

## ADMINISTRATIVE PANEL DECISION

### Inmarsat Global Limited v. Name Redacted

### Case No. D2022-4828

#### 1. The Parties

The Complainant is Inmarsat Global Limited, United Kingdom, represented internally.

The Respondent is Name Redacted.<sup>1</sup>

#### 2. The Domain Name and Registrar

The disputed domain name <inmarsatplc.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 December 16, 2022. On December 16, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 16, 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 (Contact Privacy Inc. Customer 7151571251) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 19, 2023, 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 December 21, 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”).

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<sup>1</sup> The Respondent appears to have used the name 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Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case.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 January 5, 2023. In accordance with the Rules, paragraph 5, the due date for Response was January 25, 2023. The Center received a communication from the Complainant, forwarding a communication from a third party dated January 6, 2023. On January 10, 2023, the Center received a communication from the third party. The Respondent did not submit any response. Accordingly, the Center notified the Parties that it would proceed to panel appointment on January 27, 2023.

The Center appointed Gareth Dickson as the sole panelist in this matter on February 2, 2023. 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 satellite telecommunications company headquartered in London, United Kingdom, employing over 1,800 people globally and operating via offices worldwide.

The Complainant is the owner of a number of trade mark registrations for INMARSAT (the "Mark") around the world, including:

- European Union trade mark registration number 2713378, registered on February 25, 2004;
- United Kingdom trade mark registration number 2286263, registered on June 10, 2005; and
- United States of America trade mark registration number 3407642, registered on April 8, 2008.

The disputed domain name was registered on November 2, 2022. It is currently inactive and does not point to any active website but is allegedly being used by the Respondent in the impersonation of an employee of the Complainant, in an attempt to induce third parties into providing goods to the Respondent.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant argues that it has rights in the Mark by virtue of its ownership of various trade mark registrations for the Mark around the world. It contends that the disputed domain name is confusingly similar to the Mark since it incorporates the Mark in its entirety.

The Complainant alleges that the Respondent has been using the disputed domain name to further a fraud, by contacting third parties while imitating an employee of the Complainant, in an attempt to purchase goods from that third party. The Complainant provides an email evidencing such attempt in support of its position.

The Complainant also submits that the Respondent has no rights or legitimate interests in the disputed domain name and that the disputed domain name could never be used for a legitimate purpose by the Respondent (or anyone other than the Complainant), as such use would inevitably confuse the public into believing that it was authorized by or connected with the Complainant. The Complainant therefore implies, without stating it expressly, that the disputed domain name was registered by the Respondent without its permission and that the Respondent is not a licensee of the Complainant.

Together, the Complainant submits that the Respondent has registered and is using the disputed domain name in bad faith.

## **B. Respondent**

The Respondent did not reply to the Complainant's contentions. However, when, as part of the Center's processing of the Complaint, details of the Complainant and the Complaint were delivered to the individual's physical address identified on the Whois as the registrant of the disputed domain name, that individual wrote to the Complainant via an email address different than that disclosed by the Registrar as belonging to the registrant of the disputed domain name, in the following terms:

"Hello I have received the below can you please let me know what the hell this is about?????"

The Complainant passed that email to the Center, who then emailed that individual with brief details of why the Complaint had been sent. The individual replied as follows:

"I have absolutely no idea what this is about I am assuming that someone has used my details illegally!!!"

## **6. Discussion and Findings**

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

- a) the disputed domain name is identical or confusingly similar to a trade mark or service mark 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 has been registered and is being used in bad faith.

These criteria are cumulative. The failure of the Complainant to prove any one of these elements means the Complaint must be denied.

### **A. Identical or Confusingly Similar**

The Panel accepts that the Complainant is the owner of, and therefore has rights in, the Mark. Section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)") provides that: "[I]n cases where a domain name incorporates the entirety of a trademark, 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 mark for purposes of UDRP standing". Section 1.8 of the [WIPO Overview 3.0](#) further provides that: "Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element".

The Panel therefore finds that the disputed domain name is confusingly similar to the Mark, since the disputed domain name incorporates the Mark in its entirety.

The use of the generic Top-Level Domain ("gTLD") ".com" does not prevent a finding of confusing similarity nor does the addition of the "plc".

Accordingly, the Panel finds that the disputed domain name is confusingly similar to a trade mark in which the Complainant has rights.

## **B. Rights or Legitimate Interests**

Although a complainant is required to demonstrate that a respondent has no rights or legitimate interests in respect of the domain name, as explained in section 2.1 of the [WIPO Overview 3.0](#), the consensus view of previous UDRP panels is that where a complainant establishes a *prima facie* case that the respondent lacks rights or legitimate interests the burden of production on this element 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 current proceeding, the Complainant has established its *prima facie* case. The use of the disputed domain name to impersonate the Complainant in commercial discussions does not constitute a *bona fide* sale of goods or services or a legitimate noncommercial or fair use within the meaning of the Policy. Section 2.13.1 of the [WIPO Overview 3.0](#) states that: “Panels have categorically held that the use of a domain name for illegal activity (e.g., the sale of counterfeit goods or illegal pharmaceuticals, phishing, distributing malware, unauthorized account access/hacking, impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent”. Such consideration applies here. Furthermore, the Respondent’s use of a third party’s contact details on the Whois confirms that the Respondent is not exercising any rights or legitimate interests in the disputed domain name.

By not participating in these proceedings, the Respondent has failed to refute the Complainant’s *prima facie* case that it has met its burden under the second UDRP element.

As clearly stated in section 2.1 of the [WIPO Overview 3.0](#), “a panel’s assessment will normally be made on the basis of the evidence presented in the complaint and any filed response. The panel may draw inferences from the absence of a response as it considers appropriate, but will weigh all available evidence irrespective of whether a response is filed”. Having reviewed and weighed the available evidence, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

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

The Panel accepts that the disputed domain name was chosen by reference to the Mark, for the purposes of impersonating the Complainant to further a fraud. The Panel’s finding is based not only on the disputed domain name’s construction, which consists of the Complainant’s trade mark along with the letters “plc” that are descriptive of a corporate entity like the Complainant, but the use of the disputed domain name to capitalise on such risk of confusion by impersonating the Complainant through a fraudulent email scheme. The Panel therefore finds that the Respondent’s registration of the disputed domain name was in bad faith.

The disputed domain name is also being used in bad faith. Section 3.1.4 of the [WIPO Overview 3.0](#) states: “[...] given that the use of a domain name for per se illegitimate activity such as the sale of counterfeit goods or phishing can never confer rights or legitimate interests on a respondent, such behavior is manifestly considered evidence of bad faith”. The Respondent has used the disputed domain name as a means of communication in a manner that is intended to, and will, confuse recipients of such communications as to the genuine origin of them. The Respondent has attempted to conceal its identity by illicit means and has not participated in these proceedings.

Therefore, and on the basis of the information available to it, the Panel finds that the Respondent’s registration and use of the disputed domain name is 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 <inmarsatplc.com> be transferred to the Complainant.

*/Gareth Dickson/*

**Gareth Dickson**

Sole Panelist

Date: February 23, 2023