

ADMINISTRATIVE PANEL DECISION

G4S Limited v. David Czinczenheim

Case No. D2022-3935

1. The Parties

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

Respondent is David Czinczenheim, France.

2. The Domain Name and Registrar

The disputed domain name <g4sjobs.com> is registered with Network Solutions, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed 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 to Complainant on October 25, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on October 27, 2022.

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 Respondent of the Complaint, and the proceedings commenced on October 31, 2022. In accordance with the Rules, paragraph 5, the due date for Response was November 20, 2022. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on November 22, 2022.

The Center appointed Stephanie G. Hartung as the sole panelist in this matter on December 2, 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

Complainant is a company organized under the laws of the United Kingdom, which provides security and facilities services in more than 80 countries worldwide.

Complainant has provided evidence that it is the registered owner of numerous trademarks relating to its company name and brand G4S, *inter alia*, but not limited to the following with protection for the European Union including France:

- Word mark G4S, European Union Intellectual Property Office (EUIPO), registration No.: 015263064, registration date: September 20, 2016, status: active.

Moreover, Complainant has substantiated to own numerous domain names relating to its G4S trademark, including the domain name <g4s.com> which resolves to Complainant's official website at "www.g4s.com" where Complainant promotes its security and facilities services worldwide.

Respondent, according to the disclosed Whois information for the disputed domain name, is a resident of France who registered the disputed domain name on April 23, 2022, which is being offered on the Internet through the domain name trading platform "www.dan.com" for online sale at varying prices, e.g. EUR 1,499 on June 28, 2022, and EUR 595 by the time of the rendering of this decision.

On June 29, 2022, Complainant's legal representative sent a cease-and-desist letter to Respondent requesting to voluntarily transfer the disputed domain name upon Complainant to which Respondent did not reply.

Complainant requests that the disputed domain name be transferred to Complainant.

5. Parties' Contentions

A. Complainant

Complainant contends that it has been initially founded in 1901 and that it has been active under the G4S trademark since 2004, with nowadays a network of more than 800,000 employees globally.

Complainant submits that the disputed domain name is confusingly similar to its G4S trademark as it incorporates the latter in full, only followed by the term "jobs". Moreover, Complainant asserts that Respondent has no rights or legitimate interests in respect of the disputed domain name since (1) Respondent is not connected or affiliated with Complainant and has not received license or consent to use Complainant's G4S trademark in any way, (2) to the best of Complainant's knowledge, Respondent has not registered any trademarks for "g4s", "g4sjobs", or any similar term, and is neither known, nor has ever been known, by the distinctive G4S trademark, nor by "g4sjobs" or anything similar, and (3) the nature of the disputed domain name, by combining the distinctive G4S trademark with the term "jobs", creates a risk of implied affiliation with Complainant and gives Internet users the false impression that the website under the disputed domain name shall contain content controlled or otherwise endorsed by Complainant. Finally, Complainant argues that Respondent has registered and is using the disputed domain name in bad faith since (1) Complainant has meanwhile accrued substantial goodwill and recognition in the G4S trademark whose registration predates the creation of the disputed domain name by far, why it is clear that Respondent was aware of Complainant's rights in the G4S trademark prior to registering the disputed domain name, (2) Respondent advertises the disputed domain name's sale for figures of EUR 999,00 and higher, thus for amounts far in excess of Respondent's registration costs directly related to the disputed domain name, and (3) Respondent has engaged in a pattern of abusive conduct by registering other domain names, which encompass well-known third-party trademarks, such as GOOGLE, HOTMAIL, VERIZON or YAHOO.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, Complainant carries the burden of proving:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) that Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

Respondent's default in the case at hand does not automatically result in a decision in favor of Complainant, however, paragraph 5(f) of the Rules provides that if Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute solely based upon the Complaint. Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from Respondent's failure to submit a Response as it considers appropriate.

A. Identical or Confusingly Similar

The Panel concludes that the disputed domain name is confusingly similar to the G4S trademark in which Complainant has rights.

