seen by consumers as connected to Complainant and its security and other services. This makes it more than likely that Respondent was aware of Complainant and its products and services when Respondent registered and started using the disputed domain name. The fact that Respondent self-servingly claims otherwise and did not provide one single piece of evidence concerning his claimed business and rights in G4S underscores that Respondent’s assertion in his emails to the Center are largely pretextual. Simply put, the evidence before the Panel, none of which is contested by Respondent, establishes that Respondent opportunistically and in bad faith registered and used the disputed domain name to profit at the expense of Complainant. See WIPO Overview at section 3.2.1.

Accordingly, the Panel finds that Complainant succeeds under this element 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 <g4sglobseclogistics.com> be transferred to Complainant.

/Georges Nahitchevansky/

Georges Nahitchevansky

Sole Panelist

Date: June 29, 2022