

ADMINISTRATIVE PANEL DECISION

GEA Group Aktiengesellschaft v. Name Redacted

Case No. D2022-4328

1. The Parties

The Complainant is GEA Group Aktiengesellschaft, Germany, represented by Bardehle Pagenberg Partnerschaft mbB, Germany.

The Respondent is Name Redacted.¹

2. The Domain Name and Registrar

The disputed domain name <ggee.com> is registered with Google LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 14, 2022. On November 15, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 15, 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 November 16, 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 November 17, 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”).

¹ The Respondent appears to have used the name and/or contact details of a third party when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted the Respondent’s name from this decision. However, the Panel has attached as Annex 1 to this Decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this Decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST 12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on November 24, 2022. In accordance with the Rules, paragraph 5, the due date for Response was December 14, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 19, 2022.

The Center appointed Mario Soerensen Garcia as the sole panelist in this matter on December 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 is GEA Group Aktiengesellschaft, one of world's largest suppliers for the food processing industry and a wide range of other process industries and employs more than 17,000 people worldwide. The Complainant is a market and technology leader in its two business areas of equipment and solutions.

The Complainant owns trademark registrations in different jurisdictions, including the following:

- Canadian trademark registration No. TMA291860, for GEA, registered on June 15, 1984;
- Canadian trademark registration No. TMA762798, for GEA, registered on March 29, 2010; and
- International trademark registration No. 1001917, for GEA, registered on October 23, 2008.

The Complainant also owns many domain names consisting of the trademark GEA, covering both generic Top-Level Domains ("gTLDs") and country code Top-Level Domains ("ccTLDs"), including the domain name <gea.com>, registered on August 19, 1995, and mentioned that its exclusive rights in the designation GEA and the reputation of that designation have already been recognized by different panels under the UDRP.

The disputed domain name was registered on August 16, 2022, and is inactive.

5. Parties' Contentions

A. Complainant

The Complainant initially argues that the disputed domain name consists of a "classical" typo or misspelling of the mark, since it only duplicates the first two letters of the Complainant's GEA trademark, which is a common pattern used for typosquatting domains. The Complainant adds that this misspelling is not sufficient to distinguish the Respondent or the disputed domain name from the Complainant.

The Complainant also alleges that the Respondent is not affiliated or related to the Complainant in any way nor licensed or authorized to use the term "ggee" or its GEA trademark. In addition, the Respondent is not known by the disputed domain name and has not acquired any trademark rights in the disputed domain name. Furthermore, the Complainant adds that the Respondent is using the disputed domain name in connection with scam and fraud email communication.

In addition, the Complainant says that the Respondent was or at least must have been clearly aware of the prior rights of the Complainant in the GEA trademarks before registering the disputed domain name.

According to the Complainant, the Respondent registered and is using the disputed domain name in bad faith by sending email communication with two invoices for a total amount of EUR 502,000 and claiming that it was related to services provided by GEA Bischoff GmbH as well as that the payments should be made to a new bank account. The Complainant concludes that the Respondent is using the disputed domain name aiming to impersonate the Complainant and its subsidiary and to make the impression for the recipients of the email that it originates from the Complainant (or its subsidiary). Furthermore, upon the Complainant's

receipt of the underlying registrant details from the Center as provided by the Registrar, the Complainant noted in its amendment to the Complaint that that the Respondent had used the name of the Complainant and one of its employees for purposes of registering the disputed domain name, which reinforces a finding on the Respondent's bad faith conduct.

Finally, the Complainant requests that the disputed domain name is cancelled.

B. Respondent

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

6. Discussion and Findings

As per paragraph 4(a) of the Policy, the Complainant must prove that:

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

A. Identical or Confusingly Similar

The evidence presented in the Complaint demonstrates that the Complainant is the owner of trademark registrations for GEA in many jurisdictions, as well as different domain names comprising GEA and all of them predate the disputed domain name.