The disputed domain name incorporates Complainant's G4S trademark in its entirety. Numerous UDRP panels have recognized that where a domain name incorporates a trademark in its entirety, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that trademark (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7). Moreover, it has been held in many UDRP decisions and has become a consensus view among UDRP panelists (see [WIPO Overview 3.0](#), section 1.8), that the addition of other terms (whether e.g. descriptive or otherwise) would not prevent the finding of confusing similarity under the first element of the UDRP. Accordingly, the addition of the term "jobs" is not in contrast to find confusing similarity arising from the incorporation of Complainant's entire G4S trademark in the disputed domain name.

Therefore, Complainant has established the first element under the Policy as set forth by paragraph 4(a)(i).

B. Rights or Legitimate Interests

The Panel is further convinced on the basis of Complainant's undisputed contentions that Respondent has not made use of the disputed domain name in connection with a *bona fide* offering of goods or services, nor has Respondent been commonly known by the disputed domain name nor can it be found that Respondent has made a legitimate noncommercial or fair use thereof without intent for commercial gain.

Respondent has not been authorized to use Complainant's G4S trademark, either as a domain name or in any other way. Also, there is no reason to believe that Respondent's name somehow corresponds with the disputed domain name and Respondent does not appear to have any trademark rights associated with the terms "g4s" and/or "g4sjobs" on its own. Finally, Respondent so far obviously has neither used the disputed domain name for a *bona fide* offering of goods or services nor for a legitimate noncommercial or fair purpose, but rather to offer it for online sale at varying prices between e.g. EUR 1,499 and EUR 595. UDRP panels have recognized that holding a domain name for resale can be *bona fide* and is not *per se* illegitimate under the UDRP (see [WIPO Overview 3.0](#), section 2.1), but have also found that the mere registration of such a domain name does not by itself automatically confer rights or legitimate interests (see [WIPO Overview 3.0](#), section 2.10.1). Moreover, given that the disputed domain name incorporates Complainant's

undisputedly well recognized G4S trademark in its entirety, the disputed domain name carries, as such, a risk of implied affiliation with Complainant and said trademark which is why offering the disputed domain name for online sale cannot constitute fair use and, thus, cannot confer rights or legitimate interests therein (see [WIPO Overview 3.0](#), section 2.5.1).

Accordingly, Complainant has established a *prima facie* case that Respondent has no rights or legitimate interests in respect of the disputed domain name. Having done so, the burden of production shifts to Respondent to come forward with appropriate evidence demonstrating such rights or legitimate interests (see [WIPO Overview 3.0](#), section 2.1). Given that Respondent has defaulted, it has not met that burden.

Therefore, the Panel finds that Complainant has also satisfied paragraph 4(a)(ii) and, thus, the second element of the Policy.

C. Registered and Used in Bad Faith

The Panel finally holds that the disputed domain name was registered and is being used by Respondent in bad faith.

The circumstances to this case leave no serious doubts that Respondent was fully aware of Complainant's rights in its undisputedly well recognized G4S trademark when registering the disputed domain name and that the latter clearly is directed thereto. Moreover, the fact that the disputed domain name is used for no other purpose but to be offered on the Internet for online sale for at least EUR 595 is a clear indication that Respondent registered the disputed domain name primarily for the purpose of selling it *e.g.* to Complainant in excess of Respondent's documented out-of-pocket costs directly related to the disputed domain name. Such circumstances are evidence of registration and use of the disputed domain names in bad faith within the meaning of paragraph 4(b)(i) of the Policy.

In this context, it also carries weight in the eyes of the Panel that Respondent obviously provided false or incomplete contact information in the Whois register for the disputed domain name since, according to the email correspondence between the Center and the postal courier DHL, the Written Notice on the Notification of Complaint dated October 31, 2022 could not be delivered to Respondent. Moreover, Complainant has substantiated that Respondent owns several other domain names, which relate to other third-party well-known trademarks such as GOOGLE, HOTMAIL, VERIZON or YAHOO. These facts taken all together at least throw a light on Respondent's behavior which supports the Panel's bad faith finding.

Therefore, the Panel concludes that Complainant has also satisfied the third element under the Policy as set forth by paragraph 4(a)(iii).

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 <g4sjobs.com> be transferred to Complainant.

/Stephanie G. Hartung/

Stephanie G. Hartung

Sole Panelist

Date: December 14, 2022