

ADMINISTRATIVE PANEL DECISION

Safran v. Privacy Service Provided by Withheld for Privacy ehf /
Endywork Mode
Case No. D2022-1744

1. The Parties

The Complainant is Safran, France, internally represented.

The Respondent is Privacy Service Provided by Withheld for Privacy ehf, Iceland / Endywork Mode, United States of America.

2. The Domain Name and Registrar

The disputed domain name <safrangroups.com> (“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 May 13, 2022. On May 13, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On May 13, 2022, 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 16, 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 amendment to the Complaint on May 16, 2022.

The Center verified that the Complaint together with the amendment to the 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 May 25, 2022. In accordance with the Rules, paragraph 5, the due date for Response was June 14, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 15, 2022.

The Center appointed Willem J.H. Leppink as the sole panelist in this matter on June 20, 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 a French public limited company (“Safran”), headquartered in Moissy-Cramayel. The Complainant is part of a high-technology group that operates in the aviation, defense and space markets. In 2021, the company’s sales and holds accounted for 15.3 billion dollars and currently employs 67,800 professionals. The Complainant’s group is often referred to as Safran Group by the media.

The Complainant is the owner of several trademark registrations comprising of the word element SAFRAN, including, but not limited to, the European Union trademark SAFRAN (word mark), with registration No. 004535209 and with a registration date of August 17, 2009, for goods and services in classes 2, 7, 9, 11, 12, 13, 16, 35, 36, 37, 38, 39, 41, and 42, and the International Registration for the trademark SAFRAN (word mark), with registration No. 884321 and with a registration date of August 5, 2005, for goods and services in classes 2, 7, 9, 11, 12, 13, 16, 36, 37, 38, 41, and 42, designating, *inter alia*, China, Russian Federation and Switzerland (together in singular also referred to as the “SAFRAN Trademark”).

For its official website, the Complainant uses the domain name <safran-group.com> and the Complainant uses the domain name <safrangroup.com> *inter alia* for emails.

The Domain Name was registered on July 27, 2021. The Domain Name resolved to a website (the “Website”), on which the Registrar indicates that the Domain Name is parked for free, and links to third-party websites are included. Hence the Domain Name does not resolve to any active website.

5. Parties’ Contentions

A. Complainant

The Complainant contends the following:

The Domain Name is identical or at least confusingly similar to the Trademark. More specifically, the Domain Name incorporates the Trademark in its entirety and only adds the descriptive term “groups” at the end of the Domain Name.

The Respondent has no rights or legitimate interest in regard to the Domain Name. The Respondent is not commonly known as “SAFRAN”. Additionally, the Respondent has not secured a license nor any other authorization from the Complainant to use the Trademark. There is also no legitimate noncommercial or fair use of the Domain Name. Seeing that the Domain Name resolves to a parking page and is, thus, not actively used.

Moreover, the Domain Name has been registered and used in bad faith. The Respondent registered the Domain Name with prior knowledge of the Trademark. The Respondent chose to register a Domain Name that copies the well-known trademark of the Complainant. Therefore, there is no plausible explanation other than that the Respondent must have been aware of the Complainant’s rights and activities. Furthermore, the Respondent is intentionally using the Domain Name to attract Internet users by creating a likelihood of confusion with the Complainant’s trademark.

B. Respondent

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

6. Discussion and Findings

Pursuant to paragraph 4(a) of the Policy, the Complainant must prove each of the following three 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 sufficiently proven to have rights in the Trademark.

The Domain Name consists of the Trademark in its entirety, followed by the term “groups”.

As set out in the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.8, the addition of other terms would not prevent a finding that a domain name is confusingly similar to the relevant mark for purposes of the first element.

The Trademark is clearly recognizable in the Domain Name and the addition of the term “groups” does not prevent a finding of confusing similarity between the Domain Name and the Complainant’s Trademark.

Accordingly, the Panel finds that the Complainant has satisfied the requirement under paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Complainant in its Complaint has established a *prima facie* case that the Respondent has no rights or legitimate interest in the Domain Name.

The Panel could not find any evidence by referring to the types of evidence set forth in paragraph 4(c) of the Policy from which the Panel may conclude that the Respondent has rights or legitimate interests in the Domain Name, such as:

- (i) use or preparation to use the Domain Name or a name corresponding to the Domain Name in connection with a *bona fide* offering of goods or services prior to notice of the dispute; or
- (ii) being commonly known by the Domain Name (as an individual, business or other organization) even if the Respondent has not acquired any trademark or service mark rights; or
- (iii) making legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The *prima facie* case presented by the Complainant is enough to shift the burden of production to the Respondent to demonstrate that it has rights or legitimate interest in the Domain Name. However, the Respondent has not presented evidence of any rights or legitimate interests it may have in the Domain Name, and the Panel is unable to establish any such rights or legitimate interests on the basis of the evidence in front of it.

The Complainant has asserted that the Respondent is not affiliated with the Complainant in any way. There is no evidence that the Respondent is, or has ever been, a licensee of the Complainant or that the Respondent has ever been permitted in any way by the Complainant to register or use the Trademark.

Moreover, there is no evidence that “safrangroup” is the Respondent’s name or that the Respondent is commonly known under this name.

The Respondent does not seem to make any use of the Domain Name as the Domain Name does not resolve to an active website. Since the Website behind the Domain Name merely functions as a parking page. Consequently, the Panel considers that the Respondent is not making use of the Domain Name in connection with a *bona fide* offering of goods or services or for noncommercial or fair use purposes.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in relation to the Domain Name.

Therefore, the Panel is satisfied that the second element of the Policy is met.

C. Registered and Used in Bad Faith

The Panel finds that the Respondent has registered and used the Domain Name in bad faith and refers to its considerations under section 6.B. above.

Taking into consideration the evidence filed by the Complainant, the Panel finds that the Trademark and the Complainant’s activities are well-known in many countries in the world. The Complainant is owner of numerous trademarks and is active in many countries in the world.

Although the word element “safran” could refer to the French word saffron for the commonly used spice, the Panel finds on a balance that, certainly lacking a Response, there is no reasonable and plausible explanation than that the Respondent was unaware of the existence of the Complainant’s rights and activities at the time the Respondent registered the Domain Name. The Panel takes into account the combination of the elements consisting of the Trademark and “groups”, in particular as the Complainant uses and is known by the name Safran Group to describe its group of companies and this is reflected in the main domain names it uses <safran-group.com> and <safrangroup.com>.

Therefore, the Panel finds that the Respondent has registered and is using the Domain Name in bad faith. The Panel also takes the following into consideration. The Domain Name resolves to a a parking website with links to third-party websites, which in the circumstances of this case amounts to use in bad faith. Furthermore, the Respondent has been hiding behind a privacy shield. In accordance with section 3.6 of the [WIPO Overview 3.0](#) this supports a finding of bad faith. Finally, although the lack of a formal or substantive response by the Respondent as such cannot by itself lead to the conclusion that there is registration and use in bad faith, the cumulative circumstances as outlined in the Decision are sufficient for the Panel to find that the registration and use of the Domain Name by the Respondent is in bad faith.

Therefore, the Panel is satisfied that the third element of the Policy is met.

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 Domain Name, <safrangroups.com> be transferred to the Complainant.

/Willem J.H. Leppink/

Willem J.H. Leppink

Sole Panelist

Date: July 4, 2022