The disputed domain name is indeed a misspelling of the Complainant's trademark GEA with the duplication of the letters "g" and "e".

Previous UDRP panels have consistently held that a domain name is identical or confusingly similar to a trademark for purposes of the Policy "when the domain name includes the trademark, or a confusingly similar approximation, regardless of the other terms in the domain name" (*Wal-Mart Stores, Inc. v. Richard MacLeod d/b/a For Sale*, WIPO Case No. [D2000-0662](#)).

Therefore, the Panel finds that paragraph 4(a)(i) of the Policy has been proved by the Complainant, *i.e.*, the disputed domain name is confusingly similar to the Complainant's trademarks.

B. Rights or Legitimate Interests

The Respondent has not submitted a response to the Complaint.

There is no evidence that the Respondent has any authorization to use the Complainant's trademark or to register domain names containing the trademark GEA.

There is no evidence that the Respondent is commonly known by the disputed domain name.

There is also no evidence that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name or that before any notice of the dispute the Respondent has made use of, or demonstrable preparations to use the disputed domain name or a name corresponding to the disputed domain name in connection with a *bona fide* offering of goods or services. Instead, the Complainant has provided evidence that the disputed domain name was used for fraud purposes. It is well established under the UDRP that the use of a domain name for illegal activity can never confer rights or legitimate interests upon a respondent. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 2.13.

The Panel finds that the use of the disputed domain name, which incorporates the Complainant's trademark, does not correspond to a *bona fide* use of the disputed domain name under the Policy.

For the above reasons, the Panel finds that the condition of paragraph 4(a)(ii) of the Policy has been satisfied, *i.e.*, the Respondent has no rights or legitimate interests in the disputed domain name.

C. Registered and Used in Bad Faith

The trademark GEA is registered by the Complainant in several jurisdictions and has been used since a long time. Also, the Complainant registered many different domain names consisting of the mark GEA.

This Panel finds that the disputed domain name reproduces/imitates the trademark GEA with an intentional duplication of the letters "g" and "e", to confuse and/or deceive consumers.

The Respondent has no rights or legitimate interests in the disputed domain name.

The Complainant's GEA trademark enjoys reputation and is considered as well known in its segment, having a worldwide visibility. Thus, a domain name that reproduces/imitates such a mark is already suggestive of the registrant's bad faith. The Respondent has used the disputed domain name to impersonate the Complainant, not only by means of the impersonating email scheme, but also by fraudulently using the Complainant's and an employee's information for purposes of registering the disputed domain name. Taking into account the evidence in the Complaint, it is not conceivable that the Respondent would not have been aware of the Complainant's trademark rights at the time of the registration of the disputed domain name.

The Respondent's intention was to create a likelihood of confusion among Internet users for illicit commercial gain, since the Respondent sent at least one email in an attempt to obtain undue financial advantage by impersonating the Complainant. This confirms that the disputed domain name was registered and is used in bad-faith by the Respondent.

Moreover, the Respondent has chosen not to respond to the Complainant's allegations. According to the UDRP panel's decision in *The Argento Wine Company Limited v. Argento Beijing Trading Company*, WIPO Case No. [D2009-0610](#), "[t]he failure of the Respondent to respond to the Complaint further supports an inference of bad faith".

Therefore, this Panel finds that the Respondent has intentionally attempted to cause confusion with the Complainant's trademark by misleading Internet users to believe that the disputed domain name belongs to or is associated with the Complainant.

This Panel finds that the Respondent's attempt of taking undue advantage of the trademark GEA as described in paragraph 4(b)(iv) of the Policy has been demonstrated.

For the above reasons, the Panel finds that the condition of paragraph 4(a)(iii) of the Policy has been satisfied, *i.e.*, the disputed domain name has been registered and is being used in bad faith.

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, <ggee.com>, be cancelled.

/Mario Soerensen Garcia/

Mario Soerensen Garcia

Sole Panelist

Date: January 10, 2023