

ADMINISTRATIVE PANEL DECISION

Safran v. scott Bradley, edge technologies
Case No. D2022-2456

1. The Parties

The Complainant is Safran, France, internally represented.

The Respondent is scott Bradley, edge technologies, United States of America.

2. The Domain Name and Registrar

The disputed domain name <safrnagroup.com> is registered with Hosting Concepts B.V. d/b/a Registrar.eu. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 6, 2022. On July 6, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 7, 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 July 12, 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 July 13, 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 July 14, 2022. In accordance with the Rules, paragraph 5, the due date for Response was August 3, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 16, 2022.

The Center appointed Clive Duncan Thorne as the sole panelist in this matter on August 23, 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 an international high-technology group, operating in the aviation (propulsion, equipment and interiors), defence, and space markets. It has a core purpose of contributing to a safer, more sustainable world in which air transport is more environmentally friendly, comfortable and accessible.

It has a global presence with 76,800 employees and, in 2021, sales of USD 15.3 billion. It maintains, alone or in partnership, world or regional leadership positions in its core markets. It undertakes research and development programs to maintain the environmental priorities of its R&T and innovation road maps.

At Annex 5 to the Complaint, the Complainant exhibits a brochure, "Safran Essentials 2021" which sets out factual information relating to the Complainant and shows that it controls many subsidiaries. These are non-exhaustively listed in the Complaint including, for example: Safran Aerosystems, Safran Aircraft Engines, Safran Cabin, Safran Helicopter Engines, Safran Electronics and Defense, and Safran Seats. This demonstrates that the "Safran Group" is engaged in many aspects of aircraft and flight technology.

The Complainant owns several registered trade marks but relies in this Complaint upon the following;

- i. SAFRAN; European Union trade mark No. 004535209 registered on August 17, 2009.
- ii. SAFRAN; International trade mark No.884321 registered on August 5, 2005.

The Complainant's official website is supported by the domain name <safran-group.com>. It is also the owner of other domain names incorporating "safran-group" including <safran-group.com>, <safran-group.fr>, <safran-group.us> and <safran-group.org>.

The above trade marks and domain names were registered before the date of registration of the disputed domain name on January 12, 2022.

According to the evidence submitted with the Complaint, the disputed domain name has been resolving to an inactive website.

The Complainant has adduced no evidence about the Respondent's activities and no Response has been filed. The Center confirmed, by email to the Complainant dated July 12, 2022 the Respondent's identity. The Complainant subsequently indicated to the Center that it did not wish to make any substantive amendments to the Complaint but wished to add to the Complaint the information as to the Respondent's identity.

In the absence of a Response and evidence to the contrary the Panel finds the evidence adduced by the Complainant to be true.

5. Parties' Contentions

A. Complainant

The Complainant contends;

- i. That it owns trade marks for SAFRAN which predate the disputed domain name. The disputed domain name, which reproduces almost identically the trade mark SAFRAN and adds the term "group", is confusingly similar to the Complainant's mark. The reversal of the letters "a" and "n" is not such as to avoid a

risk of confusion.

ii. The Respondent should be considered as having no rights or legitimate interests in the disputed domain name. There is no evidence that it owns such interests.

iii. Even though the Respondent has no known commercial activity under the names “Safran”, “Safrangroup” or “Safrnagroup”, it appears the Respondent intentionally attempted to attract Internet users by creating a likelihood of confusion. The “Safran Group” and the trade mark SAFRAN are known internationally. The Complainant also relies upon the doctrine of passive holding as established by the authorities it cites.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

As set out in Section 4, above, the Complainant has established that it owns registered trade marks in the mark SAFRAN which predate the date of registration of the disputed domain name.

On the evidence of the Complainant’s trading activity, for example, as contained in the instances of media and news coverage contained in Annex 4 to the Complaint, the Complainant is well known as the “Safran Group” and trades as such internationally. This is consistent with the Complainant’s ownership and use of its domain names listed in Section 4 above, all of which consist of “safran” plus “group” plus a Top-Level domain (“TLD”).

