

## **ADMINISTRATIVE PANEL DECISION**

G4S Limited v. 杨智超 (Zhichao Yang)

Case No. D2022-3933

### **1. The Parties**

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

The Respondent is 杨智超 (Zhichao Yang), China.

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

The disputed domain name <careerg4s.com> (“Disputed Domain Name”) is registered with Alibaba Cloud Computing (Beijing) Co., Ltd. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on October 20, 2022. On October 20, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On October 21, 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 in English and Chinese to the Complainant on October 21, 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 amended Complaint in English on October 24, 2022.

On October 21, 2022, the Center transmitted an email communication to the Parties in English and Chinese regarding the language of the proceeding. On October 24, 2022, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not comment on the language of the proceeding.

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 the Respondent of the Complaint, and the proceedings commenced on November 2, 2022. In accordance with the Rules, paragraph 5, the due date for Response was November 22, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 24, 2022. The Center appointed Kar Liang Soh as the sole panelist in this matter on December 1, 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 global security company founded in 1901 and has been operating under the name G4S since 2004. The Complainant's global network of over 800,000 employees enables it to provide security and facility services in over 80 countries around the world.

The Complainant owns several trademark registrations around the world incorporating the G4S (the "G4S Trademark") which is its namesake. These include:

| Jurisdiction             | Trademark No. | Registration Date  |
|--------------------------|---------------|--------------------|
| European Union           | 15263064      | September 20, 2016 |
| European Union           | 15268113      | September 20, 2016 |
| United States of America | 3378800       | February 5, 2008   |
| International            | 885912        | October 11, 2005   |

The Complainant also holds several domain names incorporating the G4S Trademark, including <g4s.com>, <g4s.cz>, <g4s.us>, <g4s.cn>, <g4s.in> and <g4s.co>. The domain name <g4s.com> was registered on December 1, 1999 and resolves to the Complainant's main multilingual website at "www.g4s.com". The Complainant's social media presence under the G4S Trademark extends to Facebook, Twitter, LinkedIn, Instagram and Youtube.

The G4S Trademark has been the subject of several past domain name disputes under the Policy in 2022 alone, including *G4S Limited v. Chukwuma Maduabuchi*, WIPO Case No. [D2022-2874](#); *GS4 Limited v. Registration Private, Domains By Proxy//G4ss company*, WIPO Case No. [D2022-2797](#); *G4S Limited v. WhoisSecure / Myung Idbaloxo*, WIPO Case No. [D2022-1721](#); *G4S Limited v. 胡雪 (Ni Cary)*, WIPO Case No. [D2022-1242](#); *G4S Limited v. Christian Eggendorfer, Eggendorfer Dienstleistungs GmbH*, WIPO Case No. [D2022-0611](#); *G4S Limited v. Frederick R Nielsen, Nielsen Business Worldwide Corporation*, WIPO Case No. [D2022-0091](#).

The Respondent appears to be an individual. Very little information about the Respondent is available beyond the information on the WhoIs record of the Disputed Domain Name and the Registrar verification pursuant to this proceeding. The Respondent is the named respondent of several past domain name disputes under the Policy (e.g., *Earthbound Holding, LLC v. 杨智超 (Zhichao Yang)*, WIPO Case No. [D2022-0332](#); *CC Media Network, Ltd v. Domain Administrator, see PrivacyGuardian Org / Zhichao Yang*, WIPO Case No. [D2022-1916](#)) which were determined in favour of their complainants.

The Disputed Domain Name <careerg4s.com> was registered on November 9, 2019. On or about October 18, 2022, it resolved to a website which featured prominent banners entitled "Job Postings", "Applicant Tracking System" and "Employee Onboarding System" with links to third party sites and services unassociated with the Complainant. The Complainant sent the Respondent cease and desist correspondence in July 2022 via the Registrar-stipulated contact form. The Complainant did not receive a response. On or about October 18, 2022, the Disputed Domain Name was also advertised for sale on a third-party platform for USD 7,999.

## 5. Parties' Contentions

### A. Complainant

The Complainant contends that:

- a) The Disputed Domain Name is identical or confusingly similar to a trademark in which the Complainant has rights. The Complainant holds many trademark registrations for the G4S Trademark. The Disputed Domain Name incorporates the G4S Trademark in full, preceded by the term "career". The addition of "career" does not negate a finding of confusing similarity;
- b) The Respondent has no rights or legitimate interests in respect of the Disputed Domain Name. The Respondent has not registered any trademarks for "g4s", "careerg4s", or any similar term. The Respondent has not used, nor prepared to use, the Disputed Domain Name in connection with a *bona fide* offering of goods or services. The use of the Disputed Domain Name to advertise pay-per-click links does not represent *bona fide* offering of goods or services. The Respondent is not known, or has ever been known by the G4S Trademark, "careerg4s" or anything similar. The Respondent is not connected or affiliated with the Complainant and has not received license or consent to use the G4S Trademark in any way; and
- c) The Disputed Domain Name was registered and being used in bad faith. The earliest trademark registration for the G4S Trademark predates the creation of the Disputed Domain Name by more than 14 years. The Respondent was aware of the Complainant's rights in the G4S Trademark prior to registering the Disputed Domain Name. The top Google search results for the G4S Trademark and "careerg4s" pertain to the Complainant's offerings. The simplest degree of due diligence would have made the Respondent aware of the Complainant's rights. The Respondent has used the G4S Trademark to attract Internet users to the Disputed Domain Name's website by creating confusion for the purpose of obtaining commercial gain. The high advertised sales price for the Disputed Domain Name was in excess of the out-of-pocket costs directly related to the Disputed Domain Name. The Respondent has engaged in a pattern of abusive conduct by registering other domain names which encompass the marks of well-known third party brands.

