

ADMINISTRATIVE PANEL DECISION

Europcar Mobility Group SA v. Daniel Pommerol, Ib france
Case No. D2022-3509

1. The Parties

The Complainant is Europcar Mobility Group SA, France, represented by Taylor Wessing LLP, United Kingdom.

The Respondent is Daniel Pommerol, Ib france, France.

2. The Domain Name and Registrar

The disputed domain name <europcarmobilitygroupe.com> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 21, 2022. On September 22, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 22, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 23, 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 a first amended Complaint on September 26, 2022 and a second amended Complaint on September 26, 2022.

The Center verified that the Complaint together with the amended Complaints 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 September 30, 2022. In accordance with the Rules, paragraph 5, the due date for Response was October 20, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 21, 2022.

The Center appointed Marie-Emmanuelle Haas as the sole panelist in this matter on October 27, 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, Europcar Mobility Group SA, adopted its current name in 2018 and it is part of the Europcar group of companies which specialises in car rental services (the “Europcar Group”). The Europcar Group began operations under the EUROPCAR brand in France in 1949 and now operates across a network of 170 countries worldwide with approximately 200 airport locations in Europe and 600 around the world.

It owns 500 trademarks, among which:

- European Union trademark No 017875478 EUROPCAR MOBILITY GROUP registered on August 4, 2018 in classes 12, 35, 36 and 39;
- United Kingdom trademark No UK00003316550 EUROPCAR MOBILITY GROUP registered September 7, 2018 and UK00917875478 EUROPCAR MOBILITY GROUP registered on August 4, 2018 in classes 12, 35, 36 and 39;
- International trademark No 1416695 EUROPCAR MOBILITY GROUP registered on June 8, 2018 in classes 12, 35, 36 and 39; and
- United States of America trade mark No 87837116 EUROPCAR MOBILITY GROUP registered on December 17, 2019 in classes 12, 35, 36 and 39.

The disputed domain name was registered on May 17, 2022, by an individual that appears to be domiciled in Paris (France).

At the time of the filing, the disputed domain name resolved to a page where the message “this page is not working” is displayed.

In August 2022, the disputed domain name was used to send an email impersonating the Complainant, reproducing its trademark, and offering car renting services in the name of the Complainant

5. Parties’ Contentions

A. Complainant

The disputed domain name reproduces the Complainant’s trademark EUROPCAR MOBILITY GROUP in its entirety. The only difference between the disputed domain name and the EUROPCAR MOBILITY GROUP trademark is the addition of the letter “e” at the end of the word “groupe”. This is the French spelling of the word “group” and a further reference to the Complainant, which is a French company.

The incorporation of the entirety of a trademark in a domain name makes it confusingly similar to the trademark for the purposes of the Policy.

The Complainant has provided evidence demonstrating *prima facie* that the Respondent lacks rights or any legitimate interest in the disputed domain name. The Respondent cannot establish that it has any of the legitimate interests listed in paragraph 4(c) of the Policy, because:

- it does not appear to be using the disputed domain name in connection with a *bona fide* offering of goods or services and is not known by the name “Europcar” on the Internet
- it has used the disputed domain name in an unlawful and fraudulent email scam, impersonating a

representative of Europcar Mobility Group to invite a third party via email to sign a fraudulent agreement purportedly sent from Europcar Mobility Group and give up personal information in doing so.

The Complainant has no connection with the Respondent, it has not licensed or otherwise permitted the Respondent to use the Complainant's intellectual property.

The Respondent does not use the disputed domain name or any name corresponding to the disputed domain name in connection with a *bona fide* offering of goods or services, nor is it known by the disputed domain name. The Respondent is not making any legitimate noncommercial or fair use of the disputed domain name, so cannot therefore have any rights or legitimate interests in the disputed domain name.

The Panel must examine the circumstances of the case to determine whether the Respondent is acting in bad faith.

The Complainant contends that the disputed domain name was registered or acquired primarily for the purpose of using it to target third parties by way of a serious, unlawful and fraudulent email scam to elicit third parties into giving money or providing confidential information and/or personal information for the profit of the Respondent.

Based on the above circumstances and the facts of the case, the Respondent registered the disputed domain name in bad faith, including for the following reasons.

There is no plausible use of the disputed domain name that would not interfere with the Complainant's trademarks.

The Respondent's registration, fraudulent use, and any other use, of the disputed domain name will disrupt the business and image of the Europcar Group by misleading the Internet users into believing that the disputed domain name is connected with the Europcar Group or the Complainant.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires the Complainant to show that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

The Panel relies on the prior EUROPCAR MOBILITY GROUP trademarks in the name of the Complainant

The disputed domain name entirely incorporates the Complainant's EUROPCAR MOBILITY GROUP trademark, to which the the vowel "e" was added the disputed domain name.

The Complainant has, to the satisfaction of the Panel, shown that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights within the meaning of paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Pursuant to paragraph 4(c) of the Policy, the Respondent may establish rights or legitimate interests in the disputed domain name by demonstrating any of the following:

- (i) before any notice to it of the dispute, the Respondent's use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a *bona fide* offering of goods or services; or
- (ii) the Respondent has been commonly known by the domain name, even if it has acquired no trademark or service mark rights; or
- (iii) the Respondent is making a 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 Respondent did not respond to the Complaint to rebut the Complainant's *prima facie* case. Consequently, it did not provide any evidence or allege any circumstance to establish that it has rights or legitimate interests in the disputed domain name.

It has not been licensed or authorized to use the EUROPCAR MOBILITY GROUP trademark or to register the disputed domain name.

There is no indication that the Respondent is known under the disputed domain name.

The Panel finds that purpose of registering the disputed domain name was to engage in an email scam or a phishing scheme, neither of which is a *bona fide* offering of goods or service.

In the circumstances of this case, the Panel finds that the Complainant has established a *prima facie* case of the Respondent's lack of rights or legitimate interests in relation to the disputed domain name, which the Respondent has not rebutted.

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

C. Registered and Used in Bad Faith

Paragraph 4(a)(iii) of the Policy requires the Complainant to demonstrate that the disputed domain name was registered and is being used in bad faith. Paragraph 4(b) of the Policy sets out a non-exhaustive list of circumstances that may indicate bad faith, including but not limited to:

- (i) circumstances indicating that the respondent has registered or the respondent has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or
- (ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or
- (iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to the respondent's website or other online location, by creating a likelihood of confusion with

the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the respondent's website or location.

Registration in bad faith

The Respondent is domiciled at an address in Paris, where the Complainant has its registered office.

Given the Complainant's worldwide presence and reputation, and the use of disputed domain name to impersonate the Complainant, the Panel finds that the Respondent was perfectly aware of the Complainant's rights in the EUROPCAR MOBILITY GROUP trademarks, and that it targeted the Complainant, when it registered the disputed domain name.

The Panel further notes that adding the vowel "e" to the disputed domain name does not modify either the meaning, nor the spelling of the disputed domain name. It frenchifies the disputed domain name.

Used in bad faith

The Respondent used the disputed domain name to send a fraudulent email message, impersonating the Complainant and containing phishing attempts. Such activity would constitute a disruption of the Complainant's business and also establishes bad faith registration and use pursuant to paragraph 4(b)(iii) and 4(b)(iv) of the Policy.

The Panel therefore finds that the disputed 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 disputed domain name <europcarmobilitygroupe.com> be transferred to the Complainant.

/Marie-Emmanuelle Haas/

Marie-Emmanuelle Haas

Sole Panelist

Date: November 10, 2022