On the basis of this evidence the Panel is satisfied that the Complainant owns rights in both SAFRAN and “Safran Group”.

The difference between what is the dominant part of the disputed domain name, “safrna”, and the trademark SAFRAN is the transposition of the letters “a” and “n”. A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.9. As regards the added term “group”, the Panel finds that the added term does not prevent a finding of confusing similarity, since the trademark remains recognizable. [WIPO Overview 3.0](#), section 1.8. The Panel on this basis finds that the disputed domain name is confusingly similar to SAFRAN.

The Panel is supported in its finding by the fact that the Complainant as a result of trading as “Safran Group” has established unregistered rights in the mark “Safran Group”. The disputed domain name excluding the TLD “.com” consists of “safrnagroup” which in the Panel’s view is confusingly similar to “Safran Group” in which the Complainant has established rights. The only difference is the transposition of the letters “a” and “n”.

The Complainant does not deal with the TLD “.com”. It is nevertheless well-established that this is generally immaterial in deciding upon confusing similarity. [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds that the disputed domain name is confusingly similar to a trade mark in which the Complainant has rights within Paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

There is no evidence about the Respondent save for his identity disclosed by the Registrar in its verification sent to the Center. Given these circumstances, the Complainant submits that the Respondent should be considered as having no rights or legitimate interests in respect of the disputed domain name.

In particular, in the absence of a Response, there is no evidence that the Respondent uses the disputed domain name, or a name corresponding to the domain name in connection with a good faith offer of products or services. There is no evidence that the Respondent is commonly known by the disputed domain name.

The Complainant confirms that it has not licensed or otherwise granted the Respondent to use the mark SAFRAN. The Complainant also confirms that it has no relationship with the Respondent.

The Panel takes into account the guidance contained at section 2.1 of [WIPO Overview 3.0](#) to the effect that whilst the overall burden of proof is on a complainant who is obliged to make out a *prima facie* case that a respondent lacks rights or legitimate interests, the burden of production shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.

In the Panel's view that is the position here. The Complainant has made out the required *prima facie* case. Moreover, given the typosquatting nature of the disputed domain name, which reflects an intent on part of the Respondent to target the Complainant and confuse unsuspecting Internet users otherwise unaware of the misspelling contained within the disputed domain name, there can be no claim to fair use of the disputed domain name.

Accordingly the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name within Paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Complainant stresses that the Respondent has no rights to use the trade mark SAFRAN and no link with the Complainant. The Respondent has no known commercial activity under the names "Safran", "Safrangroup", or "Safrnagroup".

The Complainant submits that the Respondent's non-use of the disputed domain name falls within the doctrine of "passive holding". This doctrine is summarized at section 3.3 of [WIPO Overview 3.0](#), which sets out factors that have been considered relevant in applying the doctrine. These include the degree of distinctiveness or reputation of the Complainant's mark and the failure of the Respondent to submit a response.

The Complainant emphasizes that because the "Safran Group" and the mark SAFRAN are internationally known the Respondent must have been aware of the Complainant's rights and cannot reasonably provide evidence of having any legitimate purpose to register the disputed domain name. Further, prior UDRP panels have held that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

Additionally, considering the Respondent's lack of participation in this proceeding and thus failure to rebut the Complainant's allegations, coupled together with the Respondent's evident intent to target the Complainant via the misspelling of the Complainant's trademark, the Panel finds that the passive holding of the disputed domain name does not prevent a finding of bad faith. Moreover, the Panel notes that the mail courier requested the destruction of the Center's written communication due to the "bad address" disclosed by the Registrar as belonging to the Respondent. Accordingly, the Panel finds that by providing false contact information, the Respondent has further engaged in bad faith behavior reinforcing the Panel's finding.

In these circumstances the Panel considers that the disputed domain name was registered in bad faith and is being used passively within the “passive holding” doctrine. It therefore finds that the Complainant has satisfied 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 disputed domain name, <safrnagroup.com>, be transferred to the Complainant.

/Clive Duncan Thorne/

Clive Duncan Thorne

Sole Panelist

Date: September 6, 2022