### B. Respondent

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

## 6. Discussion and Findings

### 6.1. Language of the Proceeding

Since the language of the Registration Agreement of the Disputed Domain Name is Chinese, the default language of the proceeding is Chinese. However, taking into account the following circumstances, the Panel exercises its discretion under paragraph 11 of the Rules to determine that English should be the language of the proceeding:

- a) The Complaint has already been submitted in English;
- b) The Complainant has requested that English to be the language of the proceeding;
- c) The Complainant has indicated that providing Chinese translations of documents submitted in this proceeding would incur additional expenses on the Complainant;
- d) The Respondent has neither contested the Complainant's language request nor chosen not to participate in the proceeding;

- e) The Respondent appears to be conversant in English as evidenced by the website resolved from the Disputed Domain Name which is entirely in English;
- f) No procedural benefit would be achieved by insisting that the default language of the proceeding be maintained. Instead, unnecessary delay of the proceeding will surely arise if such a requirement were to be imposed in this proceeding; and
- g) The Panel is bilingual and conversant in English and Chinese. Had the Respondent opted to submit a Response, any communication or documents in Chinese, the Panel would have been equally equipped to review and consider them fairly and expediently. In any event, the Respondent has not submitted any response, communication or documents in Chinese.

## 6.2. Decision

To succeed in this proceeding, the Complainant must establish the three limbs of paragraph 4(a) of the Policy on the facts:

- a) The Disputed Domain name is identical or confusingly similar to a trademark in which the Complainant has rights;
- b) The Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and
- c) The Disputed Domain Name was registered and is being used in bad faith.

### A. Identical or Confusingly Similar

The Panel is satisfied that the Complainant owns rights in the G4S Trademark by virtue of the trademark registrations tendered in the evidence. The G4S Trademark is incorporated in the Disputed Domain Name in its entirety. Despite the addition of the prefix “career” to the G4S Trademark in the Disputed Domain Name, the G4S trademark remains highly recognizable and does not prevent a finding of confusing similarity.

Further, in accordance with the consensus opinion of past panels outlined in the WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 1.11.1, the generic Top-Level Domain “.com” of the Disputed Domain Name is disregarded in comparing it with the G4S Trademark.

The Panel concludes that the Disputed Domain Name is confusingly similar to the G4S Trademark and the first limb of paragraph 4(a) of the Policy is established.

### B. Rights or Legitimate Interests

The Complainant has confirmed that the Respondent is not connected or affiliated with the Complainant and has not received license or consent to use the G4S Trademark in any way. There is also no evidence before the Panel to suggest that the Respondent is commonly known by the Disputed Domain Name. There is also no evidence before the Panel to suggest that the Respondent has any plans to use or make use of the Disputed Domain Name for a legitimate noncommercial or *bona fide* purpose. Rather the Disputed Domain Name resolved to what is clearly a parking webpage that redirects Internet users to other online resources.

The Panel is satisfied that the Complainant has shown a *prima facie* case that the Respondent does not have any rights or legitimate interests in the Disputed Domain Name. In the absence of any response by the Respondent, the *prima facie* case is not rebutted and the second limb of paragraph 4(a) of the Policy is accordingly established.

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

Paragraph 4(b) of the Policy sets out non-exhaustive circumstances of bad faith registration and use of a domain name. Paragraph 4(b)(iv) of the Policy, in particular, states:

“by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other on-line location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location.”

The combination of characters in G4S appears to be a meaningless unpronounceable combination of characters. It is inconceivable that the Disputed Domain Name would have incorporated this combination in its entirety by coincidence. The earliest G4S Trademark registration predates the Disputed Domain Name by over 14 years. Prefixing the combination G4S with the word “career” reinforces the conclusion that the Respondent must have been aware the G4S Trademark at the time of registering the Disputed Domain Name.

There is no doubt to the Panel that the Respondent has intentionally attempted to attract Internet users for commercial gain. A reasonable respondent faced with wrongful allegations as serious as the Complainant’s assertion that links on the website resolved from the Disputed Domain Name offered pay-per-click advertisements would have denied and refuted in response. Instead, the Respondent did not respond. The Panel is led to draw an adverse inference that the links on the website were indeed pay-per-click advertisements. In addition, the Respondent’s offer to sell the Disputed Domain Name for USD 7,999 must clearly have had commercial gain in mind.

As such, the Panel accepts that the Respondent has used the Disputed Domain Name to attract Internet users to the website resolved therefrom for commercial gain by creating a likelihood of confusion with the G4S Trademark as to the source, sponsorship, affiliation, or endorsement of the website within the meaning of paragraph 4(b)(iv).

Further, the offer to sell the Disputed Domain Name for USD 7,999 is likely far in excess of any reasonable documented out-of-pocket costs directly related to the Disputed Domain Name. This points towards another example of bad faith registration and use outlined in paragraph 4(b)(i) of the Policy. The Panel’s resolve in this matter is further strengthened by the Respondent’s recalcitrant appearance as respondent in numerous domain name disputes to be a deplorable pattern of conduct of serial cybersquatting.

In the circumstances, the Panel holds that the Complainant has registered and used the Disputed Domain Name in bad faith under the third limb of paragraph 4(a) 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 <careerg4s.com> be transferred to the Complainant.

*/Kar Liang Soh/*

**Kar Liang Soh**

Sole Panelist

Date: December 18, 2022