

## **ADMINISTRATIVE PANEL DECISION**

Safran v. S Vasudevan

Case No. D2022-1745

### **1. The Parties**

The Complainant is Safran, France, represented by Jean-Guy Odin, France.

The Respondent is S Vasudevan, India.

### **2. The Domain Name and Registrar**

The disputed domain name <safrangroupinc.com> (the “Domain Name”) is registered with GoDaddy.com, LLC (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 16, 2022, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 18, 2022. In accordance with the Rules, paragraph 5, the due date for Response was June 7, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 8, 2022.

The Center appointed Mathias Lilleengen 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 to ensure compliance with the Rules, paragraph 7.

#### **4. Factual Background**

The Complainant is an international technology group, operating in aviation (propulsion, equipment, and interiors), defense, and space markets.

The Complainant holds several trademarks based on SAFRAN, such as European Union Trade Mark No. 004535209 registered on August 17, 2009, and International trademark registration No. 884321 registered on August 5, 2005.

The Complainant owns a number of domain names, such as <safran-group.com> and <safran-group.fr>, both registered in 2005.

The Domain Name appears to be registered on November 9, 2021. At the time of Complaint, the Domain Name resolved to an error page with a warning of possible malware. At the time of drafting the Decision, the Domain Name resolved to a parking page with pay-per-click links.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant provides evidence of trademark registration, and argues that the Complainant and its trademark is internationally known. The Domain Name incorporates the Complainant's trademark, with the addition of "groupinc". The additions do not avoid confusing similarity.

The Complainant asserts that the Respondent is not authorized to use the Complainant's trademark. The Respondent cannot establish rights in the Domain Name, as it has not made any use of, or demonstrable preparations to use, the Domain Name in connection with a *bona fide* offering of goods or services. The Complainant submits that the Respondent's only use of the Domain Name is attempting to spread malware.

The Complainant argues that the Respondents must have been aware of the Complainant and its trademark when the Respondent registered the Domain Name. The Respondent's use of the Domain Name – attempting to spread malware – is further evidence of bad faith.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

##### **A. Identical or Confusingly Similar**

The Complainant has established that it has rights in the trademark SAFRAN. The test for confusing similarity involves a comparison between the trademark and the Domain Name. The Domain Name incorporates the Complainant's trademark, with the addition of "groupinc". The addition does not prevent a finding of confusing similarity between the Domain Name and the trademark.

For the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domain ("gTLD"), see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 1.11.

The Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

## **B. Rights or Legitimate Interests**

The Complainant has made un rebutted assertions that it has not granted any authorization to the Respondent to register a domain name containing the Complainant's trademark or otherwise make use of the Complainant's mark. There is no evidence that the Respondent has registered the Domain Name as a trademark or acquired unregistered trademark rights. The Respondent has not made use of, or demonstrable preparations to use, the Domain Name in connection with a *bona fide* offering. The Respondent's use of the Domain Name to try to spread malware is not *bona fide*, rather it is evidence of bad faith that can never confer rights or legitimate interests on the Respondent.

Further, the composition of the Domain Name carries a risk of implied affiliation and cannot constitute fair use as it "effectively impersonates or suggests sponsorship or endorsement by the trademark owner" (see [WIPO Overview 3.0](#), section 2.5.1).

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name in accordance with paragraph 4(a)(ii) of the Policy.

## **C. Registered and Used in Bad Faith**

The Complainant's trademarks and domain names predate the registration of the Domain Name. The Panel finds it likely that the Respondent must have been aware of the Complainant and its trademark when the Respondent registered the Domain Name. Moreover, the composition of the Domain Name suggests that the Respondent was aware of the Complainant when registering the Domain Name.

The Respondent has taken the Complainant's trademark and incorporated it in the Domain Name along with the words "group" and "inc", without the Complainant's authorization, for the purpose of capitalizing on the reputation of or otherwise taking advantage of the Complainant's trademark. The Respondent's use – attempting to spread malware and later parking page with commercial links – is under the circumstances of this case clear evidence of bad faith.

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.

## **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 <safrangroupinc.com> be cancelled.

*/Mathias Lilleengen/*

**Mathias Lilleengen**

Sole Panelist

Date: June 29, 2022